

**Notice of Public Hearing for Proposed Amendment of Rules on Water Quality Standards
Before the Board of Environmental Review and the Montana Department of Environmental Quality**

On May 31, 2017 at 9:00 a.m. the Department of Environmental Quality will hold a public hearing in room 111 of the Metcalf Building at 1520 E 6th Avenue, Helena, Montana to consider amendment of Administrative Rules of Montana (ARM) 17.30.660 pertaining to nutrient standards variances. The proposed amendments are necessary to adopt by reference several proposed changes to Department Circular DEQ-12B (DEQ-12B).

Variances from numeric nutrient standards are intended to prevent substantial and widespread economic impacts to Montana communities. DEQ-12B, the variance circular, was originally adopted in August 2014, and contains wastewater treatment requirements that came from statute (*see* 75-5-313(5)(b), MCA). This is the Department's first review of DEQ-12B's wastewater treatment requirements since its adoption. Statute requires a review of the circular every three years.

In between the time that the Department adopted DEQ-12B and today, the U.S. Environmental Protection Agency updated (in August 2015) its regulations regarding water quality standards variances. To comply with the new federal rules, wastewater treatment requirements in the circular must reflect the highest attainable condition.

Other proposed changes to DEQ-12B include addition of detailed instructions on how variances for permittees in the ≥ 1 million gallons per day (MGD) and < 1 MGD discharger categories are to be permitted; updates to the nutrient concentrations a permittee receiving a general variance is required to achieve as a monthly average, end of pipe; a change to the way permit limits are determined if the facility's discharge is better than the required concentrations listed in DEQ-12B; addition of a list of nine steps designed to bring permittees into compliance with the required concentrations listed in DEQ-12B as well as a requirement for the Department to establish a schedule for completion of the necessary steps; addition of a requirement for permittees to include a pollutant minimization program; and a requirement that the permittee will have to identify the time it will take to achieve the highest attainable condition and to submit a pollutant minimization plan once the highest attainable condition has been met. These changes are explained further in the notice of proposed amendment on the website provided below.

In 2014, the Department released an implementation guidance document. The guidance, "*Base Numeric Nutrient Standards Implementation Guidance Version 1.0*" (July 2014), provided more detail on how nutrient standards and variances were to be implemented. As part of this triennial review, the Department has also updated the document (now version 2.0, June 2017) to reflect changes in the way the Department is proposing to carry out the triennial review.

Additionally, the Department has prepared an economic analysis supplementing Section 3.0 of the technical report "*First Triennial Review of Base Numeric Nutrient Standards and Variances*" (April 2017). The supplemental economic analysis focuses on the costs to meet base numeric nutrient standards for communities and companies which are likely to need a variance in the next few years.

An electronic copy of the above-mentioned documents may be obtained at: <http://deq.mt.gov/Water/WQINFO/nutrientworkgroup>. Copies may also be obtained by calling Myla Kelly at (406) 444-3639 or emailing her at mkelly2@mt.gov.

The Department will make reasonable accommodations for individuals with disabilities who wish to participate in the hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Department no later than 5:00 p.m. May 24, 2017, to advise us of the nature of the accommodation that you need. Please contact Denise Hartman at Department of Environmental Quality, PO Box 200901, Helena, Montana 59620-0901; phone 406-444-2630; fax 406-444-4386 or email at dhartman2@mt.gov.

Written data, views, or arguments regarding the proposed rule amendments and changes to DEQ-12B may be submitted to Denise Hartman, Department of Environmental Quality, 1520 E Sixth Ave, PO Box 200901, Helena, Montana 59620-0901; 406-444-2630; fax 406-444-4386 or email at dhartman2@mt.gov no later than May 31, 2017 at 5:00 p.m. To be guaranteed consideration, mailed comments must be postmarked on or before this date.