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| <b>DEQ: Permitting and Compliance Division</b> |  | <b>Agency/Program #:</b> 5301-50-G1        |
|  |  | <b>Division:</b> Permitting and Compliance |
|  |  | <b>Program:</b> Water Permits              |
| <b>Agency Name:</b>                            | Department of Environmental Quality            |  |
| <b>Agency Contact:</b>                         | Judy Hanson                                    | 444-0496                                   |
| <b>LFC Contact:</b>                            | Representative Ripley, Representative Erickson |  |
| <b>LFD Liaison:</b>                            | Barbara Smith                                  | 444-5347                                   |
| <b>OBPP Liaison:</b>                           | Eileen Rose                                    | 444-1338                                   |

**Program or Project Description:**

| Appropriation, Expenditure and Source |            |            |            |            |   |
|---------------------------------------|------------|------------|------------|------------|---|
| Fund Name:                            | 2008       |            | 2009       |            | Approp & Expenditure numbers are as of October 31, 2007 |
|                                       | Approp.    | Expended   | Approp.    | Expended   |   |
| General Fund                          |            |            |            |            |   |
| State Special                         |            |            |            |            |   |
| Federal Funds                         |            |            |            |            |   |
| <b>Total:</b>                         | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |   |

**Goal(s):**

Conduct effective water quality permit programs designed to issue complete, accurate, environmentally sound and legally defensible permits within statutory time frames..

**Performance Measures :**

- Issue all permit decisions using less than 90% of the allotted statutory time frames.
  - Issue permit decisions for those actions requiring re-submittal of materials for completeness and acceptability using less than 75% of the allotted statutory time frames.
- MPDES Programs
- Conduct 22 MPDES inspections for major facilities.
  - Conduct approximately 98 inspections that target wet weather dischargers (storm water construction, CAFO'S, sanitary sewer overflow and industrial dischargers).
  - Collect up to 20 CBM effluent and stream samples; analyze the technical data for water quality, wastewater treatment and control systems. (These completed by the position funded through the BLM and housed in Miles City).
  - Conduct up to 14 CBM compliance inspections. (Utilizing the position referenced in 3, above).
- PWS Programs
- Issue 100% of required boil orders and health advisories.
  - Address 100% of violations related to treatment technique requirements, Maximum Contaminant Level violations and Significant Non-Compliers that are identified through quarterly compliance evaluations.
  - Conduct up to 520 compliance evaluations

| 2009 Biennium Significant Milestones: | Completion Dates |        |
|---------------------------------------|------------------|--------|
|                                       | Target           | Actual |
| 1                                     |                  |        |
| 2                                     |                  |        |
| 3                                     |                  |        |
| 4                                     |                  |        |
| 5                                     |                  |        |

**Performance Report:**

See attached report from OBPP

**LFD Narrative:****EXECUTIVE CHANGES:**

-Changes to goals/initiatives: No.

-Change to performance measures: Yes. Some specific target information was removed and the executive removed all measures related to the coal bed methane program.

**LFD ASSESSMENT:**

-Goal is measureable within the biennium: Yes

-Progress towards Goal: **Warning**. The narrative provides statistical details of progress but does not provide the comparative number of permits or the percentage complete.

**APPROPRIATION ISSUES:**

-Appropriation/Expenditures provided: No

-Other appropriation issues: No.

**OPTIONS:**

The legislature may wish to request the status report correspond with the agreed upon measures and reported with comparative data.



| Version         | Date    | Author |
|-----------------|---------|--------|
| 5301-50-G1-CW-1 | 12/6/07 | Smith  |
|                 |         |        |
|                 |         |        |

| Change Description  |
|---------------------|
| LFD Narrative Added |
|                     |
|                     |



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Goals/Objectives

**Agency Contact:** Judy Hanson/Terry Lazure | **Phone Number:** 444-0496/2855 |  
**Agency Name:** Department of Environmental Quality |  
**Division:** Permitting & Compliance |  
**Program (identify and briefly describe):**

- The Permitting and Compliance Division reviews and assesses all environmental permit and license applications to determine the correct control measures and requirements needed to meet the laws and rules that have been enacted to protect the quality of the state's air, water, and land.
- The division prepares the appropriate environmental review documents to comply with the Montana Environmental Policy Act. This work includes preparation of environmental impact statements, ensuring methods and standards are consistent with department policy, and coordination with regulatory programs in the division, the department and other state and federal agencies.
- The division conducts all facility inspections and reviews reports to determine compliance with permit conditions and the laws and regulations. If violations are discovered, the division provides the technical assistance needed to bring the facility back into compliance or prepares an enforcement request for further action by the Enforcement Division. |

### **List a single goal and brief description:**

Conduct effective water quality permit programs designed to issue complete, accurate, environmentally sound and legally defensible permits within statutory time frames. |

### **Describe the performance measures related to this goal:**

- Issue all permit decisions using less than 90% of the allotted statutory time frames.
- Issue permit decisions for those actions requiring re-submittal of materials for completeness and acceptability using less than 75% of the allotted statutory time frames.
- MPDES Programs
  - Conduct compliance inspections at approximately 50% of the permitted major facilities.
  - Conduct compliance inspections at approximately 10% of permitted wet weather dischargers.
- PWS Programs
  - Issue 100% of required boil orders and health advisories.
  - Address 100% of violations related to treatment technique requirements, Maximum Contaminant Level violations and Significant Non-Compliers that are identified through quarterly compliance evaluations.
- Conduct compliance inspections at approximately 25% of all public water supply systems in accordance with the schedule. |

**List significant milestones and target dates to be completed in the 2009 Biennium:**

- MPDES Program
  - Fill vacant positions during the first year of the biennium to help in meeting performance objectives.
- PWS Program
  - Issue 100% of required boil orders and health advisories within 24 hours of identification of contamination. Effective immediately.
  - Address 100% of violations related to treatment technique requirements, maximum contaminant level violations and significant non-compliers that are identified within 45 days of identification with a goal of 30 days by the end of the biennium if staffing allows.
  - Each fiscal year conduct the full number of sanitary surveys/compliance determination required based on number of water systems that are due for review during that year.

**Describe the current status of the measurements related to the goal:**

- MPDES Program
  - Hired Miles City Coal Bed Methane position 10/15/2007.
- 5 other WPB positions in advertising for recruitment, closing dates in November.
- WPB Inspections complete 7/1/07-9/30/07= 6 major permits, 20 minor permits, 5 CAFOs, 9 storm water construction, 8 storm water industrial/mining, 5 sanitary sewer overflow, totaling 53. For Permitting actions received 7/1/07-9/30/07: A range of timeframes is from 0 (same day determination) to 34 days. Actual numbers: 171 permit and authorization.
- PWS Program
  - We are currently meeting the goal of issuing 100% of required boil orders and health advisories within 24 hours of notification of bacterial contamination by laboratories.
  - We currently address 100% of violations related to treatment technique requirements, maximum contaminant level violations and significant non-compliers within 45 days of being identified through quarterly compliance evaluations, with the exception of a few violations that cannot be verified because of database errors (false SNC identification).
  - For FY07 we conducted 549 (approximately 25%) sanitary surveys/compliance determinations.