

Statewide TMDL Advisory Group (STAG) Meeting Summary

February 24, 2014, 10:00 a.m. to 12:00 p.m.

Room 111, Metcalf Building, Helena, MT

Attendance:

Members

In room 111

Jay Bodner, MT Stock Growers Association
Stephen Granzow, Conservation District – East

On the Phone:

John Youngberg, Farming-Oriented Agriculture
Brian Sugden, Forestry
Doug Parker, Mining
Bruce Sims, Federal land Management Agencies

Participants

Present in room 111:

Dean Yashan, DEQ/PPA
Mark Bostrom, DEQ/PPA
Darrin Kron, DEQ/PPA
Robert Ray, DEQ/PPA
Eric Urban, DEQ/PPA
Sarah Norman, DEQ/PPA
Mark Ockey, DEQ/PPA
Jordan Tollefson, DEQ/PPA
Christian Schmidt, DEQ/PPA
Laura Andersen, DEQ/PPA
Ann McCauley, DEQ/PPA
Michael Pipp, DEQ/PPA
Paul Skubinna, DEQ/PCD
Jason Gildea, EPA

Joining by Phone:

Senator Chaz Vincent
Carrie Greeley, DEQ/PPA

John Youngberg called the meeting to order and there was a round of introductions of those in attendance in Room 111 and those joining via phone.

Progress Toward 2014 TMDL Completion Requirements

Dean Yashan went over the “Montana TMDL Project Areas & 2014 TMDL Completion Schedule” map ([Attachment 1](#); updated version), and the “TMDL Final Document Production Tracking” table ([Attachment 2](#)). As shown by Attachment 2, there were several TMDL documents at the public comment stage including the Kootenai – Fisher, Upper Clark Fork Phase 2, Little Blackfoot metals addendum, and the Clark Fork – Silver Bow Creek metals TMDLs. Completing all the TMDL projects within the tracking

table represents completion of all the necessary TMDLs to satisfy the lawsuit. The lawsuit required a minimum of 664 TMDLs completed between the latter part of 2011 and the end of 2014. DEQ and EPA will exceed this number with an estimated total of 700 completed TMDLs. Mark Bostrom noted that the Water Quality Planning Bureau has provided additional staff, as identified in Attachment 2, to write TMDLs and help ensure that the 2014 deadline is met.

Montana TMDL Priority Setting Methodology for Beyond 2014

Dean Yashan presented information from the attached handout on Montana's draft priority setting methodology for TMDL projects beyond 2014 ([Attachment 3](#)). This handout provides a proposed process for setting TMDL development priorities with a continued focus on the watershed approach using TMDL priority factors provided within state law (75-5-702). The process includes two steps, with Step 1 used to prioritize all watersheds and the associated waterbodies requiring TMDL development in each watershed. This Step 1 approach is consistent with how DEQ has normally pursued TMDL development for efficiency purposes and to meet lawsuit requirements. Step 2 would be used to increase the priority of an individual water body in an otherwise lower priority watershed. An example of a Step 2 application is the need to increase the priority of a waterbody with a permitted point source discharge in order to coordinate issuance of the surface water discharge permit with TMDL development.

A question was asked regarding TMDL development pace after meeting the 2014 deadline. Dean noted that TMDL development will still be a DEQ priority since there will still be more than 900 waterbody – pollutant combinations requiring TMDL development per the 2014 303(d) List. Because of the focus on collecting data and developing TMDLs toward lawsuit completion over the past several years, TMDL completion pace will likely be reduced in 2015 and 2016 since one to two years of data collection and assessment in new TMDL planning areas will be necessary prior to TMDL document completion.

There was a suggestion from Brian Sugden to provide a planning map showing where the remaining TMDL work is located throughout the state. DEQ agreed that a map like this would be beneficial and will develop this map to share with STAG members and other stakeholders.

Post-2014 TMDL Priority Projects

Dean Yashan provided a handout ([Attachment 4](#)) that identifies existing proposed DEQ post-2014 TMDL priorities along with a list of additional potential priority watersheds. This information is preceded by information on TMDL program goals and schedule considerations that link to the priority methodology within Attachment 3. The four proposed high priority TMDL projects along with key priority influencing factors are identified in Attachment 4 and summarized below:

- **Madison Watershed (17-25 TMDLs):** This is a watershed with high fishery resource value along with a high level of local and watershed group interest in TMDLs and water quality protection. DEQ Monitoring and Assessment personnel have collected data over the past few years to update assessments and help facilitate TMDL development.
- **Flathead Lake Phase II Nutrients (2 TMDLs):** This represents completion of Phase II of the nutrient TMDLs for Flathead Lake. DEQ and EPA have invested substantial time and resources toward development of a watershed model and refinement of the allocations from Phase I work. Flathead Lake has a high resource value, there is significant local interest in water quality protection, population growth is of concern, and there are several MPDES surface water discharge permits linked to TMDL wasteload allocations.
- **Tongue-Powder-Rosebud (20-40 TMDLs):** This area of Montana has remained a priority for water quality standards development and TMDL development for several years with significant

modeling and standards development effort to date. There is a high level of local interest in water quality protection along with concerns regarding coal bed methane and proposed coal mining projects. This includes a current high priority TMDL project within the Otter Creek watershed (tributary to the Tongue River).

- Musselshell (25 TMDLs): This is an area with a local interest in water quality protection and opportunities to link TMDL development with ongoing wetland program activities and recovery activities associated with recent Musselshell River flooding.

There was open discussion with STAG members regarding the currently identified priority TMDL locations, other potential priorities, and overall TMDL planning activity. The following provides a summary of key points provided by STAG membership:

- Stephen Granzow suggested consideration of the Red Rock area as a higher priority for TMDL development. He noted that there are several major landowners interested in conservation activities. DEQ noted that this area has a high number of waterbodies in need of TMDL development and is one of the few watersheds in the Upper Missouri basin where TMDL development has yet to occur. DEQ concurred that this is an area to consider initiation of TMDL development support work in the next few years.
- Doug Parker recommended considering Sheep Creek as a high priority for TMDL development based on mine exploration activities in the watershed. DEQ agreed that this type of development has the potential to increase the priority of Sheep Creek based on application of Step 2 within the Attachment 3 methodology.
- Doug Parker and additional STAG members identified the need for a two to five year strategic TMDL development plan for activities beyond 2014. This plan would integrate information from areas with high levels of potential growth and overlap with other program needs within the state. DEQ agreed to develop a two to five year plan and noted that the information within Attachments 3 and 4 are geared toward developing this type of plan. It was noted that this type of information would be helpful to show the court and others that there is a comprehensive TMDL program plan for the next several years beyond 2014.
- Darrin Kron of DEQ's Monitoring and Assessment Section noted that the monitoring group is planning work in the Musselshell watershed this coming season if this area remains a priority. Darrin noted that DEQ routinely works with and uses data from the Forest Service, FWP, and other entities and that they also contact local resources including conservation districts and interested parties to solicit information when they are working in an area. Their monitoring and assessment activity is a critical component that occurs one to two years prior to TMDL development in an area as noted in Attachment 4.

After discussion regarding monitoring needs and associated planning for post-2014 project areas, the STAG voted to endorse the Madison Watershed, Flathead Lake Phase II, Tongue-Powder-Rosebud, and Musselshell project areas as post-2014 TMDL development priorities.

Additional Discussion Topics

A few additional TMDL topics were discussed as follows:

- EPA's ongoing and future role in TMDL development was discussed. Jason Gildea noted that the EPA Montana office is actively involved with all aspects of TMDL development in Montana including TMDL development, document review, and oversight on contracts for TMDL development and modeling support. Jason noted that many aspects of the Montana TMDL

program serve as a programmatic role model within Region 8 and possibly throughout the United States. Beyond 2014, EPA will focus less on supporting DEQ TMDL development and likely focus more on working with tribes and supporting other Clean Water Act programs.

- Brian Sugden expressed concern over nutrient impairment determinations for streams in the Thompson TMDL project area. Brian noted that although the nutrient concentrations were below target levels but DEQ still identified the streams as nutrient impaired based on only occasional exceedances of biological metrics. DEQ noted that the nutrient targets link to avoiding undesirable biological conditions. When certain biologic indicators, such as excess algal growth, are not met, then it is difficult to justify removing a nutrient impairment determination without further data collection. Since TMDL development must be completed in the Thompson area this year (2014), additional data collection prior to TMDL development is not practicable. In the future (post 2014), there likely will be increased data collection and source assessment to increase the certainty for nutrient impairment determinations. Brian suggested that DEQ review and possibly modify the nutrient assessment methodology to avoid these situations where occasional exceedances of biological metrics trumps the numeric criteria.

Summary and Future Meetings

The following actions will be pursued by DEQ based on STAG recommendations and overall TMDL priority development needs:

- DEQ will develop a summary map showing the number of remaining TMDLs per watershed for post-2014 work based on the 2014 303(d) List. This map will be made available to STAG members and other stakeholders.
- DEQ will develop a 2-5 year TMDL development strategy for STAG review and comment. This will help facilitate future STAG meetings where TMDL priority setting is a topic. The goal is to provide this information for STAG input prior to presenting the information to the Environmental Quality Council (EQC) and Water Pollution Control Advisory Council (WPCAC). TMDL development will possibly be on the agenda for a middle of May EQC meeting and on the agenda for an upcoming WPCAC meeting.
- DEQ will coordinate with STAG members regarding the next meeting time and agenda.

John Youngberg asked for public comment and received none before adjourning the meeting.

Attachments and links:

- **Attachment 1** – Montana TMDL Project Areas & 2014 TMDL Completion Map (http://deq.mt.gov/wqinfo/TMDL/STAG/stag_tmdl/2014/February24/Attchmnt1TMDL_STATUS_map_123013.pdf)
- **Attachment 2** – TMDL Final Document Production Tracking (2-24-14-b) (http://deq.mt.gov/wqinfo/TMDL/STAG/stag_tmdl/2014/February24/Attchmnt2TMDL_Sched_24_1STAG.pdf)
- **Attachment 3** – Montana TMDL Priority Setting Methodology for Beyond 2014 (Draft: 2/21/14) (http://deq.mt.gov/wqinfo/TMDL/STAG/stag_tmdl/2014/February24/Attchmnt3StateLaw_TMDL_Priority_Method.pdf)
- **Attachment 4** – TMDL Post – 2014 Prioritization (Draft: 2/21/14) (http://deq.mt.gov/wqinfo/TMDL/STAG/stag_tmdl/2014/February24/Attchmnt4TMDL_Prior_Post2014.pdf)