

Statewide TMDL Advisory Group Meeting Summary
November 15, 2013
Room 111, Metcalf Building
Helena, MT

ATTENDANCE

Present in room 111:

Members:

Bruce Simms	Federal Land Management Agencies
Doug Parker	Mining
Christine Brick	Conservation/Environmental Interests
Stephen Granzgow	Conservation District Supervisors- East
Dean Sirucek	Conservation District Supervisors-West

DEQ Staff:

Dean Yashan	PPA/WQPB
Mark Bostrom	PPA/WQPB
Mindy McCarthy	PPA/WQPB
Eric Urban	PPA/WQPB
Darrin Kron	PPA/WQPB
Carrie Greeley	PPA/WQPB

Others:

Lisa Kusnierz	EPA
Peter Brumm	EPA

Joining by phone:

Members:

Brian Sugden	Forestry Industry
John Youngberg	Farming-Oriented Agriculture

Meeting called to order at 10:10 and a round of introductions was done.

MEMBER REPLACEMENT STATUS

An update of vacant STAG positions was given by Dean Yashan. The fishing related business and hydroelectric positions are vacant and there has been no response for nominees. Bruce Simms (Federal Land Management Agencies) will retire from the forest service around May 2014 and DEQ recently initiated the process of obtaining nominees to replace Bruce.

TMDL DEVELOPMENTS

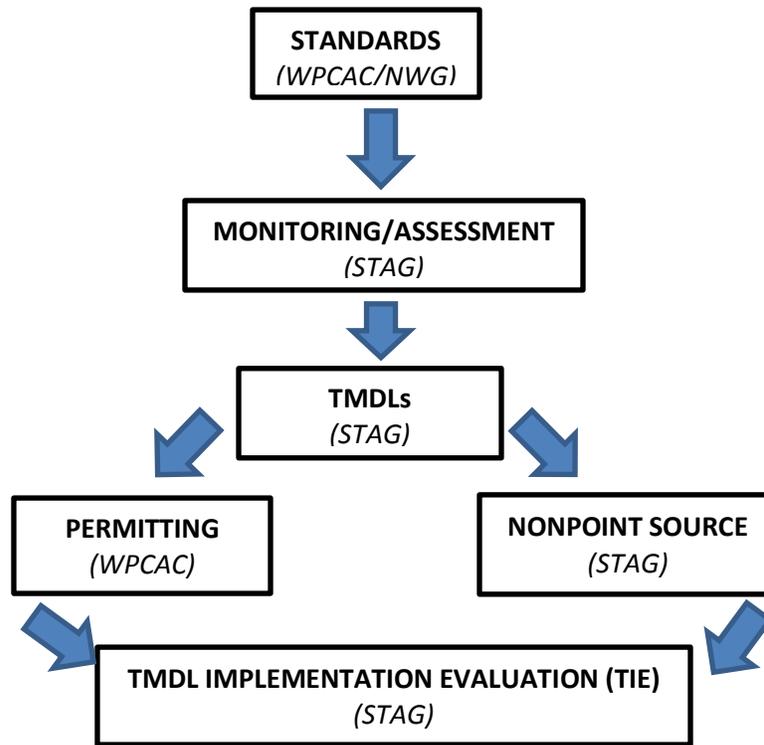
Dean Yashan went over a [handout of recent TMDL accomplishments](#). This includes EPA approval of 4 TMDL documents since the previous STAG meeting on September 9, 2013. Dean noted that there is a

DEQ website (wiki) (<http://montanatmdlflathead.pbworks.com/w/page/21641082/TMDL%20Home>) that provides updates for most TMDL projects actively in progress.

STATEWIDE TMDL ADVISORY GROUP (STAG) ROLES AND FUTURE INTERACTIONS

STAG Roles Relative to Other Advisory Groups

Mark Bostrom led a discussion on the roles of STAG and the Department's advisory groups that appear to have similar or potentially overlapping roles. In addition to the STAG, these include the Water Pollution Control Advisory Council (WPCAC) and the Nutrient Work Group (NWG). Mark provided the below diagram of water quality process steps and linkages to the three advisory groups.



Mark opened up discussion on the possibility of consolidating the advisory groups, particularly STAG and WPCAC, and noted that DEQ could pursue some level of consolidation in the next legislative session if the STAG and WPCAC were interested.

In the discussion that followed, STAG members determined that they would like to continue as a separate advisory group from WPCAC, although closer coordination with WPCAC was an agreed upon course of action. Several of the points provided by STAG members during the discussion include:

- The STAG can provide an advisory role toward most of the water quality process steps from beginning to end as noted in the above figure.
- STAG includes members not included within WPCAC. For example forestry is represented in STAG and not in WPCAC. STAG also includes more industry-oriented members as intended via legislation.
- The WPCAC has very specific roles including review of rules before they are submitted to the Board of Environmental Review (BER) for adoption. WPCAC tends to focus on water quality

standards and point sources. The STAG typically focuses on nonpoint source issues and have the type of representation to effectively do so.

- STAG member selection is based on nominations from their fields and their peers decide on a member. WPCAC is by nominations to the governor and the governor decides on the members.
- Now that the TMDL lawsuit is nearing completion, the STAG can have a more meaningful role with more opportunity to provide advice consistent with the intent of state law. This may increase interest in STAG member participation and help with efforts to fill vacant positions.

Several ideas to facilitate closer coordination between STAG and WPCAC were presented. These include:

- Meetings could be coordinated within the same day or same two day period to facilitate more participation between the groups and reduce travel for those that would normally attend both meetings.
- There could be an annual meeting with both STAG and WPCAC members to go over topics of interest to both groups. This could lead to both groups working closely on certain issues in a way that could optimize available advisory group resources.

Discussion on STAG Roles as Defined in State Law

Mark Bostrom led this discussion on STAG roles. STAG roles are defined within various portions of 75-5-702 through 75-5-704, which were included in a [handout with the sections defining STAG roles](#) highlighted.

STAG consultation toward the development of a data management system and its application toward a refined list of impaired water bodies is defined under 75-5-702(5) and (6). STAG members agreed that this work has been adequately completed as intended by state law.

Under 75-5-702(7) and (8) STAG is provided a consultation role toward prioritizing water bodies for TMDL development. This is an area where STAG has had limited involvement because the TMDL lawsuit has essentially provided the framework for TMDL prioritization for more than a decade. Looking beyond 2014, the STAG has the opportunity to work more actively as an advisory group to the DEQ regarding TMDL priorities. It was noted that even after completion of the TMDL lawsuit in 2014, there will still be several hundred water body – pollutant combinations requiring TMDL development per Montana’s 303(d) list.

Under 75-5-703(7) STAG is provided a consultation role toward the development of a “monitoring program to assess the waters that are subject to the TMDL to determine whether compliance with water quality standards has been attained for a particular water body or whether the water body is no longer threatened.” Consistent with this role, DEQ has consulted with the STAG over the past few years regarding updated assessment methods for pollutants groups such as metals and nutrients. Although these assessment methods are typically applied prior to TMDL development to confirm impairment or non-impairment, these same methods are also used to evaluate compliance with water quality standards after completion of a TMDL.

There was discussion regarding the need to clarify the above STAG roles via modifications to state law. It was eventually determined that there was enough flexibility to allow informed STAG consultation on several key water quality process steps and that modifications to state law were not necessary at this time.

TMDL and Other Water Quality Planning Bureau Priorities

Mark Bostrom continued discussion on STAG roles and setting TMDL priorities. Mark noted that interpretation and proper application of water quality standards is the top Water Quality Planning Bureau priority. Standards represent the cornerstone for TMDL development as well as monitoring and assessment work. Some of the specific discussion points between Mark and STAG meeting attendees included:

- It will often make sense to prioritize standards refinement or development, as well as monitoring and assessment work out ahead of the TMDL development in priority areas to follow the logical water quality process flow per the above diagram.
- DEQ has a large number of completed TMDLs requiring review as defined under state law. These TMDL implementation evaluations are an important part of the implementation and overall water quality process feedback loop, and will involve assessing compliance with water quality standards. This will be a significant workload beyond 2014.
- There are a number of completed TMDLs that might benefit from an update. Processes, assessments and available science have changed over the years.
- Discharge permits and linkages to TMDL wasteload allocations is a likely area of increased Department coordination and a likely significant factor in determining future TMDL and other water quality priorities.
- Many of the eastern Montana waters require significant standards and assessment methodology work. This work needs to be integrated into TMDL and bureau priorities.
- Wetland program enhancement and integration into water quality planning represents an area with potential linkages to monitoring and standards.
- A key factor for setting TMDL priorities has been the level of stakeholder interest toward implementing the TMDL document. This factor has influenced where TMDLs have been or will be completed as part of the TMDL lawsuit resolution.
- DNRC and DEQ are looking at possible sharing of resources to promote projects that help conservation districts implement TMDLs. Reductions in federal funding will require identification of new resources to implement projects.
- Climate change could impact various water quality programs and priorities through time.
- Watershed groups and conservation districts involved with or interested in TMDL implementation can provide input for TMDL priorities along with STAG members and other entities within the state.

Mark noted that DEQ is defining and developing strategies and priorities that holistically incorporate all aspects of the water quality planning process steps from standards development through monitoring, TMDL development and implementation. These strategies and priorities will help define the bureau's water quality program beyond 2014 and there will be opportunities to obtain advisory group and other stakeholder inputs, particularly for priority setting. Ongoing process development work includes continued updates and refinements to assessment methodologies. Focus is on the need for updated temperature and eastern Montana (warm water streams) sediment methods.

Additionally, the DEQ routinely develops and updates a water quality monitoring strategy which links to TMDL prioritization as discussed above. Part of this monitoring strategy includes recent work in the Madison watershed based on stakeholder interests in defining impairment causes, assisting with TMDL development and then moving forward with implementation. The monitoring work in the Madison incorporates a risk-based approach that involves updated assessment work for all existing impairment causes while at the same time investigating other likely impairment conditions based on stakeholder inputs, professional observations, and land use patterns. The Madison, therefore, represents a TMDL priority watershed for post-2014 work. In addition to TMDL and related priority planning, other future STAG meeting topics could include a presentation of DEQ's monitoring strategy and details regarding the risk-based approach.

Next Steps

There was agreement that the DEQ provide a summary plan of TMDL development priorities and related Water Quality Planning Bureau priorities for STAG input. John Youngberg asked that DEQ provide this information by mid-January or early February in preparation for the next STAG meeting which could be scheduled for March. This and/or a subsequent STAG meeting could be coordinated with other advisory group meetings scheduled for the first half of 2014.

PUBLIC INPUT

John Youngberg asked for any public input and none were provided.

The meeting adjourned at 12:00