

**WATER POLLUTION CONTROL ADVISORY COUNCIL
TELECONFERENCE¹**

Friday July 26, 2019, 10:00 A.M.

AGENDA

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NOTE: Interested persons, members of the public, and the media are welcome to attend at the location stated above. Reasonable accommodations will be made for persons with disabilities who wish to participate in this meeting. Please contact Hannah Riedl by telephone (406-444-0549) or by e-mail (Hannah.Riedl@mt.gov) no later than 24 hours prior to the meeting to advise of the nature of the accommodation needed.

10:00	Call to Order	Trevor Selch
10:02	Approval of Agenda	Trevor Selch
<u>Action Items</u>		
10:05	Update to DEQ Circular 12B	Michael Suplee
10:55	<p>General Public Comment During this time, members of the public may comment on any public matter within the jurisdiction of the Council that is not otherwise on the meeting agenda. For items on this meeting agenda, time for public comment will be provided after Council discussion of each item.</p>	Trevor Selch
11:00	Agenda Items for Upcoming Meetings	Hannah Riedl
11:05	Adjourn	Trevor Selch

¹ For those who prefer to attend in person, you may join us in Metcalf Building Room 040 (1520 E. 6th St., Helena).



July 23, 2019

TO: Members of the Water Pollution Control Advisory Council & the public

FROM: Michael Suplee, Ph.D.

MEETING DATE: July 26, 2019

SUBJECT: Rulemaking for Circular DEQ-12B

ACTION REQUIRED BY COUNCIL:

Requesting a vote to proceed with rulemaking. This will be a Department rulemaking.

BACKGROUND:

On July 16, 2019, Judge Morris of the United State District Court in Great Falls, MT ordered the Department to complete rulemaking on Circular DEQ-12B within 120 days of his order. For this reason, the Department requested a special WPCAC meeting so that state rulemaking could be completed by November 8, 2019, a few days before the court-ordered deadline.

Further Background: In 2016, EPA was sued in federal court by Upper Missouri River Waterkeepers for having approved the Department's Circular DEQ-12B. Circular DEQ-12B describes a process whereby dischargers can receive a time-limited variance from numeric nutrient standards. The court order of July 16 essentially lays out the blueprint for how the court wants the Department to update the Circular, based on the courts findings and the arguments from all parties.

We will describe the changes proposed, how they mesh with the court order, and what the ramifications of the changes are to the regulated community.

RECOMMENDATION:

The Department recommends that WPCAC approve the action towards rulemaking on DEQ-12B.

Please contact us with any questions (Michael Suplee, Ph.D. – Metcalf Building P.O. Box 200901, Helena, MT 59620; 406.444.0831; msuplee@mt.gov