

NUTRIENT WORK GROUP MEETING SUMMARY

DECEMBER 7, 2020

1:30 p.m.

Zoom Meeting

Present:

Aaron Losing – Kalispell WWTP
Amanda McInnis
Beth Schrayshuen
Brian Heaston – City of Bozeman
Coralynn Revis – HDR
Craig Pozega – Great West Engineering
Dave Galt – Montana Petroleum Association
Geetha Kothandaraman – ExxonMobil Corporation
Guy Alsentzer – Upper Missouri Waterkeeper
Jennifer Reed
Joe Lierow – ExxonMobil
Karen Sanchez – USDA Rural Development
Kelly Lynch – Montana League of Cities and Towns
Ken Demmons – HDR
Matt Wolfe
Paul Skubinna – Great Falls Public Works
Raylee Honeycutt – Montana Stockgrowers Association
Rebecca Boslough – Montana Association of Conservation Districts
Ricky Schultz – HDR Engineering
Rika Lashley – Morrison-Maierle
Ron Kuhler
Ryan Leland – City of Helena
Ryan Sudbury – City of Missoula
Scott Buecker – AE2S
Shawn Kohtz – City of Bozeman
Susie Turner – City of Kalispell
Tammy Johnson – Montana Mining Association

Department of Environmental Quality (DEQ) Staff Present:

Tim Davis – Water Quality Division Administrator
Kurt Moser – Attorney Specialist
Galen Steffens – Water Quality Planning Bureau Chief
Jon Kenning – Water Protection Bureau Chief
Myla Kelly – Water Quality Standards and Modeling Section Supervisor
Rainie DeVaney – Surface Water Permitting Section Supervisor
Darrin Kron – Monitoring and Assessment Section Supervisor
Michael Suplee – Water Quality Standards and Modeling Section
Christina Staten – Watershed Protection Section
Amelia Flannery – Surface Water Permitting Section
Christine Weaver – Surface Water Permitting Section

Haley Sir – Surface Water Permitting Section
Hannah New – Surface Water Permitting Section
Heather Henry – Surface Water Permitting Section
Jeff Blend – Energy Bureau
Joanna McLaughlin – Surface Water Permitting Section
Josh Viall – Compliance and Technical Assistance Section
Kayla Glossner – Surface Water Permitting Section
Maya Rao – Surface Water Permitting Section
Melinda Horne – Surface Water Permitting Section

Christina Staten, the meeting facilitator, initiated the Zoom meeting at 1:31 p.m.

REVISIONS TO CIRCULAR DEQ-12B AND RULEMAKING STATUS

Tim Davis gave an overview of where the Department is in the rulemaking process, in response to the Court Ordered revisions to Department Circular DEQ-12B, Nutrient Standards Variances. Tim stated that several suggested revisions were received from Nutrient Work Group members, which were reviewed and discussed; however, there is not enough time to make significant changes to Circular DEQ-12B. Therefore, the Department is staying with the 2019 version of Circular DEQ 12-B as the basic framework for rulemaking.

Michael Suplee then showed the proposed revisions to Circular DEQ-12B. A copy of the Circular with the proposed changes was provided to the Nutrient Work Group listserv prior to the meeting and also posted on the Nutrient Work Group webpage at: <http://deq.mt.gov/Water/Resources/nutrientworkgroup>. Notably, the 36 facilities that EPA approved for the general variance have been added as an appendix. Other proposed revisions are changes to dates for triennial reviews and a statement was added to page 7 regarding implementation of compliance schedules.

Discussion

Tim Davis noted that on page 6, the date for completion of lagoon performance reviews needs to be changed from 2020 to 2022. Tim also stated that the Department was unable to complete the reviews this year due to the pandemic. Michael Suplee noted he would update the circular to 2022.

It was asked whether the 2020 triennial review date in regard to implementing pilot studies for lagoon systems at the top of page 6 needs to be edited. Michael responded that the pilot studies were implemented in 2016 – some are starting to wrap-up and some new ones are beginning. Therefore, this first bullet is correctly worded and will not be changed.

It was also asked if the 2034 date in Endnote 6, on page 12, should be extended. Michael responded that this date will not be changed.

The Upper Missouri Waterkeeper expressed concerns that the small number of changes proposed to the Circular do not amount to a substantive shifting of the needle, and the proposed changes look similar to what was previously disapproved by EPA. Further, it appears that more than a year of time will pass without meaningful upgrades, when clear opportunities to push the needle exist to look at a highest attainable condition that is more realistic, knowing that no community is going to be doing substantive upgrades more than once in 20-year spans without looking at some outside-the-box ideas. Keeping the

Circular as-is may result in a delay, and the Waterkeeper would like to have seen a little bit more progress in terms of meaningful movement for the highest attainable condition in the near-term, as well as what it means for the long-term – the Circular doesn't seem to provide this roadmap.

Tim Davis responded that the Department received, reviewed, and considered the Waterkeeper's written comments; however, there isn't sufficient time to make substantive changes to DEQ-12B. The document needs to be submitted to DEQ's Legal Unit tomorrow in order to keep the court-ordered timeline for rulemaking. The Department would otherwise certainly consider working through additional changes with the Nutrient Work Group if sufficient time existed. From the Department's perspective, the proposed changes are responsive to the Court's decision.

The meeting was ended at 1:53 p.m.