



ENVIRONMENTAL QUALITY COUNCIL

68th Montana Legislature

SENATE MEMBERS

Dan Bartel
Bob Brown
Willis Curdy
Pat Flowers
Steve Hinebaugh
Theresa Manzella

HOUSE MEMBERS

Paul Fielder
Steve Gunderson
Jedediah Hinkle
Jonathan Karlen
Rhonda Knudsen
Marilyn Marler

COMMITTEE STAFF

Joe Carroll - Attorney
Jason Mohr - Research Analyst
Toni Henneman - Deputy
Research Director
Jolanda Songer - Secretary

PUBLIC MEMBERS

Mike Freeman
Dave Galt
Jim Keane
Jon Metropoulos
Dan Vermillion

MINUTES LOG

November 13, 2023
Room 317
Helena, Montana

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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MEMBERS PRESENT:

Sen. Bob Brown, Chair (R)
Sen. Willis Curdy, Vice Chair (D)
Sen. Dan Bartel (R)
Sen. Pat Flowers (D)
Mike Freeman, Governor's Designee
Dave Galt, Public Member
Sen. Steve Hinebaugh (R) – Via Zoom
Rep. Jedediah Hinkle (R)
Rep. Jonathan Karlen (D)
Jim Keane, Public Member
Sen. Theresa Manzella (R) – Via Zoom
Rep. Marilyn Marler (D)
Jon Metropoulos, Public Member

MEMBERS EXCUSED:

Rep. Paul Fielder (R)
Rep. Steve Gunderson, Chair (R)
Dan Vermillion, Public Member

MEMBERS ABSENT:

MONTANA LEGISLATIVE SERVICES DIVISION STAFF: JERRY HOWE, EXECUTIVE DIRECTOR • RACHEL WEISS, DIRECTOR, OFFICE OF RESEARCH AND POLICY ANALYSIS • TODD EVERTS, DIRECTOR, LEGAL SERVICES OFFICE • DALE GOW, CHIEF INFORMATION OFFICER, OFFICE OF LEGISLATIVE INFORMATION SERVICES • ANGIE CARTER, FINANCIAL MANAGER

STAFF PRESENT:

Joe Carroll, Attorney
Jason Mohr, Research Analyst
Toni Henneman, Deputy Research Director
Jolanda Songer, Secretary

AGENDA ([Attachment 1](#))**VISITORS' LIST ([Attachment 2](#))****COMMITTEE ACTION****CALL TO ORDER/ROLL CALL**

08:34:28 Presiding Officer Brown called the meeting to order at 8:36 AM. The committee secretary took roll.

Department of Environmental Quality (DEQ)

08:36:59 Director Dorrington updated the council about the Montana Environmental Policy Act (MEPA)

Council Questions

08:43:54 Sen. Flowers

08:45:37 Councilmember Metropoulos

08:49:27 Vice Chair Curdy

08:52:24 Councilmember Keane

08:56:18 Sen. Hinebauch

08:58:52 Presiding Officer Brown asked Director Dorrington about the transfer of hard rock mining permits and sewage dumping by street campers.

09:00:46 Sen. Manzella joined the meeting.

09:02:59 Rep. Hinkle

MEETING OVERVIEW

09:05:34 Jason Mohr, Research Analyst

OPENING REMARKS ON HJ 18 (STUDY OF SMURFIT-STONE MILL SITE)

09:11:11 Rep. Karlen

FRENCHTOWN SMURFIT STONE COMMUNITY ADVISORY GROUP

09:14:58 Jeri Delys, Chair
[EXHIBIT 1](#)

Council Questions

09:26:55 Rep. Hinkle

09:27:29 Councilmember Keane

09:30:16 Rep. Marlen

09:31:32 Sen. Flowers directed a question to the Environmental Protection Agency (EPA).

09:32:29 Vice Presiding Officer Curdy

09:37:26 Presiding Officer Brown

FORMER EMPLOYEES AT SMURFIT-STONE MILL SITE

09:39:16 Ken Richardson

Council Questions

09:45:21 Rep. Karlen

RECESS

09:51:07 Reconvened at 10:05:46

FORMER EMPLOYEES AT SMURFIT-STONE MILL SITE - Continued

10:06:21 Larry Weeks

Council Questions

10:11:44 Vice Presiding Officer Curdy

10:14:45 Sen. Manzella
[EXHIBIT 2](#)

10:17:38 Rep. Marler

10:18:07 Presiding Officer Brown

HISTORY OF SAMPLING AT MILL SITE

10:21:20 Elena Evans, Division Manager, Missoula Valley Water Quality District (Missoula County)

Summary of Former Employees at Smurfit-Stone Mill Site statements to Travis Ross

10:22:03 Travis Ross, Water Quality Specialist, Missoula County

HISTORY OF SAMPLING AT MILL SITE - continued

10:28:55 Elena Evans
[EXHIBIT 3](#)

10:36:12 Rep. Marler offered a correction.

10:40:15 Rep. Hinkle returned to the meeting.
10:43:40 Sen. Flowers returned to the meeting.
10:47:29 Sen. Bartel returned to the meeting.

Council Questions

10:57:02 Councilmember Keane
10:59:08 Vice Presiding Officer Curdy
[EXHIBIT 3](#) (Page 7)
10:59:45 Presiding Officer Brown referred to the Superfund snake.
[EXHIBIT 3](#) (Page 12) and EXHIBIT 7
11:01:18 Sen. Manzella

STATUS OF BERMS, 310 PERMITTING AT MILL SITE

11:07:48 Tim Hall, Chairman, Missoula Conservation District Board of Supervisors
[EXHIBIT 4](#)

Council Questions

11:22:07 Rep. Karlen
11:26:12 Sen. Flowers directed a question to the Environmental Protection Agency (EPA).
11:26:51 Councilmember Keane
11:29:23 Vice Presiding Officer Curdy
11:31:59 Presiding Officer Brown
11:33:17 Councilmember Keane

CLARK FORK RIVER FISH CONSUMPTION ADVISORY

11:35:00 Trevor Selch, Fisheries Pollution Control Biologist, FWP
[EXHIBIT 5](#)

Council Questions

11:46:25 Rep. Hinkle
[EXHIBIT 5](#)
11:46:58 Vice Presiding Officer Curdy
11:48:44 Councilmember Keane
11:49:58 Presiding Officer Brown

RECESS

11:50:54 Reconvened at 13:06:33

TRIBAL TREATY RIGHTS

13:06:47 John Harrison, Confederated Salish and Kootenai Tribes Legal Office

13:13:55 Jen Harrington, Frenchtown Smurfit-Stone Community Advisory Group

13:15:37 Sen. Bartel joined the meeting.

Council Questions

13:23:16 Rep. Hinkle directed a question to Jen Harrington.

SMURFIT-STONE SUPERFUND HISTORY AND STATUS

13:25:18 Allie Archer, Remedial Project Manager, Environmental Protection Agency (EPA)
[EXHIBIT 6](#)
[EXHIBIT 7](#)
[EXHIBIT 8](#)

Council Questions

13:46:41 Rep. Marler

13:49:14 Councilmember Keane

13:53:14 Rep. Marler requested multiple maps displaying different data.
[EXHIBIT 8](#)

13:55:18 Sen. Manzella

13:59:42 Rep. Karlen

14:07:15 Presiding Officer Brown

14:10:53 Vice Presiding Officer Curdy
[EXHIBIT 8](#)

14:13:14 Rep. Marler
[EXHIBIT 8](#)

14:17:18 Councilmember Galt

14:18:12 Councilmember Keane

14:20:45 Presiding Officer Brown

14:23:06 Rep. Karlen

14:29:06 Sen. Flowers

14:33:18 Councilmember Keane

14:37:14 Vice Presiding Officer Curdy

14:38:18 Rep. Marler

SMURFIT-STONE SUPERFUND: STATE ROLE AND OBJECTIVES

14:39:23 Amy Steinmetz, Administrator, Waste Management and Remediation Division,
Department of Environmental Quality, DEQ

14:46:27 Jon Morgan, Lead Remediation Attorney, DEQ

Council Questions

14:55:29 Councilmember Keane

14:56:57 Presiding Officer Brown directed a question to Amy Steinmetz.

14:58:06 Jon Morgan

14:58:54 Councilmember Keane

14:59:37 Rep. Karlen directed a question to Amy Steinmetz.

MILL SITE BERMS AND THE MONTANA DAM SAFETY ACT

15:01:09 Michele Lemieux, Supervisor, Dam Safety Program (DNRC)

Council Questions

15:04:14 Rep. Karlen

PUBLIC COMMENT ON HJ 18

15:06:17 Vicki Watson, University of Montana Professor

ADMINISTRATIVE RULE REVIEW

15:09:35 Joe Carroll, Attorney
[EXHIBIT 9](#)

Council Questions

15:15:36 Presiding Officer Brown

15:16:50 Mike Freeman

15:20:35 Councilmember Metropoulos
[EXHIBIT 9](#) (Page 4 & 5)

15:22:55 Director Dorrington
[EXHIBIT 10](#)

15:25:57 Councilmember Metropoulos directed a question to Director Dorrington.

15:28:14 Councilmember Galt directed a question to Joe Carroll.
[EXHIBIT 9](#)

15:30:54 Jason Mohr

15:31:43 Joe Carroll

15:32:37 Sen. Flowers directed a question to Jamie MacNaughton, Agency Legal Counsel, FWP.

15:38:44 Presiding Officer Brown

15:39:32 Councilmember Metropoulos requested the following information from staff: the statement of reasonable necessity and the link to the Secretary of State webpage containing the rules.

15:41:14 Jason Mohr

15:41:22 Sen. Flowers requested the following information from staff: a summary of the rules.

15:42:41 Councilmember Keane.

15:43:58 Presiding Officer Brown directed a question to Jason Mohr.

15:45:08 Joe Carroll

15:48:02 Rep. Knudsen

15:49:27 Mike Freeman directed a question to Alex Scolavino, Legal Counsel, FWP.

15:52:26 Rep. Karlen directed a question to Joe Carroll.

15:52:46 Vice Presiding Officer Curdy

15:53:22 Councilmember Metropoulos

15:55:27 Councilmember Keane

15:55:40 Rep. Marler

15:56:23 Presiding Officer Brown

PUBLIC COMMENT ON MONTANA ENVIRONMENTAL POLICY ACT (MEPA)

15:58:12 Alan Maki, Ravalli County
[EXHIBIT 11](#)

16:05:54 Tina Donnelly, Corvallis, MT
[EXHIBIT 12](#)

16:15:50 James Rummell, Sapphire subdivision, Corvallis, MT (speaking for himself and neighbors Mark and Donna Johnston)

16:18:43 Kathy Matranga, Sapphire subdivision, Corvallis, MT

16:22:17 Vice Presiding Officer Curdy suggested the neighbors attend the WPIC meetings on January 16 - 17.

16:25:46 Presiding Officer Brown

16:26:19 Director Dorrington

16:27:44 Sen. Manzella

16:28:38 Rep. Hinkle directed a question to Director Dorrington.

16:31:07 Presiding Officer Brown directed a question to Director Dorrington.

16:34:02 Jason Mohr

ADJOURNMENT

16:34:41 Presiding Officer Brown adjourned the meeting at 4:34 p.m.