September 13, 2019

Seeley Lake Sewer District  
Attn: Pat Goodover, President  
3360 Highway 83 North  
Seeley Lake, MT 59868

Missoula City-County Health Department  
Environmental Health Division  
Attn: Shannon Therriault, Division Director  
301 West Alder  
Missoula, MT 59802

Missoula City County Board of Health  
Attn: Ross Miller, Chair  
Missoula City-County Health Department  
301 West Alder  
Missoula, MT 59802

RE: Seeley Lake Groundwater Quality

Dear Mr. Goodover, Ms. Therriault, and Mr. Miller;

As the administrative agency charged with regulating pollution in state waters, the Department of Environmental Quality (Department) is aware of the ongoing nitrate pollution in the Seeley Lake community. We are supportive of the efforts the Seeley Lake Sewer District (District) is taking to remedy this pollution by installing a centralized sewer system.

The Department’s involvement at Seeley Lake has spanned many years. Most recently, we have been working with the District via plan and specification review of the proposed centralized collection and treatment system. In addition, we understand the District will likely take advantage of the Department’s State Revolving Fund to assist with interim funding of the project to allow the District to cover the project’s costs until their other sources of funding (primarily from USDA Rural Development) are made available.

Through this involvement, the Department has reviewed studies that show septic-caused nitrate contamination in the Seeley Lake community including monitoring information that shows elevated nitrate levels in groundwater with some nitrate concentration measurements that exceeded the maximum contaminant level of 10 mg/L. This data also shows the nitrate levels in the groundwater are trending upward.
The Department considers efforts to significantly reduce or eliminate ongoing discharge of individual and business wastewater systems to the aquifer to be the appropriate action to protect state waters, the environment, and public health. To that end, we understand that the District plans to bid Phase I and II of the project in January 2020 with the intent to start construction by Summer or Fall 2020. The work that the District has put forth is important and necessary to protect water quality, as is Missoula County’s support toward accomplishing this goal.

The Department is aware that the District has suffered some setbacks in the past but is working to complete the project now. Because the proposed sewer project would directly remove the sources causing groundwater degradation, the Department urges the District to stay on course to complete the project. The funding package that the District has for this project is impressive, including $9.7 million of grant money for the first two phases alone, most of which is provided by the USDA Rural Development Program. Further delays to the project would likely put the USDA grant funds for the project at risk.

Should circumstances arise that cause the District to abandon or delay efforts toward completing this project, the Seeley Lake community may lose its best option to remedy the nitrate pollution. That would not, however, remove the need for corrective action to protect state waters, the environment, and public health.

Given the opportunity currently available through the funding provided to the District, the Department commends and supports the District’s efforts to remedy these problems through the locally-led solution of installing a centralized sewer system. Please let us know how the Department can continue to support this effort.

Respectfully,

Tim Davis, Administrator
Water Quality Division
Department of Environmental Quality
September 23, 2019

Seeley Lake Sewer District Board
Box 403
Seeley Lake, MT 59868

Sirs and Madam

Following are some comments and concerns about the proposed Bylaw Amendments:

Though you are an incorporated board under the Missoula County Commissioners, you should first recognize and understand you are elected to represent the needs and wishes of a rural, remote population here in Seeley Lake. And you must understand one-size-fits-all regulations designed by the (urban) combined city-county health department are not necessarily in the best interests of your rural constituents.

Article IV, Section 1 Purpose. You have improperly determined there is a “need” for a central sewer system at this time in Seeley Lake. Early water testing to determine this “need” was flawed. The tests were sporadic and some were taken outside the district boundaries at the Dog Town Bridge. No septic tanks were ever sampled to determine accurately the source(s) of groundwater pollution. Seeley Lake consistently tests below state-mandated safe levels for nitrates. The three test wells currently monitored for groundwater nitrate levels are all suspect. One is by a waste-bark disposal site, one is by a RV pump-out site and one is near a commercial laundramat facility In short, you have not done your homework and accurately determined the source(s) and levels of nitrate pollution.

Article V Boundaries of the District

The current district boundaries are different from the original boundaries. You have added territory to the district without properly including the public in the discussion. There appears to be no proper petition for annexation from the property owners in those additions, and one of those owners now sits on the Sewer Board. It suggests a direct conflict-of-interest.

Article V Section 6 Voter Eligibility

You have made property ownership a condition of participation. That has been ruled illegal. Under the notice and protest procedure under which you “approved” your current proposal only property owners in the district were allowed to vote, and not all their votes were properly counted. Renters, non-property owners not registered to vote, and residents near the treatment plant who will be affected by your project are excluded.

Article V Section 13 Conflicts
Sewer District Board members have consistently been businessmen with direct conflicts of interest. One prior member owned more than twenty properties in the district and acquired many of them during his tenure. Another had a large tract of developable land in the district. Another couple have been unable to expand their businesses because of current septic regulations. None have ever recused themselves from any vote on matters pertaining to this proposal, or acknowledged their potential to profit from this development.

Article VIII Section 1 Legislative Sessions

While all legislative sessions are supposed to be open to the public some decisions by the board have been achieved by e-mail correspondence between board members and the former manager Mr. Greg Robertson without public involvement.

Article VIII Section 2 Meetings

All meetings are supposed to be conducted under Roberts Rules of Order. Few if any meetings have ever been conducted under these popular rules.

Article VIII Section 10 Meeting Minutes

Complete minutes are to be taken and kept on file. Few, if any are complete and properly filed, making historic research on the early activities of the board impossible to determine.

It is my hope the Board members undertake the bylaws update by first reading and understanding the Montana Constitution which spells out citizens’ rights and making the new Sewer District Rules reflect that understanding.

Thank you for your consideration

Don Larson
22 September 2019

My comments for the Phase 1 sewer proposal:

1. I am not opposed to a sewer system for the business areas
2. I am opposed to making it mandatory for residences in Phase 1
3. There must be an equitable way to address residences in Phase 1
4. I am a single, elderly – 73 year old woman living in a 500 sq ft house.
5. I cannot afford more than $50 total (usage and engineering/development debt) per month and would be forced to move, to sell my first owned home, if it were more; I have no idea where I’d go for affordable housing, no family to help, just me. ..........(and my canine kid).

Comment details:
I believe there is a great deal of misinformation and confusion which may be caused by misunderstanding technical and engineering details, and the cost analysis. I know the bottom line for me is how the total cost will affect monthly billing, both total cost per month and ultimate debt repayment over how many years.

At the meetings and via continued articles in the Pathfinder, putting technical and engineering terminology into language that most of us can understand may help defray much of the confusion. After several phone calls and email exchanges this last Friday I have a slightly better understanding of the development process.

I know I should have been going to earlier meetings. I did attend last Thursday’s in hopes of getting one simple answer: How much will it cost me each month, my total monthly cost? But after hearing all the highly technical and confusing terminology I left before the meeting ended.

I do need to know actual total monthly cost, including usage and construction/engineering debt repayment fee. I know what I can and cannot afford. More than a certain amount and I’d have to sell my home, the first home I’ve owned. I’m 73 and my work barely supplies adequate income. I understand there may be organizations and entities than can help people like me, but I’d rather not go that route, would rather cover expenses on my own.

I do believe we eventually need a sewer system, especially the “downtown” businesses. But I also firmly believe implementation must be equitable for residential users who have far fewer assets and low or fixed income.

Most equitable and MAYBE affordable for me would be factoring my usage based on the amount of water I use, which is a quantity already known by the water district.

Thank you…

F. Carleen Gonder
October 1, 2019

Via First Class U.S. Mail & E-Mail:
Ms. Jean Curtiss
District Manager
Seeley Lake - Missoula County Sewer District
1419 Howell St.
Missoula, MT 59802
Jcurtiss53@gmail.com

Re:  Easement for sewer line

Dear Ms. Curtiss:

I am writing on behalf of Jeanette Mckee, Rosemary Harrison, Gaye Darling and Lynne Kappes who are the successors in interest to North West Pacific Investments. I have been advised that the Sewer District would like to obtain an easement over property owned by North West and now by its successors (North West) over property located between Pine Drive and Cedar Lane.

I have been provided with copies of two appraisals performed by Stevens and Company setting forth opinions of value for the property owned by North West. As you know, the first appraisal valued the property at $29,000 and the value of the easement to be obtained at $27,500. A few days later, a second appraisal was produced by Stevens and Company setting the value at $5,720 and the value of the proposed easement at $5,434. It is my understanding that the Sewer District did not agree with the first appraisal and suggested to Ms. Stevens that the property was encumbered by a prescriptive easement. The second appraisal addressed the property’s value from the standpoint that a prescriptive easement exists.
I am writing to let the District know that the successors in interest to North West do not agree with the assumption of a prescriptive easement or the value placed on the property as set forth in the second appraisal produced by Stevens and Company. My clients are hopeful that the parties will be able to arrive at a fair valuation in an effort to accommodate the District’s desire to obtain an easement.

Thank you.

Sincerely,

DATSOPoulos, MacDonald & Lind, P.C.

Zane K. Sullivan

ZKS/mkd
cc: Via In Hand Delivery
Juanita Vero
David Strohmaier
Josh Slotnik
Missoula County Commissioners
199 W. Pine St.
Missoula, MT 59802