

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
MONTANA - BUTTE DIVISION

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COTTONWOOD  
ENVIRONMENTAL LAW CENTER;  
MONTANA RIVERS; and GALLATIN  
WILDLIFE ASSOCIATION,

Case No.: 2:20-cv-00028-BMM

Plaintiffs,

vs.

RON EDWARDS, in his official  
capacity as Manager of the Big Sky  
Water and Sewer District, and BIG  
SKY WATER AND SEWER  
DISTRICT,

Defendants.

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VIDEOCONFERENCE VIDEO-RECORDED 30(b)(6) DEPOSITION OF

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

TERRY CAMPBELL

Taken at:

Nordhagen Court Reporting  
1734 Harrison Avenue  
Butte, Montana  
August 24, 2021  
10:02 a.m.

1 MR. PETTIS: Object to the form.

2 MR. RAUCHWAY: Object to the form.

3 THE WITNESS: Not that I'm aware of.

4 Q. (By Mr. Meyer) Okay. Does the DEQ have a  
5 way of estimating whether the holding ponds are  
6 leaking?

7 A. We do. And again, it's mainly a  
8 mathematical evaluation of a holding pond that  
9 typically results in that conclusion for us.

10 We have not had indication to this date that the  
11 Big Sky ponds, for example, needed to be evaluated  
12 from a leakage perspective, but we've had other ponds  
13 around the state where we've had complaints where  
14 we've had obvious, you know, discharge from a lagoon  
15 that, as a result, because of a failed liner and  
16 leakage, testing has been, has been dictated as  
17 something that needs to be done to verify how much  
18 leakage is ongoing and whether improvements need to be  
19 made.

20 It's really a water-balance analysis. So you're  
21 looking at inputs, you're looking at rainfall,  
22 precipitation, snow coming into the pond, and you're  
23 looking at evaporation as an outtake, and then you're  
24 looking at any discharge that takes place during the  
25 time frame that you're evaluating, you know, the

1 balance of the pond. And if you see substantial  
2 differences in that, in that balance allowance, then  
3 you, you have to associated that with leakage.

4 Is that clear? Does that make sense?

5 **Q. Yeah, I think so; yeah. So is there a way**  
6 **to fix a liner of a holding pond that is leaking?**

7 A. There can be. It depends on the age of  
8 the liner and the type of liner to, you know, to start  
9 with. Some products are amenable to repairs and  
10 patching. That's what was actually done up in  
11 Yellowstone Club when that liner failed, it was a  
12 repair, you know, project on that line.

13 So, yes, there are times where the liner repairs  
14 are suitable to bring that liner back in service.

15 **Q. How would you describe the amenability of**  
16 **repair of this liner -- "these liners," excuse me.**

17 MR. RAUCHWAY: Object to the form and  
18 foundation.

19 MR. PETTIS: Same.

20 THE WITNESS: I don't, John, honestly know  
21 what type of liner material is in these ponds. I did  
22 not do the review. Todd Teegarden did that review in  
23 the, you know, in the 2002 era. You know, some liners  
24 are suitable for repair, and some by this age probably  
25 are not reparable. I can't answer that question