Montana DEQ Formal TMDL
Public Review and Stakeholder Notification Procedure

Montana Department of Environmental Quality
Water Quality Planning Bureau

Approvals:

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1.0 INITIAL PUBLIC REVIEW AND STAKEHOLDER NOTIFICATION STEPS (REFER TO TIMELINE)

1.1 Review

The **Planner** will finish the public review document and deliver it to **Administrative Support** to be formatted using the document guidance. It will then be converted to .pdf format by **Administrative Support** for posting on the web.

1.2 Public Review Planning

The **Planner** will set up a public meeting place, date, and time. Public review period should last at least 30 days. The public meeting should be near the beginning or middle of the public comment period.

1.3 Press Releases

Web Publishing and Newspapers—The **Planner** will write a press release[1] and send it to **DEQ Public Affairs Coordinator** for approval, web publishing, and distribution to newspapers and provide an electronic copy of the press release to **Administrative Support.**

Press Release in TMDL file—A copy of the press release will be printed out and put in the official TMDL file by **Administrative Support**.

Press Release Posted Online—Press releases will be posted on the website[2] by **DEQ Public Affairs Coordinator** shortly before or the day of the public comment start date.

Press Release to Litigants, STAG Members, and Interested Parties—Administrative Support will send press release by email to litigants[3], STAG members[4], and Interested Parties[5] the day of or shortly before the public comment period starts.

The **Planner** will identify TMDL planning area (TPA) stakeholders (including affected conservation districts) and email them the press release. The **Planner** needs to copy **Administrative Support** for updates/changes to the electronic file of the interested parties list.

[1] Example available at G:\WQP\TMDLPlanning\TMDL_Templates\Templates\PressReleaseExample.doc
[2] http://www.deq.mt.gov/press/index.asp
[3] Litigants list available at G:\WQP\Advisory Councils\STAG\TMDLPlaintiffList.xls
[4] STAG Members list available at G:\WQP\Advisory Councils\STAG\STAG.xls
[5] Interested Parties list available at G:\WQP\Advisory Councils\STAG\STAG Interested Parties.xls

1.4 Public Review Setup

Administrative Support will put TMDL public review document up on the following web pages the day of, or shortly before the public comment period starts.

- TMDL Public Comment web page[6] with links to this page on the following pages
  - DEQ Home page[7]
  - Water Quality Info Home page[8]
  - DEQ Public Comments page[9]

Administrative Support will put the public meeting information on the following web pages the day of, or shortly before the public comment period starts.

- TMDL Public Meeting web page[10] with a link to this page on the following pages
  - DEQ Public Meetings page[11]

1.7 Draft TMDL to Libraries

Administrative Support will burn the draft document to at least 7 compact discs. More may be made as determined by the **Planner.**

Draft to State Library—Administrative Support will send four CD copies of the public review draft TMDL to the State Library attention "Document Librarian" when the document gets posted on the web site for public comment review.

Draft to WQPB Library—Administrative Support will deliver a CD and hard copy to the WQPB Library with completed transmittal form (link). A copy will also be included, by the **Planner**, in the official TMDL file.

Draft to Other Libraries—Other libraries in or near the affected watershed should be sent a CD copy of the public review draft as determined by the **Planner** and the **Watershed Management Supervisor**.

[6] http://www.deq.mt.gov/wqinfo/TMDL/tmdlPublicComments.asp
[7] http://deq.mt.gov
[8] http://deq.mt.gov/wqinfo/index.asp
[9] http://deq.mt.gov/pubcom.asp
[10] http://deq.mt.gov/wqinfo/TMDL/tmdlPublicMeetings.asp
[11] http://deq.mt.gov/meetings.asp

2.0 TMDL PUBLIC COMMENT PERIOD

2.1 Public Comment Forms

During public meeting the **Planner** will bring TMDL Public Comment forms[12] to accept written comments.

Comment Forms—Comments handed to **Planner** at public meeting need to be copied to **Administrative Support** for inclusion in the spreadsheet mentioned in Section 2.4.

Verbal Comment—Planner must inform people at public meeting that verbal comment will not be accepted as formal comments. Example language at meeting: "If you have comments, send them via email to tmdlcomments@mt.gov or use the form and mail to 1520 East 6th Avenue. We will not be treating verbal comments as formal comments."

2.2 Request for Comment Period Extension

If there are requests to extend the comment period, the **Planner** will consult with the **Watershed Management Supervisor**.

Extension Denied—If the public comment period is not extended, the **Planner** will notify those requesting the extension of this denial.

Extension Granted—If the public comment period is extended, the **Planner** will write a press release[13] announcing the extension. The **Planner** will also provide an electronic copy of the press release to **Administrative Support**. **Lisa Peterson** will send out the press release notification of the extension and notify the person(s) requesting the extension. A copy of the press release extension notification will be printed and filed in the official TMDL file by **Administrative Support**. **Administrative Support** will e-mail the press release notification of the extension to the STAG members, litigants, and interested parties. The **Planner** will send notice to the TPA stakeholders (including affected conservation districts).

2.3 TMDL Comment Monitoring

Administrative Support will monitor TMDL comment email box to ensure that it does not become full and unable to accept new emails. All spam will be deleted regularly from this email box by **Administrative Support.**

The **Planner** will check TMDL comments email box[14], review all appropriate comments, and prepare responses for internal, peer, and management reviews as appropriate.

[12] Example available at G:\WQP\TMDLPlanning\TMDL_Templates\Templates\TMDLPublicCommentForm.xls
[13] Example available at G:\WQP\TMDLPlanning\TMDL_Templates\Templates\PressReleaseExtensionExample.doc
[14] Available in Outlook under Public Folders, All Public Folders, DEQ, TMDL Comments

2.4 Public Comment Organization

A spreadsheet[15] of public comments received via e-mail and hard copy will be developed at the end of the public comment period by **Administrative Support** (see **Section 3.0** for further directions).

Administrative Support will have all comments saved electronically in a folder[16] specifically for that TMDL and have a hard copy filed in the official TMDL file. If a comment was only sent in hard copy, **Administrative Support** will scan it into the computer and save it at the above location. (Once **Planner** has processed and finished with the comments in the TMDL comments email box, **Administrative Support** will ensure that old emails are saved to the appropriate electronic location and deleted from email inbox.)

Public Comment Received by Planner—All hard copy public comments received by the **Planner** will be given to **Administrative Support** when they are received to be recorded in the spreadsheet. These comments will then be returned to the **Planner** to be addressed as necessary.

Public Comment Received by Administrative Support—All hard copy public comments received by **Administrative Support** are to be recorded on the spreadsheet as they are received and given to the **Planner**.

[15] Available at G:\WQP\TMDLPlanning\TMDL_Templates\Templates\Letterfor_EPASubmitted
[16] G:\WQP\TMDLPlanning\TMDL_Templates\Templates\Letterfor_EPASubmitted

3.0 POST PUBLIC REVIEW AND STAKEHOLDER NOTIFICATION STEPS

3.1 Preparation of Final Draft Documents

Planner prepares new document version (which will go to EPA) with a new appendix[17] that details public comments and response to those comments.

3.1 Draft TMDL to EPA

Administrative Support will send a copy of the draft TMDL to the U.S. EPA for approval with a letter[18] signed by the **Planning, Prevention and Assistance Division Administrator.**

3.2 Notification Letters

Send out notification letters[19] as follows.

Commenter—Administrative Support will send a letter (from the **Watershed Management Supervisor**) informing commenter that the TMDL has been submitted to U.S. EPA for approval.

Litigants, STAG Members, and Interested Parties—Administrative Support will send an email (or letter as necessary) to the litigants[20], STAG members[21], and interested parties[22]

TPA Stakeholders (including affected conservation districts)—The **Planner** will send an email (or letter as necessary) informing significant participating TPA stakeholders (including affected conservation districts), work group members, and others that supported the production of the document that the TMDL has been submitted to U.S. EPA for approval. If working with a watershed coordinator, the **Planner** may choose to send this information to TPA stakeholders (including affected conservation districts) via the coordinator.

Personal Thank You Letters—Planners are encouraged to send out a formal personal thank you letter at their discretion. This letter should be from the **Planner** to major contributors to document development. **Planner** will work with **Administrative Support** staff to send out these letters. **NOTE: This letter may be sent out now or may be sent out after the TMDL has been approved by U.S. EPA, but do not send two thank you letters.**

3.3 Draft Copy Kept on File

Administrative Support will keep a copy of the draft TMDL (in the official TMDL file) that was sent to the EPA on file to make it available to the public and/or TPA stakeholders (including affected conservation districts) only if requested.

[17] Example available a
[18] Example available at G:\WQP\TMDLPlanning\TMDL_Templates\Templates\EPA_submittal_letter.doc
[19] Example available at G:\WQP\TMDLPlanning\TMDL_Templates\Templates\Letterfor_EPASubmitted
[20] Litigants list available at G:\WQP\Advisory Councils\STAG\TMDLPlaintiffList.xls
[21] STAG Members list available at G:\WQP\Advisory Councils\STAG\STAG.xls
[22] Interested Parties list available at G:\WQP\Advisory Councils\STAG\STAG Interested Parties.xls

4.0 FINAL PUBLIC AND STAKEHOLDER NOTIFICATION STEPS (POST EPA APPROVAL)

4.1 Publications and Graphics

Once the **Planner** has made all the necessary post-approval changes, the **Administrative Support** will have a hard copy of the approved, corrected TMDL sent to Publications and Graphics (P&G) to be available to those interested in purchasing a hard copy. **NOTE: Administrative Support** should refer to the process for making changes to an approved TMDL when any changes are made.

4.2 Final TMDL to Libraries

Final to State Library—Administrative Support will send four CD copies of the final approved, corrected TMDL with approval letter and attachments to the State Library attention "Document Librarian" with a note to replace any draft versions of this document with this copy.

Final to WQPB Library—Planner will deliver completed document to WQPB Library with transmittal or emails.

Final to Other Libraries—Other libraries in or near the affected watershed should be sent a CD copy of the final TMDL as determined by the **Planner** and the **Watershed Management Supervisor**.

4.3 Final Notification Letters

Administrative Support and **Planner** will send out notification letters[23] or emails ***as described below*** when document has been finalized and corrected. **Planner** and **Administrative Support** will use the same addresses that were used for the press release (**Section 1.3**). Once the letters have been sent, save the appropriate lists with the comments in the folder for that TMDL. **NOTE:** Letters will be sent with a CD copy of the TMDL, EPA approval letter, and attachments included. Emails will indicate how to obtain a hard copy of the document and where the TMDL is located on the internet.

Commenters—Administrative Support will send a letter (from the **Watershed Management Supervisor**) to commenter informing them that the TMDL has been approved and how to obtain a hard copy of the document.

Litigants, STAG members, and Other Interested Parties—Administrative Support will send an email (or letter as necessary) to all litigants[24], STAG members[25] and other interested parties as determined by **Planner** notifying them that the document has been approved and how to obtain a hard copy of the document. **NOTE:** These letters are only for those individuals or groups that have not already received a letter as a commenter or stakeholder per the above two bullets.

[23] Example available at G:\WQP\TMDLPlanning\TMDL_Templates\Templates\Letterfor_EPAApproved
[24] Litigants list available at G:\PPA\!address\TMDLPlaintiffList.xls
[25] STAG Members list available at G:\PPA\!address\Database\completed\advisory_councils\STAG.xls

TPA Stakeholders (including affected conservation districts)—Planner will send an email (or letter as necessary) to TPA stakeholders (including affected conservation districts) that did ***not*** formally comment informing them that the TMDL has been approved and how to obtain a hard copy of the document. The **Planner** is encouraged to send out a letter thanking major contributors for their participation and/or contributions as appropriate if a thank you letter has not already been sent. A copy will be sent to **Administrative Support** for inclusion in TMDL files.

4.4 Records of Letters Sent

Administrative Support will save a list of all the people who were sent a letter and any comments in an appropriate folder.

4.5 EPA Approval Letter

Approval letters will be given to **Administrative Support** for inclusion in the official "approval letter" file. The letters will be scanned and saved in .pdf format for publishing on the website.