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

COTTONWOOD ENVIRONMENTAL LAW  
CENTER, MONTANA RIVERS, AND  
GALLATIN WILDLIFE  
ASSOCIATION,

Plaintiffs,

vs.

BIG SKY WATER AND SEWER  
DISTRICT AND BOYNE RESORTS,

Defendants.

Civil Docket  
No. CV-20-28-BU-BMM

Partial transcript of Trial with a Jury  
Testimony of Terry Campbell

Mike Mansfield Federal Courthouse  
400 N. Main  
Butte, MT 59701  
Tuesday, April 26, 2022  
9:30 a.m. to 10:02 a.m.

BEFORE THE HONORABLE BRIAN MORRIS  
UNITED STATES CHIEF DISTRICT COURT JUDGE

Yvette Heinze, RPR, CSR  
United States Court Reporter  
Missouri River Federal Courthouse  
125 Central Avenue West  
Great Falls, MT 59404  
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Proceedings recorded by machine shorthand  
Transcript produced by computer-assisted transcription

1 **APPEARANCES**

2 PRESENT ON BEHALF OF THE PLAINTIFFS:

3 John Meyer  
 4 Holly Semour  
 5 COTTONWOOD ENVIRONMENTAL LAW CENTER  
 6 PO Box 412  
 7 Bozeman, MT 59771

8 PRESENT ON BEHALF OF THE DEFENDANT:

9 Jonathan W. Rauchway  
 10 Andrea M. Bronson  
 11 DAVIS GRAHAM & STUBBS, LLP  
 12 1550 Seventeenth Street  
 13 Suite 500  
 14 Denver, CO 80202

15 Jacqueline R. Papez  
 16 DONEY CROWLEY P.C.  
 17 The Guardian Building, Suite 4  
 18 50 South Last Chance Gulch  
 19 PO Box 1185  
 20 Helena, MT 59624

21 ALSO PRESENT:

22 Bill Bartlett  
 23 Ron Edwards

24 I N D E X

25 WITNESSES CALLED BY THE PLAINTIFFS

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26 TERRY CAMPBELL

27 DIRECT EXAMINATION BY MR. MEYER  
 28 CROSS-EXAMINATION BY MS. BRONSON  
 29 REDIRECT EXAMINATION BY MR. MEYER

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## TERRY CAMPBELL - DIRECT EXAMINATION BY MR. MEYER

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## PROCEEDINGS

(Whereupon, during the above-entitled case, testimony of Terry Campbell was as follows:

(Open court.)

(Jury present.)

THE COURT: Mr. Meyer will call his final witness.

Mr. Meyer, go ahead, please.

MR. MEYER: Thank you, Your Honor. I'd like to call Mr. Terry Campbell.

TERRY CAMPBELL,

called for examination by counsel for the plaintiff, after having been first duly sworn to testify the truth, the whole truth, and nothing but the truth, testified as follows:

THE COURT: Good morning, sir.

THE WITNESS: Good morning.

THE COURT: Would you please state your full name and spell your last name. The whole microphone pulls forward.

THE WITNESS: Okay. Good morning. My name is Terry Campbell. I'm an engineer with the Department of Environmental Quality in Helena. I've worked with the department for -- going on 29 years at this point.

THE COURT: Thank you, Mr. Campbell.

Go ahead, Mr. Meyer.

///

///

TERRY CAMPBELL - REDIRECT -EXAMINATION BY MR. MEYER

1 Q. So does that mean that the water and sewage district  
2 cannot apply for a permit?

3 A. I am not sure I know the answer to that, John. I don't  
4 work in the TMDL -- or in the permitting section. I'm sorry.  
5 Another acronym, Total Maximum Daily Load Program. So I don't  
6 know whether or not they could obtain a permit for that reach  
7 of the stream.

8 Q. So you're saying they might be able to apply for a permit  
9 if the jury decides that they are violating the Clean Water  
10 Act?

11 A. I believe if they could meet, you know, really tight water  
12 quality standards, they probably could secure a permit, even if  
13 it is an impaired stream, because it would be an improvement on  
14 water quality over what's there. But I'm not positive of that.

15 Q. Okay.

16 A. It's outside of my expertise.

17 Q. The last thing you said is that the leakage standard  
18 applies when the facility is brand-new. Is that right?

19 A. Correct.

20 Q. Is doesn't apply 20 years out?

21 A. It does not.

22 Q. And if there are tears and rips in the liner, should those  
23 be repaired 20 years out?

24 A. They certainly should be, yes.

25 Q. Okay. Thank you.