

Flathead Basin Commission Meeting Minutes
April 10, 2013
DNRC, 655 Timberwolf Parkway, Kalispell

FBC Attendees: Tom Smith, Jack Potter, Dean Sirucek, Julie Dalsoglio, Chas Cartwright, Jan Metzmaker, Susan Brueggeman, Dennis Philmon, Mark Reller, Jim Simpson, Gary Krueger, Chip Weber, Kate Hunt, Kym Hall and Caryn Miske. Quorum.
Others: Gale Decker, Dan Bangeman, Bill Baum, Steve Robinson, Lamont Kirhardt, Tom Cox, Marc Pitman, Robin Steinkraus, Mayre Flowers, Todd Johnson, Rick Hanners, Bonnie Ellis, Dianna Hammer, Virginia Sloan, Kirby Campbell-Rierson and others.

FBC Administration:

Minutes: pass unanimously with one minor edit.

Announcement of new appointment(s): Chas Cartwright appointed to the FBC by the Governor.

FBC Elections:

- Tom Smith tenders resignation as FBC Chair.
- Chas Cartwright unanimously elected FBC Chair.
- Tom Smith unanimously elected FBC Vice-Chair.

Future Meetings: Field trips and Retreats

Members expressed an interest in a retreat with specific goals or a field trip if it is linked to the FBC mission. The retreat could also provide for foster group cohesion. The following were ultimately agreed upon via consensus:

June 12, 2013 retreat to focus on prioritization of FBC objectives/work plan, along with a discussion of capacity and fiscal resources in the future. This would include prioritizing existing work, and discussing emerging issues. Bonnie Ellis offered the Flathead Lake Biological Station facility for the retreat, and expressed an interest in taking the FBC members out on the lake to discuss monitoring, and the new monitoring equipment that has recently been deployed.

The September meeting/field trip will be moved from September 11th to September 17th. The tour will focus on superfund/potential superfund sites including but not limited to CFAC and the BNA sites in Somers and Whitefish. Julie Dalsoglio will follow up with site managers to ascertain the viability of touring these sites in September.

AIS Consultant: For two years, the Flathead AIS consultant, paid for with partnership funding and working under a contract with Lake County, has assisted the FBC and the Flathead AIS Work Group with the implementation of the Basin-wide AIS prevention and containment plan. Originally, Lake County agreed to be the interim fiscal agent, with the understanding that the FBC would ultimately manage the contract so that the

consultant would be working for a Basin-wide entity, rather than a County government. However, DNRC recently raised the possibility of a conflict if the AIS consultant is both working for DNRC and bidding on DNRC proposals. While Miske pointed out that the AIS consultant would still need to bid competitively, just like any other contractor, it would simplify matters if the AIS consultant contract could continue to be managed by Lake County. Lake County has agreed to manage the contract, and the FBC members agreed that this would be an acceptable solution.

Wastewater Management: Mary Flowers, Citizens for a Better Flathead (CBF)

Flathead County is examining ways in which the waste stream at the landfill can be reduced, so that additional land does not have to be obtained to supplement the existing landfill facility. The current landfill employs a dry entombment system, which is designed to keep water out of the system. Dry entombment anticipates that the waste will persist in the landfill for many years. Although Flathead County has a progressive waste management system, which takes a limited amount of bio-solids from Columbia Falls to produce gas that powers 1200 homes, energy production is limited. Local energy production could be increased and the life of the landfill greatly extended by converting to a Bioreactor system. A Bioreactor landfill would also provide an alternative to land application of septic waste, which is causing health and water quality issues in the Basin.

A Bioreactor system operates to rapidly transform and degrade organic waste by injecting septic waste into the landfill waste stream. The increase in waste decomposition is accomplished through the addition of liquid and air to enhance microbial processes, and doubles gas production as compared to dry tomb systems. It also lowers the toxicity of the waste stream since the waste is decomposed to a greater extent. Based on EPA research, and the St. Clair Bioreactor Landfill in Michigan, a bioreactor landfill could likely be introduced successfully in the Flathead (see handouts).

The County will decide next year if they will expand the existing plant or seek to use an alternative technology. Therefore, the community has an opportunity to bring this research to decision makers to increase awareness. CBF is proposing to host a Bioreactor workshop which would answer many of the technical questions about this process, including but not limited to: how long would it take to develop the engineering plans for a local system, what septic waste handling infrastructure is required, etc.

Q&A:

Kym Hall: Do they require separation of trash to make it work? No.

Bonnie Ellis, FLBS: Depth to ground water at the existing landfill? Est. 50 -90 feet, with a clay bottom.

Chas Cartwright: When is decision point? Next year a decision will be made as part of the budget process for Flathead Electric – may opt to add an additional generator, as the current generator is currently operating 24/7, and it at capacity. This option would extend the life of the landfill.

Chip Weber: What would the product of workshop be? A recommendation? An engineering report? Goal would be to educate decision-makers (i.e. County, Flathead Electric) about the options that exist for waste management.

Julie Dalsoglio: What about household hazardous wastes? The Bioreactors use septic leachate. The landfill currently separates out household hazardous waste, and this policy would continue.

Tom Smith: Extension of longevity is impressive. What do you want from this body? I would like to see support and leadership on the topic.

Other: Is odor a concern? No, because all the leachate is held below ground or in holding tanks.

Dean Sirucek: You need to flesh out the pros and cons of the current land application methods.

Wastewater Management Group Update: Susan Brueggeman and Jim Simpson

Since the grant funding for the Group is no longer available, Jim Simpson and Susan Brueggeman plan to confer with Flathead County folks to determine if the Group can move ahead in some alternative manner. Originally, the Group inventoried waste water systems in the Basin, and identified some possible solutions for improving water quality, recognizing that since point sources are already employing best available technologies, reductions will likely need to come from non-point sources.

The Group planned on hosting a work shop for elected local and state decision makers to highlight possible creative solutions to better protect water quality. S. Brueggeman was disappointed to learn that work shop may not happen due to a lack of funding. Julie Dalsoglio suggested investigating if the grant could be extended, or if other agencies, such as DEQ, had any surplus year end funding that could be put towards this project.

Whitefish Septic Leachate Group: Jan Metzmaker

Water samples from Whitefish Lake indicated that 4 hot spots with human caused e-coli existed on the Lake. The Group will have recommendations on how to address this issue in July, and will recommend, in part more tank testing and pumping. Since the Lake straddles both the City and County jurisdictions, a management plan for the Lake to improve water quality will require a multi-faceted approach.

Boat Holding Tank Pump Out Facility Regulations:

Susan Brueggeman was working with a marina at Dayton seeking to renew their facilities permit for a boat pump out. During this process, the County learned that in 1991 the legislature passed a bill requiring DEQ to develop rules for boat pump out facilities (see Title 23). Unfortunately, these rules have not been adopted, and it would be useful to work with DEQ to ensure that regulations are crafted. C. Miske to work with DEQ to ascertain if rule-making can be undertaken by DEQ/Board of Environmental Review.

Flood Control: Dennis Philmon

D. Philmon reported that he recently attended a flood control meeting where landowners requested that the flood stage be reduced back to 13', but the National Weather Service, not BOR, establishes flood stages. Philmon has another meeting scheduled, and will keep the FBC abreast of any new developments.

Potential Superfund Listing: Columbia Falls Aluminum Company (CFAC)

Virginia Sloan from Jon Tester's office explained that since 2009, CFAC has not maintained full-time employees to restart production at the facility. In addition, negotiations with BPA to secure power rates at the site unfortunately did not materialize. It is highly unlikely that production will resume at CFAC, and the community of Columbia Falls has expressed concerns regarding the toxic materials buried at the site. Community residents would like the site cleaned up so that it can be revitalized for other uses. EPA confirmed that clean-up could commence prior to a definitive decision by Glen Corp. regarding the status of future production. A representative from Glen Corp. will be coming to town later in April to discuss the status of the site. Virginia Sloan encouraged public involvement as the EPA moves forward with a Superfund site assessment (see letter from Senators Baucus and Tester dated to EPA dated March 5, 2013 and response from EPA dated March 26, 2013).

Julie Dalsoglio, from EPA, then outlined some additional details related to the CFAC site. In 1988, a limited site evaluation was undertaken and pollutants were detected in a creek near the property. Over the next year, a data gap analysis will be undertaken to ascertain where additional data is needed. Existing data will be reviewed, and then new soil, air and water data will be collected as needed.

Q&A:

Q: Chas Cartwright: What is process beyond that first year?

A: Julie Dalsoglio: We look for existing or potential pathways, and we look at human and ecological health as part of our risk assessment process. Scoring then occurs, as points are assigned to specific criteria. The score helps determine if the site is eligible for the super fund list. If the score is not high enough, other options can be considered to ensure that the site is cleaned up (i.e. state protocols, voluntary clean up, brown field site designation to stimulate economic redevelopment). If listed, past and present owners would be potentially be assigned costs and notified of clean up options. If owners cannot be located, superfund money is used to clean up the site. Based upon the data obtained and the risk assessment results, a Record of Decision (ROD) is ultimately issued by EPA, outlining the parameters of the clean up required. Enforcement agreements with past owners may be used. Generally, it takes about a year for the listing process itself, but it then takes 3 to 5 years to get good handle on how to best go out cleaning up the site.

Q: Jim Simpson: Has Yellow Bay water samples located anything traceable to plant?

A: Bonnie Ellis: We have not looked above and below plant, although we found things in valley ground water. However, we were not not able leak them directly to CFAC.

Q: Kate Hunt: In Libby both air and land were contaminated. Is the contamination at CFAC most in the water?

A: Julie Dalsoglio: We don't know yet.

Q: Kym Hall: How far off site do you look?

A: Julie Dalsoglio: We follow the plume (if present) and look at geological connections.

Q: Chas Cartwright: If CFAC starts-up again, what role does the State/EPA have?

A: Julie Dalsoglio: New permitting from DEQ could be more restrictive in terms of waste management.

Q: Who pays for testing and monitoring?

A: Julie Dalsoglio: EPA. However, if we find a responsible party, EPA sends them the bill (and can bill them for treble costs).

Q: Virginia Sloan: At what point do you ask for access to the property?

A: Julie Dalsoglio: We seek access this summer, and our Denver folks will be involved with the assessment.

Q: Dean Sirucek: As you start the assessment, it is important to take the seasonal differences in hydrology into account.

A: Julie Dalsoglio: Good point.

Columbia River Treaty Update: Mark Reller

M. Reller flagged the upcoming Columbia River Trust meeting in Kalispell on May 16, 2013. Reller stressed that there will be more emphasis on ecosystem function. Reller encouraged folks to attend to learn more about the Treaty process, how it would potentially impact the Flathead, and to be involved in the discussion regarding the scenarios being developed/considered.

State Water Management Plan: Mark Reller

M. Reller briefly outlined the Montana Water Supply Initiative being undertaken by DNRC as per its mandate from the State legislature. The plan is designed to engage citizens in a planning process to develop strategies and recommendations for meeting Montana's future water needs. Planning activities are taking place in four basins throughout the state. The Clark Fork Task Force is taking the lead in our Basin (which will likely include the Kootenai), and the FBC as a Task Force member, can play a role in shaping state water policy.

Drought Management Plan: Caryn Miske

C. Miske expanded upon the State water management planning effort, noting that each basin-wide plan calls for a drought management component. It is possible that the FBC could become involved in facilitating drought planning via the State effort, and/or through a regional effort that is being spearheaded by Gary Burnett from the Blackfoot Challenge with Coca-Cola funding. The FBC's potential role in drought planning merits further discussion and thought, which could be undertaken at the June retreat.

FBC Updates:

Budget: C. Miske reported that the fiscal year ends June 31, 2013 and FBC funding is very tight, as our operating budget was recently reduced again. The FBC had wanted to provide \$2500 for AIS DNA work and \$5000 to Lake County for the AIS consultant fund. We will not be able to honor these pledges at the stated levels if we are to remain within budget. The AIS consultant fund will continue to be solvent with \$5000 from the Flathead CD, \$5,000 from the City of Whitefish, and \$1,000 from the Swan Lakers forthcoming. FBC funding for the next biennium is uncertain, but hopefully we will continue to receive our \$100,000 annual base budget.

North Fork Protection Act: Representative Daines recently came out in support of this Act, and it was great to see delegation working together. The FBC will send him a thank you letter, and will be setting up a meeting with staffer Erin Gabrian.

AIS DNA Effort: Work continues on the protocols, and it is not clear what funding is still needed. Via our volunteer monitoring program, and through our AIS consultant, we will collect samples for this field season for DNA testing.

Transboundary

Julie Dalsoglio reported on the activities in the Elk River Valley. The most significant news was that the B.C. Ministry of Environment and the Ministry of Mines put on hold the Line Creek permit application until after the provincial elections in May. The permit will be tied to Tech's valley-wide Selenium Management Plan, which call for five major water treatment systems at a cost of \$600 million. In addition, the Chinese company proposing the Bingay mine was withdrawn until 2014.

At federal level, the State Department and Canadian Foreign Affairs and International Trade (DFAIT) are meeting next week, and although the Canadians have not been supportive to date regarding a potential IJC referral, the Elk River and IJC reference are part of the broader meeting agenda.

In B.C., media reports recently announced that the Canadian federal government had served warrants on Tech due to concerns about elevated selenium levels, and that the analysis undertaken at a Canadian federal laboratory showed that fish eggs from the Elk River are no longer viable, as the eggs either burst or those that are both are severely deformed. If the IJC reference is stymied, the State Dept. and DFAIT will need to look at alternatives for how the Canadians can honor the 1909 Boundary Waters Treaty.

The State of Montana is currently working with B.C. and Tech to collect additional water, sediment and biota samples. DEQ also listed the Kootenai on the 303(d) list of impaired water bodies.

Julie Dalsoglio and Caryn Miske met with Tracy Stone-Manning, DEQ Director, Johnn Tubs, DNRC Director and Mike Volesky, FWS Deputy Director to discuss the Elk earlier this year. Once the legislative session is over, the FBC will reach out to Tim Baker, the

FBC member from the Governor's office. J. Dalsoglio stated that the FBC has unique history with these transboundary issues which qualifies the FBC to speak in the Kootenai.

AIS Updates:

Transboundary AIS protocol: Miske reported that with funding from the GLNCC, the Crown Managers Partnership is poised to begin development of a transboundary AIS protocol. Funding from Americas Great Outdoors may further assist with this effort.

Legislative session: The AIS bill, HB 586, passed the house, and will be going to the Senate for approval next. HB 7 was already signed by the Governor, and includes \$525,000 for DNRC for AIS treatment. As of yesterday, HB 2 dropped \$280,000 in AIS funding, but there is hope that it will be restored.

Inspection stations:

Allison Begley from FWP, reported that in the Flathead region, the following stations will be operational shortly before Memorial Day:

- Ronan – 7 days a week/12 hrs. per day – inspecting boat traffic heading north
- Clearwater - 7 days a week/12 hrs. per day – inspecting multi-direction traffic
- Eureka – station will be operated at the border this year.

Three inspection stations west of the Flathead, formerly operated by Dept. of Agriculture:

- Troy rest area - will not capture boaters heading west
- Intersection of Highway 200 and 56 - will only target traffic heading east on 200
- Thompson Falls – formerly this station was located in Plains.

Border stations include but are not limited to: Dana Mora, Shelby and Conrad.

Caryn Miske discussed the need for an inspection station near Browning, as per the Flathead AIS Strategic Plan. A station at Browning would fill the gap in our perimeter protection for the Flathead, and it would also help protect Duck Lake, which if infected, could serve as an AIS vector. The City of Whitefish agreed to provide \$20,000 in funding for a Highway 2 station, and BOR is providing another \$15,000 (assuming the committed funds can be allocated). The FBC asked FWP to assume jurisdiction for this station, with the funding from the partners. However, FWP declined jurisdiction because they are stretched too thin, and are concerned about jurisdictional issues. Chip Weber inquired as to whether BIA could assist. It was determined that a conference call would be set up with a FBC sub-group to discuss this issue further.

AIS Monitoring and Survey work: The AIS consultant and the Volunteer Monitoring Program will continue to collect AIS sample. An AIS meeting will be held tomorrow to discuss the treatment plans for AI plants for the summer. Anticipated projects include:

- Survey of flowering rush in Hungry Horse Reservoir - early infestation
- Beaver Lake – EWM survey and control work via diver dredge. Eradication on track within the next four years.

- Curlyleaf pondweed – treatment via herbicide to be conducted by Eagle Bend marina. In addition, six bays and small area of Flathead River with early CLP infestation. Goal is to work on highest priority patches to contain spread, and seek additional funding.
- Yellow flag iris – treatment to be conducted by Flathead County Weed District. The plant spreading and control efforts are needed.

The Lake County Conservation District was awarded funding for CLP work, and Lake County and the FBC both have grant proposals pending to further support this effort.

Bottom Barriers: The FBC obtained 40 used bottom barriers from Ace Diving free-of-charge. This is a \$4,000 value, minus the \$400 we reimbursed ACE for decontamination. The mats will be used for treatment projects throughout the basin.

Volunteer Boat Inspection Program: The pilot program from last year will be expanded this year. Two training sessions will be held in June to kick-off the effort.

Water Resources Development Act (WRDA) - C. Miske explained that this federal bill provides the authorization for the Army Corp of Engineers (ACE) budget. If the bill passes, \$3 million per year for the next 10 years (\$30 million total) will be allocated as per a matching program for border inspections for the four Columbia Basin States (MT, ID, WA, OR). If successful, WRDA is only the first step as the delegation will have to work hard to ensure that the authorized funds are actually put into the ACE budget.

FBC Website: Heidi Sedivy

H. Sedivy reviewed the new AIS pages for the FBC website (see flatheadbasincommission.org). Sedivy explained that it has been a labor intensive effort pulling the material together and putting the pages up, but that the results thus far have been promising. FBC members were encouraged to review the site and provide feedback. Sedivy also referenced the newly developed AIS Kiosk, and the AIS speakers trunk and video currently under development.

Somers Mitigation Effort: Dianna Hammer, EPA

Dianna Hammer provided a power point presentation outlining the history of the BN site (processing railroad ties), remediation work being undertaken on the site, and the challenges to site remediation. The difficulties of cleaning up groundwater at this site makes it likely that clean-up efforts will need to be continued for decades, and she stressed that it is much more cost effective to undertake preventive measures as opposed to cleaning up on the backend of a project.

Public comments: Future meeting topics: CSKT compact update, report from Jesse Aber (DNRC), and report from John Weaver.

Meeting adjourned.