MEETING AGENDA

CITY OF EAST HELENA CITY HALL – 306 EAST MAIN - ROOM 110

**COUNCIL MEETING: 6:30 PM** 

**DATE: TUESDAY, NOVEMBER 18, 2025** 

JOIN ZOOM MEETING: <a href="https://us06web.zoom.us/j/3787705872">https://us06web.zoom.us/j/3787705872</a>

**CONFERENCE CALL-IN: 1-253-205-0468 MEETING ID: 378 770 5872** 

**MEETING CALLED TO ORDER:** Mayor Harris

**PLEDGE OF ALLEGIANCE:** Councilmember Ferguson

#### WASTEWATER FACILITY PLAN ADOPTION & FUTURE RATE DISCUSSION:

Jeremy Perlinski, Robert Peccia & Associates

Action: Approve/Deny/Table

<u>PUBLIC COMMENTS:</u> Note: This time is set aside for comments from the public on matters that are not on the meeting agenda. Public comments will be taken on agenda items prior to a motion. All public comments will be limited to a reasonable duration. Prior to your comments, please state your name and address in an audible tone of voice for the record.

**APPROVAL OF MINUTES:** November 4, 2025

**CITY COURT REPORT:** City Judge Dennis Loveless

#### **DEPARTMENTAL REPORTS:**

Administration – Clerk/Treasurer Amy Thorngren Police Department – Police Chief Mike Sanders Public Works - Public Works Director Kevin Ore Volunteer Fire Department - Fire Chief Roger Campbell

#### **UNFINISHED BUSINESS:** None

#### **NEW BUSINESS:**

- 1. Recreation Hall Rental Agreement for 2026 John Adams, Living Church of God Action: Approve/Deny/Table
- 2. Car Show on Main Street Saturday, May 23<sup>rd</sup> Damian Briggs, Pontiac PAC Car Club Action: Approve/Deny/Table
- 3. Reappointment of Don Dahl to the Planning Board and the Zoning Commission Mayor Harris

Action: Approve/Deny/Table

4. Resolution 635 Authorizing the Submittal of the MCEP Infrastructure Planning Grant Application – Mayor Harris

Action: Approve/Deny/Table

5. Donation of 5-Acre Parcel from the Montana Environmental Trust Group to the City of

East Helena – Mayor Harris Action: Approve/Deny/Table

#### **MAYOR'S REPORT:** Mayor Harris

#### **COUNCILMEMBERS' REPORTS:**

Don Dahl Judy Leland Wesley Feist Suzanne Ferguson

**LEGAL REPORT:** City Attorney Elverum

**PAYMENT OF BILLS:** Action: Approve/Deny/Table

#### **MEETING & EVENT SCHEDULE:**

- 1. East Helena City Council Meeting, Tuesday, December 2, 6:30 p.m., City Hall Rm 110
- 2. East Helena Christmas Stroll, Thursday, December 4, 2025
- 3. East Helena Christmas Convoy, Saturday, December 13, 2025
- 4. East Helena City Council Meeting, Tuesday, December 16, 6:30 p.m., City Hall Rm 110

#### **ADJOURNMENT:** Mayor Harris

#### **ADA NOTICE**

The City of East Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The city will not exclude people with disabilities from participating in its meetings, or otherwise deny them the City's services, programs, or activities. Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City Clerk as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

(406) 227-5321 or TTY Relay Service 1-800-253-4091 or 711 cityclerk@easthelenamt.us - 306 East Main Street, P.O. Box 1170, East Helena, MT 59635

#### CITY OF EAST HELENA 306 E MAIN ST / PO BOX 1170 EAST HELENA, MT 59635 (406) 227-5321

ORIGINAL COUNCIL MEETING DATE: 11/18/2025

Agenda item: Wastewater Facility Plan Adoption & Future Rate Discussion	
From:	
Jeremy Perlinski, Robert Peccia & Associates	
Initiated by City: ■YES □NO (check one)	
Department:	
Public Works	
Presented by:	
Jeremy Perlinski, Robert Peccia & Associates	
Action requested:	
Approve/Deny/Table	
PLEASE PROVIDE A NARRATIVE BACKGROUND OF THE PROPOSED AG	ENDA ITEM:
Attachments:	
<ol> <li>Presentation: City of East Helena Wastewater System Update - WWTP Fameeting No. 3</li> <li>Resolution No. 634 Adopting the 2025 Wastewater Treatment Plant Facil Accepting Recommendations for the City of East Helena, Montana</li> </ol>	·
Attachments:	
Date submitted:	
RECOMMENDATIONS: In	nitial:
Approve for agenda: □YES □NO	
Referred to Dept. Head for resolution:   YES  NO	
Referred to :  YES  NO _	
Agenda requests must be submitted to East Helena City Hall by noon the We Tuesday council meeting.	ednesday prior to the

11/18/25 Council Packet Page 3



# City of East Helena Wastewater System Update

WWTP Facility Plan – Meeting No. 3





### **Previous Council Meeting Presentation**

- Secondary treatment alternatives (+ UV disinfection)
  - Oxidation ditch
  - Sequencing batch reactor (SBR)
  - Membrane bioreactor (MBR)
- Solids handling alternatives (+ solids dewatering)
  - Thermal sludge drying (Class A biosolids)
  - Aerobic digestion (Class B biosolids)
  - Sludge storage (unclassified biosolids)



### **Necessary Total Project Cost**

Oxidation Ditches, Clarifiers, Main Process Building	\$23,779,800
Inclined UV Disinfection	\$982,500
Sludge Storage	\$7,980,700
Sludge Dewatering	\$1,253,100
Engineering and Professional Services	\$6,119,300
Total Project Cost	\$40,115,400

Single project is too costly, but secondary upgrade is critical!



- Proposed Project Phasing
  - Phase 1: IPS and Headworks Facility (completion in May 2026)
  - Phase 2: Near-Term Secondary Treatment Upgrade
    - ✓ Two oxidation ditches and two secondary clarifiers sized for 600,000 gpd firm capacity
    - ✓ UV disinfection, new Process Building, ancillary upgrades (use existing solids handling)
  - Phase 3: Solids Handling Improvements
    - ✓ Sludge storage and dewatering sized for 2052 flows and loads
  - Phase 4: Secondary Treatment Addition + Groundwater Disposal
    - ✓ Two oxidation ditches and secondary clarifiers additional 1,200,000 gpd firm capacity
    - ✓ I/P cells and new pumping station rated for 1,000,000 gpd



### **Proposed Phase 2 Total Project Cost**

Oxidation Ditches, Clarifiers, Main Process Building	\$19,003,700
Inclined UV Disinfection	\$982,500
Engineering and Professional Services	\$3,597,600
Proposed Phase 2 Total Project Cost	\$23,583,800

### **Phase 2 Project Benefits:**

- More reliable process w/ drastically better effluent (DEQ compliance)
- Minimum capacity for existing WW flows + near-term development
- Maximizes potential for grant funding



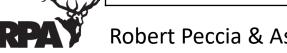
- Potential Funding Sources
  - Rural Development: not eligible for grant funds due to current MHI
  - MCEP: \$750,000 in grant funds (May 2026)
  - RRGL: \$125,000 in grant funds (May 2026)
  - CDBG: \$750,000 in grant funds (October 2026)
  - WPCSRF: \$850,000 in principal forgiveness; <u>30-year loan at 2.5% interest</u>
- Total Possible Grant Funds \$2,475,000

City is continuing to look for additional grants



### **Estimated Monthly Rate Increase**

Estimated Monthly Rate Increase	\$61.20
Estimated EDUs (June 2027)	1,820
Total Annual Revenue Required	\$1,336,649
Short Lived Assets	\$44,450
Annual O&M Increase	\$160,486
Excess Coverage (10%)	\$102,883
Annual Loan Payment	\$1,028,830
SRF Loan Amount (includes Loan Reserve)	\$21,623,215

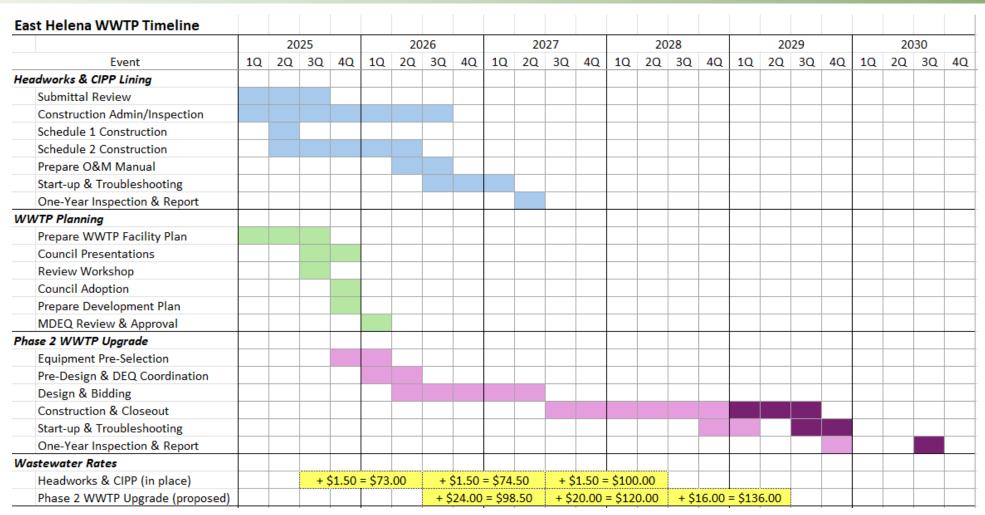


### Recommended Staggered Rate Increase

- Current Wastewater Rate \$73.00
- Possible Rate Increase (previously approved and recommended)
  - July 2026 \$73.00 + \$1.50 + \$24.00 = \$98.50
  - July 2027 \$98.50 + \$1.50 + \$20.00 = \$120.00
  - July 2028 \$120.00 + \$16.00 = \$136.00



### Recommended Staggered Rate Increase





# Rate Increase Scenarios w/ Development Fees

Scenario 1: Approved 2026 Development	1003 (90,423	per Eboj						
Description	FTZ5	FTZU	FY27	FY28	FY29	FY30	FY31	FY32
Annual Revenue Projections (user rates)	\$1,352,208	\$1,450,656	\$2,051,952	\$2,615,040	\$3,126,912	\$3,290,112	\$3,453,312	\$3,616,512
Annual Operating Expense Projections	\$805,958	\$1,031,747	\$1,110,800	\$1,192,692	\$1,280,925	\$1,376,001	\$1,478,462	\$1,588,891
Existing Metals Building Debt Service	\$160,010	\$160,010	\$160,010	\$160,010	\$160,010	\$160,010	\$160,010	\$160,010
Headworks & CIPP Revenue Required			\$316,749	\$316,749	\$316,749	\$316,749	\$316,749	\$316,749
Additional O&M for new Headworks			\$18,685	\$20,180	\$21,794	\$23,538	\$25,421	\$27,454
WWTP Upgrade Revenue Required			\$387,344	\$754,276	\$1,121,208	\$1,121,208	\$1,121,208	\$1,121,208
Additional O&M for new WWTP Upgrade					\$80,243	\$173,325	\$187,191	\$202,166
Coverage Made (Not Made)	\$386,240	\$258,899	\$58,364	\$171,134	\$145,983	\$119,281	\$164,271	\$200,033
							Total	\$1,504,205
Development Fees Received (Estimated) *	\$0	\$85,841	\$164,586	\$797,677	\$103,553	\$480,114	\$474,688	\$571,700
, ,							Total	\$2,678,160

Assumes using \$1,050,000 of Development Fees toward the project



# Rate Increase Scenarios w/ Development Fees

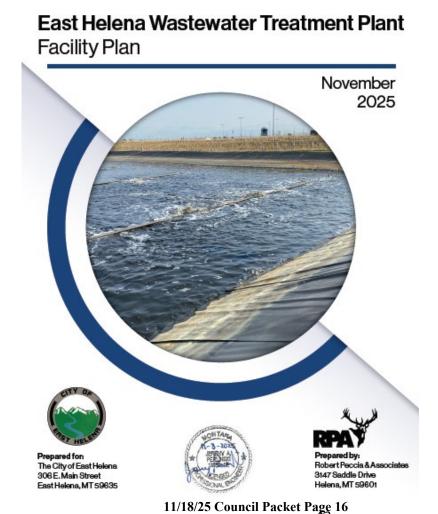
Description	FTZ5	FTZU	FIZI	FY28	FY29	FY30	FY31	FY32
Annual Revenue Projections (user rates)	\$1,352,208	\$1,450,656	\$2,051,952	\$2,615,040	\$3,126,912	\$3,290,112	\$3,453,312	\$3,616,512
Annual Operating Expense Projections	\$805,958	\$1,031,747	\$1,110,800	\$1,192,692	\$1,280,925	\$1,376,001	\$1,478,462	\$1,588,891
Existing Metals Building Debt Service	\$160,010	\$160,010	\$160,010	\$160,010	\$160,010	\$160,010	\$160,010	\$160,010
Headworks & CIPP Revenue Required			\$316,749	\$316,749	\$316,749	\$316,749	\$316,749	\$316,749
Additional O&M for new Headworks			\$18,685	\$20,180	\$21,794	\$23,538	\$25,421	\$27,454
WWTP Upgrade Revenue Required			\$387,344	\$727,060	\$1,066,776	\$1,066,776	\$1,066,776	\$1,066,776
Additional O&M for new WWTP Upgrade					\$80,243	\$173,325	\$187,191	\$202,166
Coverage Made (Not Made)	\$386,240	\$258,899	\$58,364	\$198,349	\$200,414	\$173,712	\$218,703	\$254,465
							Total	\$1,749,146
Development Fees Received (Estimated) *	\$0	\$85,841	\$347,802	\$1,652,685	\$210,429	\$957,239	\$928,911	\$1,098,446
. ,	-						Total	\$5,281,354

Assumes using \$2,090,000 of Development Fees toward the project

<sup>\*</sup> Based on preliminary discussions with developers and subject to change Robert Peccia & Associates

### **Next Steps**

- Adopt East Helena WWTP Facility Plan
- Secondary Treatment Equipment Pre-Selection
  - Initial RFQ advertisement: December 2025
  - Proposals due: February 2026
- Rate Study Public Engagement Meetings
  - Beginning in January 2026
- Complete IPS & Headworks Construction
  - Start-up in May 2026



# QUESTIONS?



# RESOLUTION TO ADOPT THE 2025 WASTEWATER TREATMENT PLANT FACILITY PLAN AND ACCEPT RECOMMENDATIONS FOR THE CITY OF EAST HELENA, MONTANA

#### Resolution No. 634

WHEREAS, the City of East Helena, Montana, commissioned Robert Peccia & Associates to prepare the 2025 East Helena Wastewater Treatment Plant Facility Plan;

WHEREAS, the findings of the 2025 Facility Plan have been presented to the City, and the City has held three advertised public meetings as needed to receive public comments about the Facility Plan including updated wastewater flows and loads, effluent requirements, treatment alternatives, the engineer's recommendations for improvements, environmental considerations, the estimated project budget and potential rate increase, and the anticipated implementation schedule;

WHEREAS, the City of East Helena has legal jurisdiction and authority to construct, finance, operate and maintain improvements to the Wastewater Treatment Plant.

BE IT RESOLVED that the City of East Helena hereby adopts the 2025 Facility Plan and accepts the engineer's recommendation for improvements to the Wastewater Treatment Plant.

Signed:	
Name: Kelly Harris Title: Mayor	
Date:	
Attested:	

MEETING MINUTES CITY OF EAST HELENA

CITY HALL - 306 EAST MAIN - ROOM 110

**COUNCIL MEETING: 6:30 PM** 

DATE: TUESDAY, NOVEMBER 4, 2025

JOIN ZOOM MEETING: https://us06web.zoom.us/j/3787705872

CONFERENCE CALL-IN: 1-253-205-0468 MEETING ID: 378 770 5872

<u>MEETING CALLED TO ORDER:</u> Mayor Harris called the meeting to order at 6:30 p.m. Councilmember Feist led the Pledge of Allegiance.

<u>CITY OFFICIALS & STAFF PRESENT:</u> Mayor Kelly Harris, Council President Don Dahl, Councilmember Judy Leland, Councilmember Wesley Feist, Councilmember Suzanne Ferguson, Clerk/Treasurer Amy Thorngren, Public Works Director Kevin Ore, Police Chief Mike Sanders, Deputy Police Chief Ed Royce, and City Attorney Pete Elverum

**PUBLIC PRESENT:** Greg Wirth, Brad Schmidt, Unidentified, and Dave Jensen

ABSENT/EXCUSED: City Judge Dennis Loveless and Fire Chief Roger Campbell

#### **PUBLIC COMMENTS:**

(0:00:50) Dave Jensen commented in opposition to the condition of the new picnic tables installed at Main Street Park, enforcement of the Jake brake ordinance, and enforcement of the designated truck route. Mr. Jensen provided pictures and a written version of his comments for the record.

(0:08:15) APPROVAL OF MINUTES: A copy of the draft minutes of the October 21<sup>st</sup> meeting was included in the council packet. There was no public comment. Councilmember Feist made a motion to approve the minutes as presented. Councilmember Dahl seconded the motion. The motion passed unanimously.

<u>CITY COURT REPORT:</u> A written report was on the council room table. City Judge Dennis Loveless was excused.

#### **DEPARTMENTAL REPORTS:**

(0:09:15) Administration – A written report was included in the council packet. Clerk/Treasurer Amy Thorngren reported that the EPA will begin giving a monthly update at the first meeting in December and presented utility billing stats.

(0:11:00) Police Department – Police Chief Mike Sanders reported that there had been 710 calls-for-service in October, the department will have firearms qualifications on Thursday, and that the officers are trying out body cameras with translation and report writing capabilities. He thanked the Public Works Department for their work cleaning up the tree damage from the heavy snow in Kennedy Park.

(0:13:45) Public Works – A written report was included in the council packet. Public Works Director Kevin Ore reported that the paving repairs had been completed on West Riggs and Wylie Drive, spot repairs had been done on Montana Avenue, and that the Federal Highway Administration had forwarded the city's grant agreement to the program office.

Volunteer Fire Department - Fire Chief Roger Campbell was excused.

#### **UNFINISHED BUSINESS:**

- (0:15:55) Second Reading of Ordinance No. 293 Adopting Amendments to the Zoning Ordinance to Add Rose Hills Planned Unit Development Regulations to Chapter 3 The first reading of the ordinance was included in the council packet. Mayor Harris noted that no changes had been made. There was no public comment. Councilmember Dahl made a motion to approve the second reading of Ordinance 293. Councilmember Feist seconded the motion. The motion passed unanimously.
- 2. (0:16:55) Second Reading of Ordinance No. 294 Amending the East Helena
  Land Use Map by Amending The Zoning District from Industrial District to
  Rose Hills Planned Unit Development on Lots Legally Described as That Portion
  of the NW1/4 Lying North and West of Highway 262 and South of the Rail Road
  Right of Way and That Portion of the NW1/4SW1/4 Lying North and West of
  Highway 282 in Section 36, Township 10 North, Range 3 West, M.P.M., Lewis
  And Clark County, Montana. (Ref: Book 12 Deeds, Page 207, Book 61 Deeds,
  Page 103, Book 219 Deeds, Page 447 and Book 219 Deeds, Page 116) Excepting
  Therefrom the Property Shown on Certificate of Survey Filed Under Doc. No.
  3254919, Deeded to the City of East Helena by M Book 48 of Records, Page
  2428., Lewis and Clark County, Montana. The first reading of the ordinance was
  included in the council packet. Mayor Harris noted that no changes had been made.
  There was no public comment. Councilmember Feist made a motion to approve the
  second reading of Ordinance 294. Councilmember Leland seconded the motion. The
  motion passed unanimously.

#### **NEW BUSINESS:**

- (0:17:25) Appointment of Don Dahl to the Lewis and Clark County Water
   Quality Protection District Board of Directors There was no public comment.
   Councilmember Feist made a motion to appoint Don Dahl to the Water Quality
   Protection District. Councilmember Ferguson seconded the motion. Councilmembers
   Feist, Ferguson, and Leland voted aye. Councilmember Dahl abstained. The motion
   passed.
- 2. **(0:18:30)** East Helena Kiwanis Club Request for Fee Waiver for Fire Hall November 12<sup>th</sup> Brad Schmidt introduced the newly established East Helena chapter of the club and requested Council's approval to use the recreation hall at no charge for a meeting. There was no public comment. Councilmember Feist made a motion to approve the request. Councilmember Leland seconded the motion. The motion passed unanimously.

(0:20:00) MAYOR'S REPORT: Mayor Harris reported that he met with representatives of the East Helena Kiwanis Club, handed out Halloween candy during the 20<sup>th</sup> Annual East Helena Fright Night, received some feedback regarding the city's water rights, and attended a meeting with the Oakland Group regarding water rights.

#### **COUNCILMEMBERS' REPORTS:**

**Don Dahl** had nothing to report.

(0:22:40) Judy Leland reported that she handed out Halloween candy during the 20<sup>th</sup> Annual East Helena Fright Night.

(0:23:15) Wesley Feist reported that he attended the Red Ribbon Parade, visited with some folks that are interested in the Town Pump property, attended Helena Area Chamber of Commerce board meeting, participated in an EPA 5-year review interview, handed out Halloween candy during the 20<sup>th</sup> Annual East Helena Fright Night, attended the EHHS football game, attended the East Helena Kiwanis Club meeting, was invited by the Helena Ambassadors to give an update on East Helena, and attended the EHHS Booster Club's Casino Night at the Kleffner Ranch.

Suzanne Ferguson had nothing to report.

(0:25:25) LEGAL REPORT: City Attorney Elverum reported that court is going well and has been quite busy.

(0:26:45) PAYMENT OF BILLS: Claims 299334 through 299373 were presented for Council's review. Councilmember Leland made a motion to pay the bills. Councilmember Feist seconded the motion. The motion passed unanimously.

#### **MEETING SCHEDULE:**

- 1. East Helena City Council Meeting, Tuesday, November 18, 6:30 p.m., City Hall Rm
- 2. East Helena City Council Meeting, Tuesday, December 2, 6:30 p.m., City Hall Rm 110

**ADJOURNMENT:** Mayor Harris adjourned the meeting at 6:56 p.m.

ATTEST:		
Clerk/Treasurer	Mayor	
	3	





### Public Works Department

Proud to serve our Community November 18th, 2025

#### 1.) WWTP Report

- Prospect continues construction on headworks and lift station. Some of the grit removal equipment is now not expected until late April. This will just change when they start work back up in the Spring. Still plan on working into December before winter shut down. (Discuss)
- American Chemet was able to get their service line issue repaired.
- Shane had a random high E.coli sample at the wastewater plant in the month of October. All other retests were fine. We believe it was a contaminated sample somehow.

#### 2.) Metal Removal Building

• Shane got all the flow meters and his spectrophotometer calibrations completed for the year.

#### 3.) Source Water Report

- See included DEQ report for the water system sanitary inspection. Proud of the guys doing such a good job in taking care of these facilities.
- D/N is finishing up warranty repairs on M.C. Creek Tank.
- Shane is still working with John Nash on repairs to Wylie 4 on power related issues. Waiting on parts, and answers for possible warranty on parts.

#### 4.) Solid Waste Report

- Garbage truck had left front king pin bearings fail. Parts are a week or so out. Thanks to a new relationship with Helena Recycling we are going to assist each other with truck breakdowns. (Discuss)
- No update on new garbage truck delivery, still planning on late part of December.

#### 5.) <u>Parks</u>

- Crews have been continuing to pick up leaves at both parks.
- Trimming trees at Main Street Park.
- Nitro Green came out and got Christmas tree at Main Street Park decorated.
- Fence was damaged by vehicle at JFK park. Fence crafters have it scheduled for repair.

#### 6.)<u>Pool</u>

Pool is closed for the Season.

#### 7.) Streets

- No update to submitted BUILD Grant application for Valley Drive project.
- Plows and Sanders are serviced and ready to go for the season.

#### 8.) Facilities

- Lights were discontinued that matched the parking lot's existing lights at City Hall. Working on trying to find a vendor that still has same style. (Discuss)
- Still working on getting some estimates for boiler replacement here at City Hall.
- We will be refinishing floors first part of next year at City Hall.
- Hand railing replacement for ADA ramp at City Hall is almost completed and ready for installation.
- Still working with security company on new locks for City Hall.

#### 9.) Resident/City Information and Events

- Christmas Stroll is coming up December 4th.
- Christmas Convoy is scheduled for December 13<sup>th</sup>.



November 7, 2025

City of East Helena Attn: Mayor Kelly Harris PO BOX 1170 East Helena, MT 59635

Re: Sanitary Survey Inspection of City of East Helena (PWSID: MT0000196).

Dear Owners, Administrators, and Consumers:

I would like to thank Kevin Ore, Colten Huckins, Sean, and Jared Cox for assisting me during the sanitary survey inspection of the City of East Helena public water supply system. As a <u>community</u> public water supply, your facility is required to have a sanitary survey inspection every <u>three</u> years. These routine inspections offer us an opportunity to look for sanitary deficiencies that have the potential to cause contamination in the water system, as well as pointing out operation and maintenance concerns. Below are a few comments relating to the sanitary survey conducted on <u>October 10, 2025</u>.

#### **SYSTEM DESCRIPTION:**

Located approximately five miles east of Helena. This water system consists of six source wells pumped to two treatment plants and two storage tanks. System pressure is maintained by storage tank levels and well pumping. Water is then sent through the distribution system that consists of primarily ductile iron and PVC pipe mains with 897 connections serving approximately 2,114 people.

#### **SOURCES:**

WL002, (Wylie) Well 1 (GWIC 61839): Located at the northwest corner of Wylie Drive and Canyon Ferry Road in the locked pump house with a security fence and locked gate. The well log is attached for reference. No adverse conditions were noted with the area around the well, the well itself, or with the well cap. See photos for additional observations.

WL003, (Wylie) Well 2 (GWIC 62116): Located just north of the house at 2993 Wylie Drive in the locked pump house with a security fence and locked gate. The well log is attached for reference. No adverse conditions were noted with the area around the well, the well itself, or with the well cap. See photos for additional observations.

WL004, (Wylie) Well 3 (GWIC 62125): Located just south of the other three wells at 2830 Wylie Drive in the locked pump house with a security fence and locked gate. The well log is attached for reference. No adverse conditions were noted with the area around the well, the well itself, or with the well cap. See photos for additional observations.

WL007, (Wylie) Well 4 (GWIC 321623): Located just north of the house at 3015 Wylie Drive in the locked pump house with a 4-strand fence and locked gate. The well log is attached for reference. No adverse conditions were noted with the area around the well, the well itself, or with the well cap. See photos for additional observations.

• Recommend for the test well to replace the open irrigation well cap with a sanitary secure well cap if the well is not to be abandoned.

A Preliminary Assessment form for Groundwater Under the Direct Influence of Surface Water (GWUDISW PA) was discussed and completed during the inspection and scored 20 points based on information found in the well log and with the distance to surface water. Scores of 40 or more require further investigation. The GWUDISW rule manager with make a final assessment of the information and a Record of Decision will be issued.

WL005, (McClellan) Well 4: Located south of town off Hwy 518 on a small City owned parcel, south of Wagon Wheel Road and on the north side of McClellan Creek. The parcel appeared to be fenced to exclude cattle. This horizontal well is reported to be engineered but there is little documentation from past inspections on what that entails.

• Consider regular maintenance for the pump controller air filters to ensure adequate cooling airflow through the electrical cabinet.

WL006, (McClellan) Well 5: Located south of town off Hwy 518 on a small City owned parcel, south of Wagon Wheel Road and on the south side of McClellan Creek. The parcel appeared to be fenced to exclude cattle. This horizontal well is reported to be engineered but there is little documentation from past inspections on what that entails.

• Consider regular maintenance for the pump controller air filters to ensure adequate cooling airflow through the electrical cabinet.

#### **TREATMENT:**

TP001 Treatment Plant (Wylie Wells): Located at the Well 3 pump house. This facility consists of a Lakos (Model: ILB-0075) sand separator used to filter the carrying water pumped for the gas chlorine feed to the water at the main as it feeds to the distribution system. Just before the chlorine feed blended polyphosphate (LPC-DP) is added for corrosion control.

A Hach CL-17 chlorine analyzer is used to monitor the chlorine residual. Sand separator is flushed manually twice a week during regular site checks. Safety Data Sheets were available at the pump house for CL-17 DPD reagents, LPC-DP, and chlorine gas. CL-17 reagents appeared to be unexpired and regular required maintenance for the unit's tubing was reported to have been conducted along with periodic verification (noted for both units). The chlorine gas regulator vent tube had an appropriate screened end on the south side of the building. The LPC-DP tank had secondary containment and redundant pumps (Grundfos DDA7.5 Mo:A97772245) were also employed.

#### ISSUES NOTED OR DISCUSSED:

- There was one extra tubing port on the LPC-DP tank top that should be sealed.
- One of the removable shrouds covering the spinning pump shaft for the chlorine feed pump was found on a shelf. This needs to be secured to the pump.

The ejector for the gas chlorine feed is in the pump room by the 2hp booster pump for the carrying water and the gas tubing in the pump room was not encased in airtight conduit as required (Circular DEQ 1).

- Strongly recommend moving the gas ejector to the isolated chlorine room so there is not unprotected gas feed tubing in the pump room especially since there is not automated chlorine monitoring equipment with alarms in the pump room. Note, this would require extension of the carrying water piping into the chlorine room.
  - Keep in mind that possible chlorine gas leaks in the pump room would be difficult to mitigate without air handling equipment and without monitoring equipment they are a risk to the operator's health and safety.
  - The possibility for chlorine gas leaks in the pump room also risks damage to all electrical equipment.

TP002 Treatment Plant (McClellan Creek Wells): Located just north of the intersection of Stagecoach Road and Mockel Road. Treatment occurs in two buildings first in the east building chlorine gas is fed into the common header (CH002) with a 2hp vertical turbine pump and the ejector valve. The chlorine gas and tubing are isolated to the chlorine room with carrying water pipes fed through the wall from the common header pipe. The chlorine gas regulator vent tube had an appropriate screened end on the south side of the building. In the west building blended polyphosphate (LPC-DP) is added for corrosion control. The LPC-DP tank on the ground level had secondary containment. In the basement level redundant pumps (Watson Marlow qdos30) are used to inject the LPC-DP into the main feeding the tank. There is also a Hach CL17sc continuous chlorine analyzer with SC4500 display. CL-17 reagents appeared to be unexpired. Safety Data Sheets were available at the east pump house for CL-17 DPD reagents, LPC-DP, and chlorine gas.

• There was one extra tubing port on the LPC-DP tank top that should be sealed.

#### **DISTRIBUTION:**

DS001 Distribution System: This facility is understood to be primarily comprised of PVC and ductile iron pipe ranging from 4 to 12 inch. It was reported that fire hydrants are flushed annually by the fire department and flushed and flow tested by Robert Peccia and Associates annually. The city requires permission to fill water trucks from the fire hydrant at Main Street Park and requires the use of the reduced pressure assembly backflow preventer. The pool and irrigation system at the pool grounds both had reduced pressure zone backflow prevention assemblies. Main street park, the baseball field, the cemetery, and JFK park irrigation systems all had reduced pressure zone backflow prevention assemblies.

#### **STORAGE:**

ST003 Storage Tank (Wylie Wells 1MG): Located about 1.25 miles south of US 12 on the east side of Highway 282. This facility consists of a partially buried concrete, one million gallon tank. The two vents had fine mesh screen. The tank overflow and drainpipe terminations both were downturned and had fine mesh screen. Tank hatch was securely latched and appeared to have an adequate seal. The hatch drain appeared to be unobstructed and had mesh screen.

ST005 Storage Tank (McClellan Wells 1MG): Located just north of the McClellan treatment buildings in a fenced area with a lock security gate. The one million gallon partially buried concrete tank constructed in 2022 by DN Tanks was being drained at the time of inspection for a warranty inspection. The vent appeared to have a fine mesh screen across the riser.

Both hatches were tightly secured, padlocked, and had gaskets on the hatch risers. All electrical conduits and connections were sealed and secure. The common drain and overflow pipe termination was downward facing and screened. It is located about 925 feet southeast of the tank terminating beside the dirt road that leads to the McClellan wells off Wagon Wheel Road.

• It was unclear if the nylon spacer that covered the vent riser was supposed to be sealed to the aluminum housing as it can be pushed upward off vent cover supports to allow contaminants past the fine mesh screen.

#### **PUMPS, PUMP FACILITIES, and CONTROLS:**

A SCADA and radio telemetry system are used to monitor and control the well pumps based on storage tank levels. It was reported that the well pumping is automatically alternated with the SCADA system. WL007 has a 75hp vertical turbine and WL005 &6 have 20hp vertical turbine pumps. At each treatment plant a vertical turbine chlorine feed water pump is used to provide carrying water for the gas chlorine and understood to be automated in control.

#### MONITORING, REPORTING, and DATA VERIFICATION:

In the preceding two-year period (10/10/2023-10/10/1025) there were two violations on record. Violation dated 7/18/2025 for Failure to Monitor for Total Coliform Bacteria June 2025 was returned to compliance 7/2/2025 with routine sampling and reporting. Violation dated 7/23/2025 for Failure to Monitor for Water Quality Parameters (orthophosphate) 1/1/2025-6/30/25 at both TP002 treatment plant and DS001 in distribution remains open.

• To return the violation to compliance sampling must be completed for orthophosphate at both locations during 7/1/25-12/31/25.

#### **MAINTENANCE, MANAGEMENT, SAFETY, and OPERATION:**

Management could improve the maintenance, safety, and operation by following the recommendations in this report.

Keep in mind the storage tanks and manholes are confined spaces. Confined space entry procedures and training should be considered and adhered to. Additionally, fall risk mitigation procedures, training, and equipment would be highly recommended for the safety of those having to climb into the tanks or manholes.

It was noted that the operators are not trained on and do not have Self Contained Breathing Apparatus available, and they are reliant on the Fire Department to facilitate in a chlorine gas incident. There is also no chlorine tank repair kit at either chlorine gas building.

• System may consider periodic fundamental training to show firefighters how the chlorine gas equipment is maintained or operated if instruction is not already provided.

Montana DEQ PWS is committed to offering technical, managerial, and financial capacity assistance to all public water supplies across the state. Michael Kropp (406-755-8971) is the new Capacity Development Coordinator for the state, and he will be working with technical assistance providers RATES, MAP, MRWS, and other DEQ staff to meet the demand for facility-based training opportunities. DEQ Operator Certification is working with Mr. Kropp to provide operators an opportunity to earn CECs for completing facility-based capacity development training with one of the approved trainers. Please contact Mr. Kropp or one of the other approved trainers for additional information.

#### **OPERATOR COMPLIANCE WITH STATE REQUIREMENTS:**

Kevin Ore is the primary, active, fully certified class 2A3B water system operator for this system. Colten Huckins is an active, fully certified class 3A4B (with the system prior to 2016 reclassification to 2A3B) drinking water system operator for this system. Jared Cox is an active, fully certified 2A3B. This currently satisfies the state requirements for this class 2A3B drinking water system.

#### **WASTEWATER:**

East Helena is served by a sanitary sewer collection system and lagoon treatment located north of town.

#### **DATABASE CHANGES MADE:**

None.

#### SIGNIFICANT DEFICIENCIES:

Significant deficiencies may include, but are not limited to, defects in design, operation, or maintenance or a failure or malfunction of the sources, treatment, storage, or distribution system that the State determines to be causing or has the potential for causing the introduction of contamination into the water delivered to consumers.

The state of Montana adopted the federal Ground Water Rule (ARM 17.38.211) effective December 1, 2009. The Ground Water Rule establishes strict timelines for the identification of significant deficiencies, DEQ notification of the PWS system owner of the significant deficiency and the implementation of corrective action by the PWS.

The Department has established a Significant Deficiency Review Committee (Committee) to review deficiencies identified during a sanitary survey inspection or site visit to determine if they meet the Department's interpretation of significant.

#### No significant deficiencies were noted during this inspection.

If you have any questions about this report or public water supply regulations, please give me a call at (406) 444-7494.

Sincerely,

Kirk Yoder

**Environmental Science Specialist** 

DEQ PWS, Helena Phone: (406) 444-7494 Email: kyoder@mt.gov

CC: Helena PWS file

Lewis and Clark County file

Email only: Mayor Kelly Harris (completed)

Kevin Ore (email completed)

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#### Other Options

Go to GWIC website Plot this site in State Library Digital Atlas Plot this site in Google Maps View scanned well log (10/23/2006 1:34:47 PM)

Site Name: EAST HELENA CITY OF

**GWIC Id: 61839** 

**DNRC Water Right: 113655** 

Section 1: Well Owner(s)

1) EAST HELENA CITY OF (MAIL) 2970 CANYON FERRY RD

EAST HELENA MT 59635 [03/22/1965]

Section 2: Location

Township	Range	Section	<b>Quarter Sections</b>
10N	03W	14	SE1/4 SE1/4 SE1/4
	County		Geocode

LEWIS AND CLAR	.K				
Latitude Longitude		Geomethod	Datum		
46.6177	-111.9371	MAP	NAD	27	
<b>Ground Surface Altitude</b>		<b>Ground Surface Method</b>	Datum	Da	
3796					
Addition		Block	Lot		

Depth pump set for test \_ feet. 600 gpm pump rate with \_ feet of drawdown after 12 hours of

Section 7: Well Test Data

Total Depth: 110 Static Water Level: 34

Pump Test \*

Water Temperature:

pumping.

Time of recovery hours. Recovery water level \_ feet. Pumping water level 54 feet.

\* During the well test the discharge rate shall be as uniform as Date possible. This rate may or may not be the sustainable yield of the well. Sustainable yield does not include the reservoir of the well casing.

Section 3: Proposed Use of Water

PUBLIC WATER SUPPLY (1)

Section 4: Type of Work

Drilling Method: CAISSON DRILLED

Status: NEW WELL

**Section 5: Well Completion Date** 

Date well completed: Monday, March 22, 1965

**Section 6: Well Construction Details** 

**Borehole dimensions** 

From	То	Diameter
0	110	56

Casing

			Wall	Pressure		
From	То	Diameter	Thickness	Rating	Joint	Туре
0	30	48				STEEL
0	90	16				STEEL

Completion (Perf/Screen)

From	То		 Size of Openings	Description
90	110	16		SS LOUVER SCREEN

Annular Space (Seal/Grout/Packer)

			Cont.
From	То	Description	Fed?
0	0	CEMENT	

Section 8: Remarks

Section 9: Well Log **Geologic Source** 

110ALVM - ALLUVIUM (QUATERNARY)

From	То	Description
0	37	ROCKS SAND & BOULDERS
37	46	ROCK SAND BOULDERS W/ CLAY STREAKS
46	51	HARDPAN & ROCK
51	110	ROCK SAND BOULDERS W/ STREAKS OF CLAY

#### **Driller Certification**

All work performed and reported in this well log is in compliance with the Montana well construction standards. This report is true to the best of my knowledge.

Name:

Company: LAYNE-MINNESOTA

License No: WWC-76 Date Completed: 3/22/1965

This well log reports the activities of a licensed Montana well driller, serves as the official record of work done within the borehole and casing, and describes the amount of water encountered. This report is compiled electronically from the contents of the Ground Water Information Center (GWIC) database for this site. Acquiring water rights is the well owner's responsibility and is NOT accomplished by the filing of this report.

#### Other Options

Go to GWIC website
Plot this site in State Library Digital Atlas
Plot this site in Google Maps
View scanned well log (10/31/2006 9:12:03 AM)

Site Name: EAST HELENA CITY OF

**GWIC Id: 62116** 

**DNRC Water Right: 113656** 

Section 1: Well Owner(s)

1) EAST HELENA CITY OF (MAIL)

2995 WYLIE DR

EAST HELENA MT 59635 [04/10/1965]

**Section 2: Location** 

Township	Range	Section	<b>Quarter Sections</b>
10N	03W	24	SE1/4 NW1/4 NW1/4
	County		Geocode

LEWIS AND CLARK

Latitude	Longitude	Geomethod	Datu	ım
46.6128	-111.9345	MAP	NAD	27
<b>Ground Surfac</b>	e Altitude	<b>Ground Surface Method</b>	Datum	Dat
3807				

Addition Block Lot

Section 3: Proposed Use of Water

PUBLIC WATER SUPPLY (1)

Section 4: Type of Work Drilling Method: CAISSON

Status: NEW WELL

Section 5: Well Completion Date

Date well completed: Saturday, April 10, 1965

#### **Section 6: Well Construction Details**

From To Diameter
0 92 56

_	-	
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va	sın	u

From	То	Diameter	-	Pressure Rating	Joint	Туре
0	30	48				STEEL
0	88	16				STEEL

Completion (Perf/Screen)

From	То		-	Size of Openings	Description
58	88	0			OPEN BOTTOM
58	88	16			SS LOUVER SCREEN
88	92	42			OPEN HOLE

Annular Space (Seal/Grout/Packer)

	-		
			Cont.
From	То	Description	Fed?
0	0	CEMENT	

#### Section 7: Well Test Data

Total Depth: 92 Static Water Level: 39 Water Temperature:

#### Pump Test \*

Depth pump set for test \_ feet.

600 gpm pump rate with \_ feet of drawdown after 12 hours of pumping.

Time of recovery \_ hours.
Recovery water level \_ feet.
Pumping water level 54 feet.

\* During the well test the discharge rate shall be as uniform as ate possible. This rate may or may not be the sustainable yield of the well. Sustainable yield does not include the reservoir of the well casing.

#### Section 8: Remarks

#### Section 9: Well Log Geologic Source

110ALVM - ALLUVIUM (QUATERNARY)

	TELEVION (QUITE INVITE)				
From	То	Description			
0	38	TOPSOIL ROCK BOULDERS AND SANDY CLAY			
38	45	ROCK BOULDERS SAND WITH STREAKS OF CLAY			
45	69	ROCK CLAY SAND AND HARDPAN			
69	92	ROCK SAND STREAKS OF CLAY			

#### **Driller Certification**

All work performed and reported in this well log is in compliance with the Montana well construction standards. This report is true to the best of my knowledge.

Name: D. C. VRY

Company: LAYNE-MINNESOTA CO

License No: WWC-76

Date Completed: 4/10/1965

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#### **Other Options**

Go to GWIC website Plot this site in State Library Digital Atlas Plot this site in Google Maps

Site Name: CITY OF EAST HELENA

**GWIC Id: 62125** 

**DNRC Water Right: 62231** 

Section 1: Well Owner(s)

1) CITY OF EAST HELENA (MAIL)

2700 WYLIE DR

EAST HELENA MT 59635 [10/16/1987]

Section 2: Location

**Township** Range Section **Quarter Sections** 10N 03W 24 SW1/4 NW1/4 SW1/4 Geocode County

LEWIS AND CLARK

Latitude Longitude Geomethod Datum 46.60591 -111.93585 MAP NAD83

**Ground Surface Altitude Ground Surface Method** Datum Date

Addition **Block** Lot

Section 3: Proposed Use of Water

PUBLIC WATER SUPPLY (1)

Section 4: Type of Work

Drilling Method: FORWARD ROTARY

Status: NEW WELL

**Section 5: Well Completion Date** 

Date well completed: Friday, October 16, 1987

#### **Section 6: Well Construction Details**

Borehole dimensions

From	То	Diameter
0	153	16

Casing

From	То	Diameter	Wall Thickness	Pressure Rating	Joint	Туре
-2	70	12				STEEL
-2	153	10				STEEL
7	119	10				STEEL

Completion (Perf/Screen)

			# of	Size of	
From	То	Diameter	Openings	Openings	Description
71	119	10			STAINLESS STAIN SCREEN

Annular Space (Seal/Grout/Packer)

		, , , , , , , , , , , , , , , , , , , ,	
			Cont.
From	То	Description	Fed?
0	51	CEMENT GROUT AND BENTONITE	

#### Section 7: Well Test Data

Total Depth: 153 Static Water Level: 35 Water Temperature:

#### Pump Test \*

Depth pump set for test \_ feet.

550 gpm pump rate with \_ feet of drawdown after 24 hours of

pumping.

Time of recovery hours. Recovery water level \_ feet. Pumping water level 80 feet.

\* During the well test the discharge rate shall be as uniform as possible. This rate may or may not be the sustainable yield of the well. Sustainable yield does not include the reservoir of the well casing.

#### Section 8: Remarks

#### Section 9: Well Log **Geologic Source**

120SDMS - SEDIMENTS (TERTIARY)

F	From Tr. Description				
From	То	Description			
0	20	SILTY LOAM WITH GRAVELS			
20	35	GRAVELY CLAYS			
35	54	FINE, SANDY CLAY			
54	58	MED. GRAVELS			
58	71	CLAY AND GRAVELS			
71	74	COARSE GRAVELS			
74	80	CLEAN GRAVELS			
80	84	SILTY GRAVELS			
84	88	COARSE GRAVELS			
88	99	SILTY GRAVELS			
99	107	COARSE TO FINE GRAVELS			
107	119	FINE TO COARSE, SILTY CLAYBOUND AND GRAVELS			
119	153	SOFT SILTSTONE			

#### **Driller Certification**

All work performed and reported in this well log is in compliance with the Montana well construction standards. This report is true to the best of my knowledge.

> Name: HERBERT A. POTTS Company: POTTS DRILLING INC

License No: WWC-150 **Date Completed: 10/16/1987** 

This well log reports the activities of a licensed Montana well driller, serves as the official record of work done within the borehole and casing, and describes the amount of water encountered. This report is compiled electronically from the contents of the Ground Water Information Center (GWIC) database for this site. Acquiring water rights is the well owner's responsibility and is NOT accomplished by the filing of this report.

#### **Other Options**

Go to GWIC website
Plot this site in State Library Digital Atlas
Plot this site in Google Maps
View scanned well log (7/27/2022 3:18:50 PM)
View scanned document (7/27/2022 3:20:41 PM)

Site Name: CITY OF EAST HELENA \* WYLIE WELL 4

**GWIC Id: 321623** 

#### Section 1: Well Owner(s)

1) CITY OF EAST HELENA - WYLIE WELL 4 (MAIL)

7 EAST MAIN STREET

EAST HELENA MT 59635 [06/23/2022]

#### Section 2: Location

Township	Range	Section	Quarter Sections
10N	03W	24	NW1/4 NW1/4
	County		Geocode

LEWIS AND CLARK

Latitude	Longitude	Geomethod	Datum
46.61425	-111.934978	SUR-GPS	WGS84

Ground Surface Altitude Ground Surface Method Datum Date

Addition Block Lot

Section 7: Well Test Data

Total Depth: 195 Static Water Level: 45.6 Water Temperature:

#### Pump Test \*

Depth pump set for test 105 feet.

425 gpm pump rate with 21 feet of drawdown after 72 hours of

pumping.

Time of recovery <u>20</u> hours. Recovery water level <u>46.5</u> feet. Pumping water level \_ feet.

Section 3: Proposed Use of Water

PUBLIC WATER SUPPLY (1)

**Section 4: Type of Work** Drilling Method: ROTARY

Status: NEW WELL

**Section 5: Well Completion Date** 

Date well completed: Thursday, June 23, 2022

#### Section 6: Well Construction Details

Borehole dimensions				
From	То	Diameter		
0	37	16		
37	195	12		

Casing

			Wall	Pressure		
From	То	Diameter	Thickness	Rating	Joint	Туре
-2	115	12	0.365		WELDED	A53B STEEL

Completion (Perf/Screen) # of Size of Diameter From То Openings Openings Description SCREEN-CONTINUOUS-115 130 12 .040 **STAINLESS** SCREEN-CONTINUOUS-140 12 130 .030 **STAINLESS** SCREEN-CONTINUOUS-160 12 .050 140 STAINLESS SCREEN-CONTINUOUS-160 165 12 .075 **STAINLESS** 

From	То		Cont. Fed?
0	37	BENTONITE SLURRY	
114	114	K-PACKER	

WGS84 **Datum Date** \* During the well test the discharge rate shall be as uniform as

possible. This rate may or may not be the sustainable yield of the well. Sustainable yield does not include the reservoir of the well

casing.

Section 8: Remarks

BACKFILLED WITH PEA GRAVEL/BENTONITE CHIPS FROM 195-165

Section 9: Well Log Geologic Source

Unassigned

Ondoor	Unassigned				
From	То	Description			
0	1	TOP SOIL			
1	20	SILTY GRAVELLY SAND			
20	38	SILTY, SANDY FINE TO COARSE GRAVEL			
38	50	SILTY SAND			
50	60	SILTY FINE TO MEDIUM SAND			
60	80	WATER, MINOR GRAVEL 75-80'			
80	85	SILTY SAND GRAVEL			
85	90	CLEAN SAND AND GRAVEL			
90	95	SILTY MEDIUM TO FINE SAND			
95	100	SILTY MEDIUM TO COARSE SAND			
100	105	SILTY MEDIUM SAND			
105	110	CLEAN GRAVELLY MEDIUM TO COARSE SAND			
110	115	SILTY MEDIUM SAND WITH SOME GRAVEL			
115	125	CLEAN MEDIUM SAND			
125	135	SILTY FINE SAND			

#### **Driller Certification**

All work performed and reported in this well log is in compliance with the Montana well construction standards. This report is true to the best of my knowledge.

Name: LARRY GAGNON
Company: OKEEFE DRILLING CO

License No: WWD-126

Date Completed: 6/23/2022

GWIC Id:	Site Name: CITY OF EAST HELENA GWIC Id: 321623 Additional Lithology Records				
From	From To Description				
135	150	SILTY FINE SAND			
150	155	SILTY FINE TO MEDIUM SAND			
155	165	CLEAN MEDIUM TO COARSE SAND			
165	170	SANDY CLAY			
170	192	SILTY SANDY CLAY			
192	193	SILTY FINE SAND WITH CLAY			
193	195	CLAY, PLASTIC, DRY, PLUGS DRILL BIT			

**Sanitary Survey Inspection Photos** 

City of East Helena PWSID: MT0000196

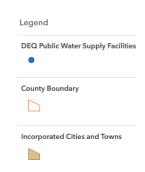
Inspector: Kirk Yoder, DEQ

October 10, 2025

#### **Aerial View**

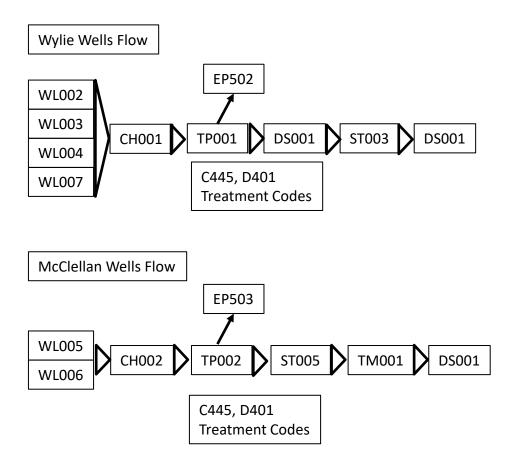




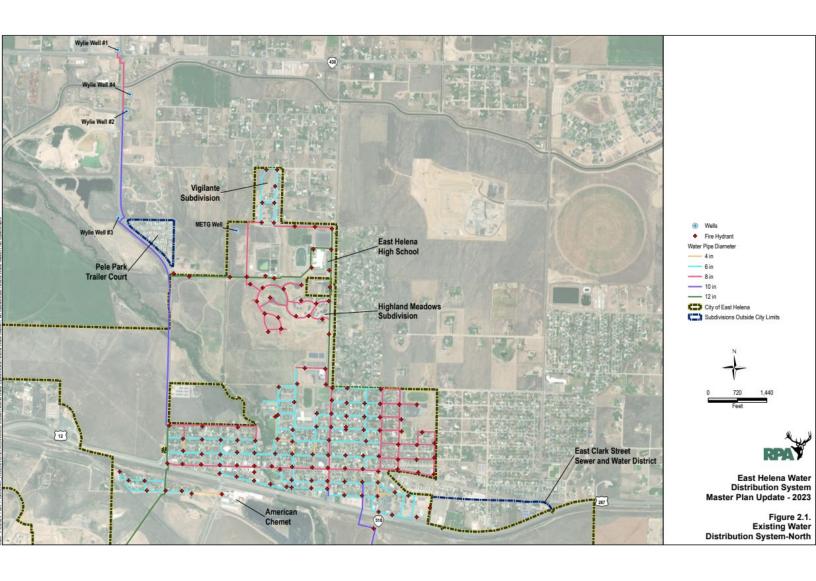




## System Facility Flow Diagram



# Distribution System Drawing 2024 East Helena Water Master Plan



## WL002, (Wylie) Well 1 (GWIC 61839)



Well house view looking northwest. Note the flap gate valves on the pressure relief and blow off pipes.



Air/vac valve screened vent.



Well screened vent.



Well, pump, and piping overview from the entrance.



Alternate view of the well, pump, and piping showing the electrical controls on the south side of the well house.

## WL003, (Wylie) Well 2 (GWIC 62116)



View of the well house looking southeast. The tin shed (left) is a private well house for the adjoining property.



Well house view looking north.





Well screened vent.



Air/vac valve screened vent.



Well, pump, and piping overview from the entrance.



Alternate view of the well, pump, and piping. 11/18/25 Council Packet Page 41

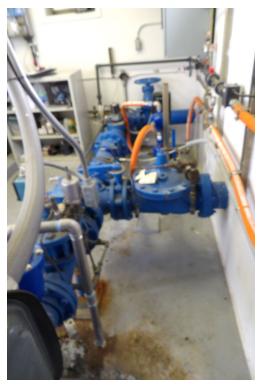
## WL004, (Wylie) Well 3 (GWIC 62125)



View of the well house and treatment building looking south.



Well, well pump, and piping. Note the pressure relief valve at the bottom left in the photo.



Pump piping overview showing the pressure relief and blowoff wall penetrations.



Pipe ends with flap gates valves for the pressure relief and blowoff wall penetrations.



Screened vent for the well.

## WL007, (Wylie) Well 4 (GWIC 321623)



Well house entrance looking south.



View of the well house looking north.



Overview of the well, well pump, and piping.



View of the well house and locked gate from the road.



The well vent cap was removed to observe the screen.



Recommend replacing the irrigation well cap with a secure well cap for the test well if it is not to be abandoned.



Alternate view of the piping and well looking toward the pump electrical controls. Note the pressure relief valve (circled).



Screened air/vac vent (circled) and two other drains.



Pressure relief discharge with duckbill valve.

## WL005, (McClellan) Well 4



View of the locked well house and security fence with locked gate looking west.



Overview of the pump, hatch, and piping. Raw water tap circled.



Overview of the well, pump, and electrical controls including the SCADA display.



Pump control fan vents should be kept clean to prevent failure.



Exterior well vent on the south side of the building.

Well vent screen.



Screened vent for the air/vac valve.



It was noted that all of the pump flange bolt holes were threaded and some had nuts installed as a failsafe.





Floor drains daylight on the south side of the building with screened pipe.



The hatch riser had a good gasket and was tightly secured.



View inside the well.

11/18/25 Council Packet Page 44

## WL006, (McClellan) Well 5



View of the locked well house and security fence with locked gate looking south.



Overview of the pump, pump controls, hatch, and piping. Raw water tap circled.



Walkway bridge over McClellan Creek looking north at Well 4 building.



Alternate view of the pump and piping. It was noted that all of the pump flange bolt holes were threaded and some had nuts installed as a failsafe.





Electrical conduits were all securely connected.



The hatch riser had a good gasket and was tightly secured.



Exterior well vent on the

south side of the building.



Screened vent for the air/vac Well vent screen. valve. Left is the pump shaft water drain.



Floor drains daylight on the south side of the building with screened pipe.



View inside the well.

### TP001 Treatment Plant (Wylie Wells)



View inside the chlorine room.



Unsealed chlorine tubing in the pump room is a safety risk to workers and the equipment.



Alternate view inside the chlorine room entrance.



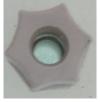
Chlorine regulator screened vent on the south side of the building.



Grundfos polyphosphate pumps.



Polyphosphate tank.



Tubing port can be sealed.



View inside the tank from the fill port.



Chlorinated water return from the contact pipe feeds to the CL-17.



Appropriate tank label also has NSF 60 certification marked.



Hach CL17 continuous chlorine analyzer.



Sand separator drain screen on the south side of the building.



DPD chlorine reagents

for the CL-17.

Sand separator and carrying water pump.

# TP002 Treatment Plant (McClellan Creek Wells) East Chlorine Building



Chlorine building entrance looking south.



Chlorination equipment and scales.



Chlorine regulator screened vent on the south side of the building.



View inside the entrance of the chlorine room.

Water pump and regulator assembly.



Chlorine monitor.



Piping to and from the carrying water pump.



Overview of the common

# TP002 Treatment Plant (McClellan Creek Wells) West Polyphosphate Building



Treatment building entrance looking southwest.



Lower piping area has the Hach CL-17sc sample point (1) and poly injection point(2).



CL-17 display.



DPD chlorine reagents for the CL-17.



Watson Marlow qdos30 pump redundant pumps are used and located in the cabinet for the poly injection.



Poly tank is on the upper level, view from the entrance.

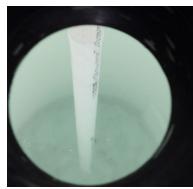


Polyphosphate tank. Appropriate tank label also has NSF 60 certification



marked.

Tubing port can be sealed.



View inside the tank from the fill port.

## ST003 Storage Tank (Wylie Wells 1MG)



Tank overview from the telemetry building looking northeast.



Tank area has a security fence and locked gate. View looking north toward the telemetry building and tank behind.



Tank telemetry in the building.



Tank level display.



Hatch lid was secure and locked.



Conduit fitting was sealed and connected to the tank.



View of the hatch and two vents.







Overflow left and drain right. About 300 ft NW of the tank by Hwy 282.



Seals on the hatch lid appeared adequate.



Tank ladder inside the hatch.



Hatch drain had mesh and wire wool to keep vermin and insects out.





Both vents had fine mesh screen on top of coarse.

## ST005 Storage Tank (McClellan Wells 1MG)



Tank overview looking north.



Upper hatch and vent.



Upper hatch looking SW. The electrical conduit was sealed to the riser.





Fine mesh screen observed

Tank was being drained.



Rock path for the overflow was working as intended.



Upper hatch seal was on the riser and in good condition.



Mixer tether and wire view in the tank.



Nylon ring on the bottom of the vent assembly can be lifted up to observe the fine mesh screen on the riser horizontal plane so it is not sealed.



Mirror view of the expanded mesh at the top of the vent.



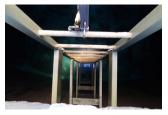
Sensor and mixer junction boxes and conduits were all sealed and secure.



Tank sensor port and conduit were all sealed and secure.



Lower hatch seal was on the riser and in good condition.



Ladder located in the lower hatch.



View toward the center of the vent with the nylon ring lifted to see the fine mesh screen.

# DS001 Distribution System



Zurn/Wilkins RP assembly at Main Street Park.



Watts RP on the fire hydrant at Main Street Park for bulk fills.



Watts PVB at the baseball field.



Watts RP for the pool grounds irrigation.



Watts RP for the pool fill.



Watts RP at JFK Park.



Zurn/Wilkins RP assembly at the cemetery.

#### CITY OF EAST HELENA 306 E MAIN ST / PO BOX 1170 EAST HELENA, MT 59635 (406) 227-5321

ORIGINAL COUNCIL MEETING DATE: 11/18/2025

Agenda item:					
Old Fire Hall Rental	Agreement fo	or 2026			
From:					
John Adams					
Initiated by City:	□YES	■NO	(ch	eck one)	
<b>.</b>					
Department:					
Presented by:					
Action requested:					
none					
PLEASE PROVIDE A	NARRATIVI	E BACKG	ROUND OF	THE PROPOSE	ED AGENDA ITEM:
To present our Hall u	sage schedule	e for 2026	and to expr	ess our thanks f	or the fine Hall and
relationship with the	City of East F	Helena	_		
Attachments:	<b>■</b> YES	□NO	(ch	eck one)	
D . 1 1					
Date submitted:		0.4	1 20 20	25	
		Octo	ober 30, 20	25	
RECOMMENDATION	ONS:				Initial:
Approve for ag			□YES	□NO	
Referred to De		esolution:	□YES	□NO	
Referred to	P. 11000 101 10		□YES		
Referred to		<u>·</u>	<b>–</b> 1 LO		

Agenda requests must be submitted to East Helena City Hall by noon the Wednesday prior to the Tuesday council meeting.

#### Living Church of God

Local Contact: John Adams

5485 Mojave Court Helena MT 59602 jakicker@bresnan.net

406-302-1000

#### Hall Usage Dates 2026 (56 Days)

January 3, 10, 17, 24, 31

February 7, 14, 21, 28

March 7, 14, 21, 28, 31 31<sup>st</sup> is a Tuesday

April 1, 2, 4, 8, 11, 18, 25 1st is a Wed, 2nd is a Thursday, 8th is a Wed

April 4 is the Saturday before easter so we may need the gymnasium for that day

May 2, 9, 16, 23, 24, 30 24<sup>th</sup> is a Sunday

June 6, 13, 20, 27

July 4, 11, 18, 25

August 1, 8, 15, 22, 29 We may not need the Hall on the 8<sup>th</sup>

September 5, 12, 19, 21 21<sup>st</sup> is a Monday

October 10, 17, 24, 31

November 7, 14, 21, 28

December 5, 12, 19, 26

Normally we use the hall from approximately 11:00 - 5:00 (6 hours) on Saturdays but we are contracted for the hours of 8:00 am to 10:00 pm (14 hours). We use the Hall the entire day on special holy days. At times we enjoy having the Hall into the evenings for further studies and or games/fellowship.

In addition, we change our meeting times seasonally which means we use the Hall earlier in the day, and also we do so periodically when our regional pastor comes to Montana every six weeks or so.

# RECEIVED

NOV 1 0 2025

CITY OF EAST HELENA, MT

Date submitted:

RECOMMENDATIONS:

Approve for agenda:

Referred to

CITY OF EAST HELENA 306 E MAIN ST / PO BOX 1170 EAST HELENA, MT 59635 (406) 227-5321

ORIGINAL COUNCIL MEETING DATE: Carshow Sat. 23rd 2026 Pac Cardob Agenda item: From: Dandan Briggs (check one) **□**YES Initiated by City: Public Works Department: Presented by: Action requested: PLEASE PROVIDE A NARRATIVE BACKGROUND OF THE PROPOSED AGENDA ITEM: Request to Block off Streets, Possibly use of side streets, Reguest Park & Right of Way for food trucks. Attachments: □YES □NO (check one)

Agenda requests must be submitted to East Helena City Hall by noon the Wednesday prior to the Tuesday council meeting.

**□**YES

☐ YES

10-10-25

Referred to Dept. Head for resolution:

Initial:

□NO

□NO □NO

#### CITY OF EAST HELENA 306 E MAIN ST / PO BOX 1170 EAST HELENA, MT 59635 (406) 227-5321

ORIGINAL COUNCIL MEETING DATE: 11/18/2025

Reappointment of D					
	on Dahl to the	Planning Boa	rd and Zoning	Commissi	on
From:					
Mayor Harris					
Initiated by City:	■YES	□NO	(check one	e)	
Department: Planning & Zoning					
Presented by:					
Mayor Harris Action requested: Approve/Deny/Table		E DA CWODOW	NID OF THE P	DODOGER	A CIENTO A LITTER (
PLEASE PROVIDE A	NARRATIVI	E BACKGROU	ND OF THE P	ROPOSED .	AGENDA ITEM:
coextensive with their Board and Zoning Co	•		which they have	e been electe	ed or appointed. (Planning
	Five				
Attachments:	□YES	■NO	(check one	e)	
Attachments:  Date submitted:	□YES	■NO	(check one	e)	

Agenda requests must be submitted to East Helena City Hall by noon the Wednesday prior to the Tuesday council meeting.

#### CITY OF EAST HELENA 306 E MAIN ST / PO BOX 1170 EAST HELENA, MT 59635 (406) 227-5321

ORIGINAL COUNCIL MEETING DATE: 11/18/2025

Agenda item: Resolution No. 635 to	o Authorize S	Submittal c	of MCEP In:	frastructure Pla	nning Grant	
From:						
Robert Peccia & Ass	ociates					
Initiated by City:	<b>■</b> YES	□NO	(ch	eck one)		
Department: Public Works						
Presented by:						
Mayor Harris						
Action requested:						
Approve/Deny/Table						
PLEASE PROVIDE A	NARRATIV	E BACKGI	ROUND OF	THE PROPOSI	ED AGENDA ITEM:	
Attachments:						
Draft Resolution 635  Attachments:	S Authorizing  ■YES	g Submitta		EP Infrastructo	are Planning Grant	
Attachments.		Пио	(CII	cck one)		
Date submitted:						
RECOMMENDATION Approve for ag Referred to De Referred to	genda:	resolution:	□YES □YES □YES	□NO □NO □NO	Initial: 	

Agenda requests must be submitted to East Helena City Hall by noon the Wednesday prior to the Tuesday council meeting.

# RESOLUTION TO AUTHORIZE SUBMITTAL OF MCEP INFRASTRUCTURE PLANNING GRANT

#### Resolution No. 635

WHEREAS, the City of East Helena, Montana, is applying to the Montana Department of Commerce for financial assistance from the Montana Coal Endowment Program (MCEP) to complete the City of East Helena Wastewater System Master Plan;

WHEREAS, the City of East Helena has the legal jurisdiction and authority to construct, finance, operate, and maintain the City of East Helena's wastewater system facilities;

WHEREAS, the City of East Helena agrees to comply with all State laws and regulations and the requirements described in the MCEP Administrative Guidelines and Application for Infrastructure Planning Grants specifically, and those that will be described in the MCEP Project Administration Manual generally;

WHEREAS, the City of East Helena commits to provide the amount of matching funds as proposed in the MCEP application;

WHEREAS, the City of East Helena commits to provide any funding from other grant sources listed in the application budget if not awarded by those grant sources; and

That Kelly Harris, Mayor, is authorized to submit this application to the Montana Department of Commerce, on behalf of the City of East Helena, to act on its behalf and to provide such additional information as may be required.

Signed:	
Name: Kelly Harris Title: Mayor	
Date:	
Attested:	

#### CITY OF EAST HELENA 306 E MAIN ST / PO BOX 1170 EAST HELENA, MT 59635 (406) 227-5321

ORIGINAL COUNCIL MEETING DATE: 11/18/2025

Agenda item:						
Donation of 5-Acre	Parcel from M	IETG to th	e City of Ea	ast Helena		
From:						
Montana Environme	ntal Trust Gr	oup				
Initiated by City:	YES	□NO	(ch	eck one)		
, ,			·	ŕ		
Department:						
Public Works						
Presented by:						
Mayor Harris						
Action requested:						
Approve/Deny/Table						
PLEASE PROVIDE A	NARRATIV	E BACKGR	ROUND OF	THE PROPOSI	ED AGENDA ITEM:	
Requesting approval	l to effect the	donation o	of the 5-acre	e parcel from N	METG to the City for a	
new water tank with	a transfer ef	fective date	of Decem	ber 1st.		
A 44 - 1	D 1 (C.	1 XX	T1 D	1) C4:C4		
Attachments: Quitcl	aim Deed (Se	econa wate	er Tank Par	cei), Certificat	e of Survey	
Attachments:	YES	□NO	(ch	eck one)		
The state of the s						
Date submitted:						
RECOMMENDATION	ONS:				Initial:	
Approve for a			□YES	□NO	initial.	
Referred to Do	_	esolution:	□YES	□NO		
	ept. Head for r	csoludoll.	□ YES	□NO		
Referred to		<u>:</u>	LIES	LINU		

Agenda requests must be submitted to East Helena City Hall by noon the Wednesday prior to the Tuesday council meeting.

After Recording Return To: Alan F. McCormick Garlington, Lohn & Robinson, PLLP 350 Ryman, P.O. Box 7909 Missoula, MT 59807-7909

# **QUITCLAIM DEED** (Second Water Tank Parcel)

THIS INDENTURE ("Deed") is made this	day of	, 2025 ("Effective
Date"), between MONTANA ENVIRONMENTAI	L TRUST GROUP,	LLC, a Montana limited
liability company, of P.O. Box 1230, East Helena,	MT 59635 ("Granto	or"), and THE CITY OF
EAST HELENA, of P.O. Box 1170, East Helena, N	MT 59635 ("Grante	e'').

For valuable consideration, the receipt of which is hereby acknowledged, Grantor does hereby convey, remise, release and forever quitclaim unto Grantee and to its heirs, and assigns, all right, title and interest in and to the following described real estate (the "Property"), situated in the County of Lewis and Clark, State of Montana:

Tract A2-E1-D in Section 36, Townshi	p 10 North, Range 3 West, M.P.M., Lewis
and Clark County, Montana, as shown	on the Certificate of Survey filed under
Document No	_ in the office of the Clerk and Recorder of
Lewis and Clark County, Montana.	

The intent of this Deed is to convey a parcel to the Grantee for utility purposes.

TOGETHER WITH all the tenements, hereditaments, and appurtenances thereto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever as well in law as in equity, of Grantor, of, in or to the Property and every part and parcel thereof.

TO HAVE AND TO HOLD, all and singular the Property, with the appurtenances thereto unto Grantee, and to its successors and assigns forever.

RESERVING to Grantor (a) all oil, gas, and other minerals of any nature whatsoever, whether occurring a gaseous, liquid or solid state, and whether metalliferous, non-metalliferous,

hydrocarbon, or non-hydrocarbon, including, but not limited to oil, gas, coal, gold, silver, nickel, copper, iron, sand, gravel, bentonite and clay, without exception; (b) all water rights and ditch rights appurtenant to the Property of any nature whatsoever.

SUBJECT HOWEVER, in all instances to the terms and conditions of this Deed and to all covenants, restrictions, easements, encumbrances and other matters of record or fact or exception which an accurate survey or inspection of the Property would show, any present and future laws, including zoning restrictions, special assessments now and hereafter becoming a lien, and general real estate taxes for any year. The Property is further subject to certain restrictions, covenants and actions set out in the following documents: (a) that certain Consent Decree entered on April 6, 1998, in United States v. ASARCO Incorporated, as modified by that certain First Modification of Consent Decree entered on January 17, 2012, in United States v. Montana Environmental Trust Group, LLC (the "First Modification"), Civil Action No. CV 98-3-H-CCL (D. Mt.) ("RCRA Consent Decree"); (b) that certain Environmental Custodial Trust Agreement dated effective as of December 9, 2009, and recorded at Document No. 3179377, Book M41, Page 2776, records of Lewis & Clark County, Montana ("Trust Agreement"); (c) that certain Consent Decree and Settlement Agreement Regarding the Montana Sites filed on March 13, 2009 in the matter of *In re: Asarco LLC*, et al., Case No. 05-21207 (Bktcy. S.D. Tex.) ("Settlement Agreement"); (d) that certain Statement of Basis issued by the United States Environmental Protection Agency ("USEPA") dated July 10, 2020 (the "Statement of Basis"); and (e) those certain Regulations Governing Soil Displacement and Disposal in the East Helena Superfund Area in Lewis and Clark County, Montana (the "Soil Ordinance"). In addition, Grantor reserves the rights and imposes the restrictions set forth on the attached Exhibit A which are incorporated by this reference, which run with the land and which are binding on and accepted by Grantee and all parties claiming under Grantee.

Subject to the forgoing, this Deed releases all interest acquired by Grantor in and to the Property from the date hereof, through and including the date of recording.

Signatures on Following Page

#### **GRANTOR:**

Montana Environmental Trust Group, LLC, not individually but solely in its representative capacity as Trustee of the Montana Environmental Custodial Trust By: Greenfield Environmental Trust Group, Inc., Member

By:
Name: Cynthia Brooks
Title: President
GRANTEE:
The City of East Helena, Montana
By:
Name: Kelly Harris
Title: Mayor

State of Massachusetts	
State of Massachusetts  County of Middlesex	) ss. )
identification, which was a M signed on the preceding docu stated purpose as President o	, 2025, before me, the undersigned notary public, Brooks, proved to me through satisfactory evidence of Iassachusetts driver's license, to be the person whose name is ment, and acknowledged to me that she signed it voluntarily for its f Greenfield Environmental Trust Group, Inc., Member of Montana LLC, Trustee of the Montana Environmental Custodial Trust.
	Notary Public Name: My commission expires:
State of Montana	) ) ss.
County of Lewis and Clark	)
personally known, who, bein	, 2025, before me appeared Kelly Harris, to me g by me duly sworn, did say that he is the Mayor of the City of East wledged said instrument to be the free act and deed of said City.
IN WITNESS WHER day and year first above writt	EEOF, I have hereunto set my hand and affixed my official seal, the ten.
	Notary Public
	Name: My commission expires:
	iviy commission expires:

#### **EXHIBIT A**

#### RESERVATIONS AND RESTRICTIVE COVENANTS

Grantor reserves the following rights and imposes the following restrictive covenants shall be deemed to run with the land.

- 1. Reservation and Grant of Easement. Grantor reserves all rights to enter upon and use such portions of the Property in order for Grantor to comply with applicable laws, including actions in furtherance of the corrective and remedial actions. Grantee grants to Grantor and its contractors, certified professionals, the United States and the State of Montana ("Beneficiaries"), and to the USEPA and the Montana Department of Environmental Quality ("MDEQ") (and their respective agencies, departments, officers, employees, representatives, and agents), and all of their respective successors and assigns (collectively, "Grantor Parties"), for the benefit of the Grantor Parties, a perpetual, nonexclusive access right and easement ("Easement") on, over, under and across the Property for the purpose of undertaking any Environmental Actions (as defined in Section 1.1.20 of the Trust Agreement) ("Environmental Actions") or environmental remediation work, including the right to make such inspections as may be necessary or appropriate in connection with the work. This right of inspection shall include the right of Grantor to inspect and sample any water well installed or controlled by Grantee on the Property or on any property owned by Grantee, and the right of Grantor to install and monitor wells on the Property at Grantor's sole expense. Grantor may collect physical samples and use any data during such tests that Grantor deems appropriate. Grantor shall use reasonable efforts to coordinate any such tests in a manner that does not interfere with Grantee's business operations. Grantor also agrees to provide copies of information, data or study results related to the property access to the Grantee upon Grantee's reasonable request.
- 2. Grantee's Use of the Property. Grantee's use of the Property shall be limited to public utility purposes, and no other purpose without the prior written consent of Grantor, or Grantor's authorized successor or assign, and the Beneficiaries. In the event Grantee ceases to use the Property as a utility site, as described in Mont. Code Ann.§ 76-3-201(1)(h) (2013), without proper consent, ownership of the property shall revert to Grantor. Notwithstanding anything in this Agreement to the contrary, the Grantee shall not perform or engage in any activity on the Property which affects or interferes in any way with Grantor's use of its property in East Helena or otherwise impacts or affects Grantor's obligations under the Settlement Agreement, the Trust Agreement, the RCRA Consent Decree, or any other administrative order, corrective action requirement, or any law, rule, regulation, code, by-law, statute or decision, including, without limitation, all laws relating to protection of human health and the environment, including but not limited to CERCLA, RCRA and all laws pertaining to stormwater management.

#### 3. Environmental Conditions.

- a. <u>Soil Management</u>. All soils disturbed by Grantee shall be managed consistent with the terms of the Statement of Basis, the Soil Ordinance, and all other applicable federal, state, or local laws, statutes, ordinances, regulations, judgments, and orders and the common law, including the law of strict liability and the law of abnormally dangerous activities ("Laws"), including all Environmental Laws, as defined herein. Grantee shall refrain from use of the Property in any manner that would interfere with or adversely affect the implementation, integrity, or protectiveness of the remedy specified in the Statement of Basis or any Laws, including Environmental Laws.
- b. Condition of the Property. Grantor makes no representations, warranties or covenants of any kind, express or implied, with respect to the Property, including the environmental condition of the Property or the Property's compliance with Environmental Laws (as defined hereafter) or any other matter affecting or pertaining to the Property (including warranties of habitability, warranties of merchantability and/or of fitness for a particular purpose). Grantee hereby assumes, and shall be solely responsible for, all environmental matters affecting or arising in connection with the Property, including, without limitation, the Property's compliance with all Environmental Laws and the presence of any Hazardous Substances (as defined hereafter), if any, on, in, under, or migrating from or otherwise attributable to the Property, and all costs associated with operation and maintenance measures, if any, pertaining to the Property designed to maintain a remedy or Environmental Action to ensure that the remedy or action remains protective of human health and the environment. Without limitation of the foregoing, Grantee shall, at its sole cost and expense and without deductions, adjustments or offsets of any kind, assume and be fully and unconditionally responsible for remediating the Property to the cleanup standard required for its intended use as set forth in the Statement of Basis and pursuant to work plans approved by the USEPA, in compliance with all applicable federal, state, and local laws, statutes, ordinances, regulations, judgments, orders, permitting and licensing requirements, including, without limitation, Environmental Laws. "Environmental Laws" means any past, present, or future Laws relating to environmental matters, including, without limitation, provisions pertaining to or regulating air pollution, water pollution, noise control, wetlands, watercourses, wildlife, Hazardous Substances, or any other activities or conditions which impact or relate to the environment or nature. "Hazardous Substances" means any hazardous waste, hazardous substance or material, as defined under any Environmental Law or any pollutant, contaminant, radioactive or biological material or waste, or petroleum or petroleum related products or waste.
- c. <u>Release</u>. Grantee, for Grantee and Grantee's successors and assigns, including, without limitation, each present and future fee owner, ground lessee, and tenant of all or any portion of the Property (collectively, "Releasors") hereby releases, remises and forever discharges Grantor, the Montana Environmental Trust Group,

LLC, Greenfield Environmental Trust Group, Inc. (and each of their respective officers, directors, shareholders, partners, employees, members, agents and representatives), the Beneficiaries, and the respective officers, directors, shareholders, partners, employees, members, agents, representatives, successors, and assigns of each of them ("Releasees") from and against, and irrevocably and unconditionally waive, all Claims (as defined below) and liability against the Releasees for or attributable to any and all losses, costs, claims, liabilities, expenses, demands, fees or obligations of any kind or nature whatsoever, whether known or unknown and foreseen or unforeseen, attributable to the environmental condition of the Property, whether arising or accruing before, on or after the Effective Date, and whether attributable to events or circumstances which have heretofore or may hereafter occur, including all losses, costs, claims, liabilities, expenses, demands, fees and obligations relating to the presence, discovery, release or removal of any Hazardous Substances in, at, under or about the Property. "Claim," as used herein, means all demands, actions, causes of action, suits, proceedings, covenants, contracts, agreements, damages, claims, counterclaims, third-party claims, cross claims, contribution claims, indemnity claims, executions, judgments, losses, penalties, obligations and liabilities whatsoever, of every name, kind, type, nature or description, in law or in equity, arising under federal, state or local law or other statute, law, regulation or rule of any kind, whether known, unknown, direct, indirect, absolute, contingent, disclosed, undisclosed or capable or incapable of detection.

- d. <u>Covenant Not to Sue</u>. Grantee, for itself and for each of the other Releasors, agrees that it and they will not institute any action, suit or proceeding, and will not implead, join, seek contribution or indemnification from, or otherwise involve Grantor or any Releasee in any action, suit or proceeding which has been or could be brought by or against any of the Releasees to the extent the same relates to or arises in any way out of the Property.
- e. <u>Indemnity</u>. Grantee agrees to indemnify and hold harmless Grantor from and against any and all Claims asserted by any third party arising out of or relating to the Property.
- f. Remediation and Institutional Controls. Grantee acknowledges that Grantor is responsible for conducting certain Environmental Actions. Grantee will cooperate with the Grantor in connection with the Environmental Actions to the extent they affect the Property. Grantee also shall execute all documents necessary to record in the appropriate real property records a restriction on future use or other institutional controls on those areas of the Property where such restrictions are required by any Beneficiaries, or any governmental authority in accordance with applicable law.
- g. <u>Groundwater Protection</u>. Grantee covenants and agrees that no groundwater production well or groundwater injection well shall be installed or operated on the Property without the consent of Grantor and/or USEPA for so long as

Environmental Actions at the RCRA facility or CERCLA site are not complete, and that all permits and authorizations otherwise required by law for such wells are obtained prior to installation and operation.

4. <u>Conveyance Restriction</u>. To the maximum extent allowed by law, Grantee may not sell or otherwise convey any interest in the Property without the prior written consent of Grantee, the United States and the State of Montana.

1196.00' 031'44'50" N51'47'54"E 662.70 CERTIFIED CORNER RECORDATION CAMU CORRECTIVE ACTION MANAGEMENT UNIT C.C.R. 662.70'(R)

> THE HEE MAN STAHLY ENGINEERING & ASSOCIATES PROFESSIONAL ENGINEERS & SURVEYORS STAHLY www.seaeng.com

> > BOZEMAN

CERTIFICATE OF SURVEY

YELLOW PLASTIC CAP

RED PLASTIC CAP

C.O.S.

YPC

3530 CENTENNIAL DR. HELENA, MT 59601

COUNTY: LEWIS & CLARK XX XX 3W = 36 10N PRINCIPAL MERIDIAN.  $\blacksquare$ 

CHECKED: MTN

7/31/2025

3 OF 3

**CERTIFICATE OF SURVEY**