Nutrient Work Group

August 24, 2022

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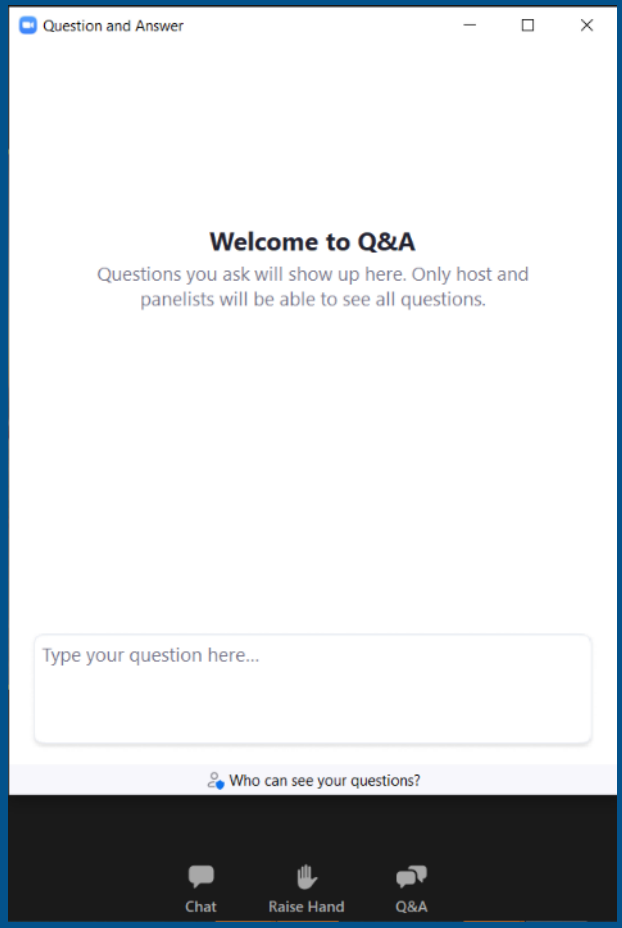
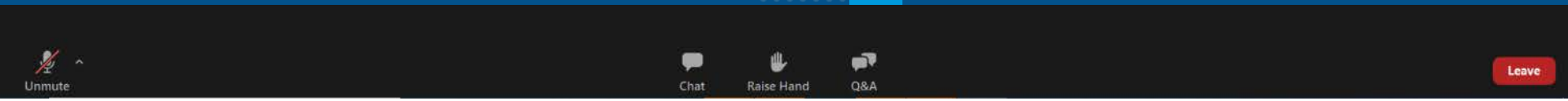
Welcome!

- This meeting has been converted to a webinar
- NWG members will be panelists
- Members of the public can raise their hand or use the Q&A feature to ask questions during the public comment portion of the meeting
- *9 raises your hand if you're on the phone
- State your name and affiliation before providing your comment





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Agenda

Meeting Goal: Discuss various updates and templates for an adaptive management plan

Preliminaries

- Nutrient Work Group Roll Call

DEQ Updates

- Variance Rulemaking
- DEQ Response to EPA Action Letter
- Update on AMP Rule and Circular Drafts
- Hiring Status of AMP Scientist

AMP Process

- Monitoring Plan and Implementation Plan Templates
- AMP – TMDL Relationship

Public Comment & Close of Meeting

- Public Comment & Next Meeting

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Roll Call

Nutrient Work Group Members

Interest Group	Representative	Substitute
Point Source Discharger: Large Municipal Systems (>1 MGD)	Louis Engels	
Point Source Discharger: Middle-Sized Mechanical Systems (<1 MGD)	Shannon Holmes	
Point Source Discharger: Small Municipal Systems with Lagoons	Rika Lashley	
Point Source Discharger: Non-POTW	Alan Olson	
Municipalities	Kelly Lynch	
Mining	Tammy Johnson	
Farming-Oriented Agriculture	Rachel Cone	
Livestock-Oriented Agriculture	Raylee Honeycutt	
Conservation Organization - Local	Kristin Gardner	
Conservation Organization – Regional	Sarah Zuzulock	
Conservation Organization – Statewide	David Brooks	
Environmental Advocacy Organization	Guy Alsentzer	
Water or Fishing-Based Recreation	Wade Fellin	
Federal Land Management Agencies	Andy Efta	
Federal Regulatory Agencies	Tina Laidlaw	
State Land Management Agencies	Jeff Schmalenberg	
Water Quality Districts / County Planning Departments	Nick Banish	
Soil & Water Conservation Districts – West of the Continental Divide	Samantha Tappenbeck	
Soil & Water Conservation Districts – East of the Continental Divide	Dan Rostad	
Wastewater Engineering Firms	Scott Buecker	
Timber Industry	Julia Altemus	

Variance Rulemaking Update

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Timeline for Variance Rule

- 45-day public comment period ended August 22, 2022
- Public hearing was held August 18, 2022

Next Steps:

- Department response to comments

- Department Head signs rule no later than September 27, 2022, rule filed no later than September 27, 2022

- Publishes by October 7, 2022

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DEQ Response to EPA Action Letter

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Update on AMP Rule and Circular Drafts

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Remaining Topics to Discuss

- AMP process
- TMDL – AMP interaction
- Addressing EPA's technical comments in August 2021 letter on response variables and thresholds
- Translation of the narrative for all CWA programs
- Reasonable potential analysis
- Nutrient assessment method process
- Protection of downstream uses
- Revised guidance document
- Final rule language
- Case study

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Hiring Status of AMP Scientist

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Draft AMP Templates

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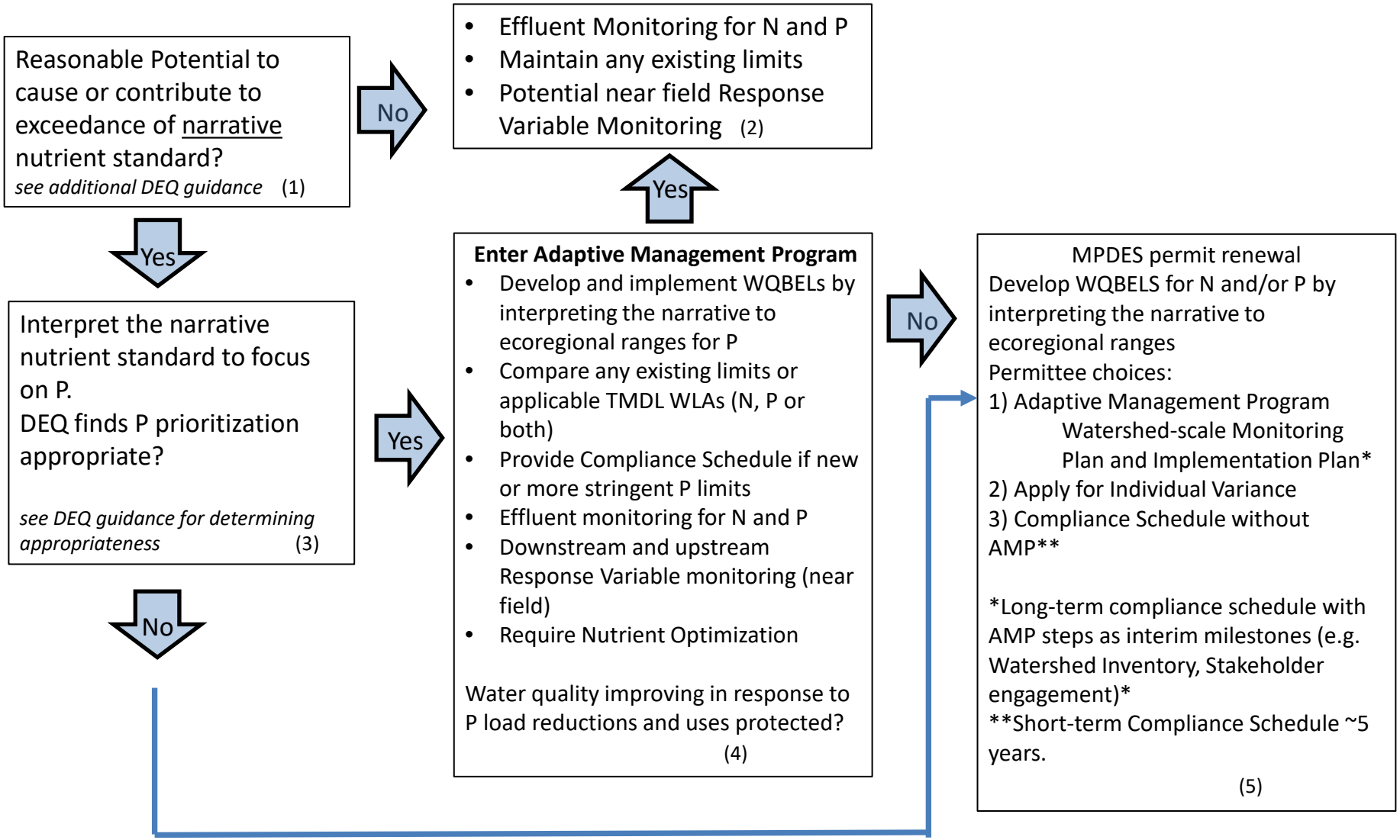
Publicly-owned Mechanical Facilities



Circular DEQ-15 Requirements

- Permittees operating under the phosphorus-focused phase of the adaptive management program are required to collect instream nutrients and response variables data.

- If the department finds that (1) phosphorus-focused control at the point source was unsuccessful in supporting beneficial uses and achieving the narrative nutrient standards, or (2) that phosphorus prioritization was not appropriate for the point source or receiving waterbody, the permittee must develop and execute an AMP Implementation Plan.

Monitoring Plan Elements

- AMP watershed identification and description
- Collection of nutrient concentration data during applicable index period (growing season)
- Collection of response variable data for applicable ecoregional zone
- Identification of near field and far field sampling sites
- Field procedures, sample handling and laboratory analysis, QA/QC, data management and analysis for collected parameters

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Implementation Plan Elements

1. AMP watershed identification and description
2. Identify, quantify, and characterize all sources of nutrient contributions in the AMP watershed
3. Identify partners
4. Identify load reduction goals and action items for reduction of nutrients in the watershed
5. Demonstration of ability to fund and implement the plan
6. Continued data collection
7. Timeline for completing above components and annual reporting
8. Outreach strategy and communication plan

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AMP – TMDL Relationship

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Document Types

- Total Maximum Daily Load (TMDL): Establishes allowable pollutant loading (WLA, LA, MOS) to meet beneficial uses
- Watershed Restoration Plan (WRP): Locally developed roadmap prioritizing NPS WQ improvement practices
- Alternative Restoration Plan (ARP): Locally driven restoration approach where sources are understood and project implementation is likely; may delay TMDL development
- Adaptive Management Plan (AMP): Watershed-specific tool developed under the adaptive management program to achieve narrative nutrient standards

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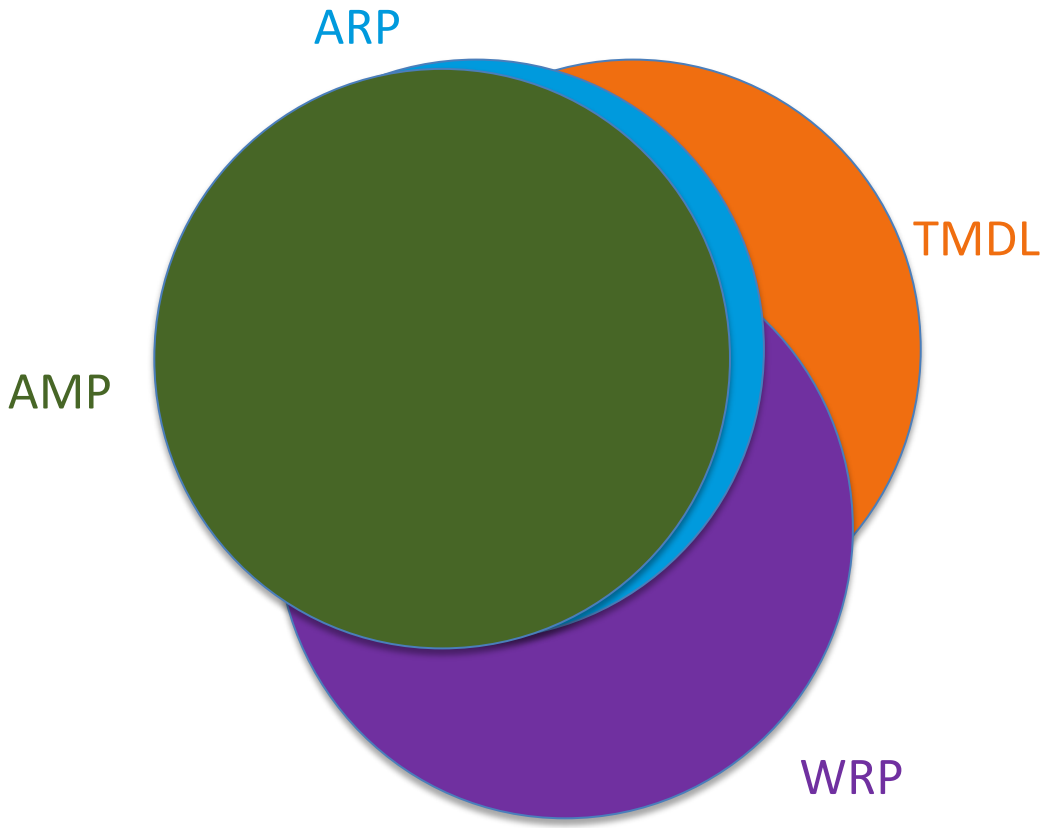
Relative Plan Overlap



Document Comparison

	TMDL	ARP	WRP	AMP (as proposed)
Document guidance/ review criteria	12 decision rationale, 40 CFR 130.7	8 Elements, 2013 Vision	9 Essential Elements, 2008 EPA handbook	SB 358, Proposed rule (9 imp. reqs.)
Key considerations	Source assessment, load & wasteload allocations, margin of safety, reasonable assurances	Sources & contribution estimates largely understood, funding sources ID'd, milestones	Similar to ARP, required for 319 fund eligibility, nonpoint source focus, often follows a TMDL	Similar to ARP, point source & nonpoint source
303(d) list impact	EPA-approved TMDLs change category	Could gain EPA measures credit, same category	Depends if a TMDL has been completed	Could gain EPA measures credit as ARP, same category
MPDES permit impact	Permit limits must be consistent with the assumptions and requirements of WLA	No MT examples; EPA assumes ARPs could be used to inform permit limits	No direct impact	MPDES permit updated to reflect AMP effluent limits

Document Comparison

TMDL Decision Rationale	Also present in:
1. Identification of Waterbody, Pollutant of Concern, Pollutant Sources, and Priority Ranking	*AMP, ARP, WRP
2. Description of Applicable WQS and Numeric WQ Target	AMP, ARP, WRP
3. Loading Capacity – Linking WQ and Pollutant Sources	AMP, ARP, WRP
4. Load Allocations*	AMP, ARP, WRP
5. Wasteload Allocations	
6. Margin of Safety	
7. Seasonal Variation	*AMP, ARP, WRP
8. Reasonable Assurances	
9. Monitoring Plan	AMP, ARP, WRP
10. Implementation	AMP, ARP, WRP
11. Public Participation	AMP, ARP, WRP
12. Submittal Letter	*AMP, ARP

AMP – ARP - TMDL Takeaways

- Proposed AMP could fit as an ARP in watersheds where a TMDL has not been completed
  - DEQ would approve AMP and submit to EPA as an ARP
- Recognized ARP would still need a TMDL in the future unless WQS/beneficial uses are achieved
  - Timeline for achievement is fluid, but progress should be re-evaluated regularly to determine if the TMDL priority should change
- A waterbody/pollutant combination with a recognized ARP would likely be ranked lower on DEQ's TMDL priority list due to on-the-ground efforts
  - To recognize on-the-ground activities
  - With consultation of Statewide TMDL Advisory Group (STAG)
  - This could change with new data, changing priorities, etc.
- Development of AMP/ARP would expand the reach of WQ improvement activities in MT

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PUBLIC COMMENT

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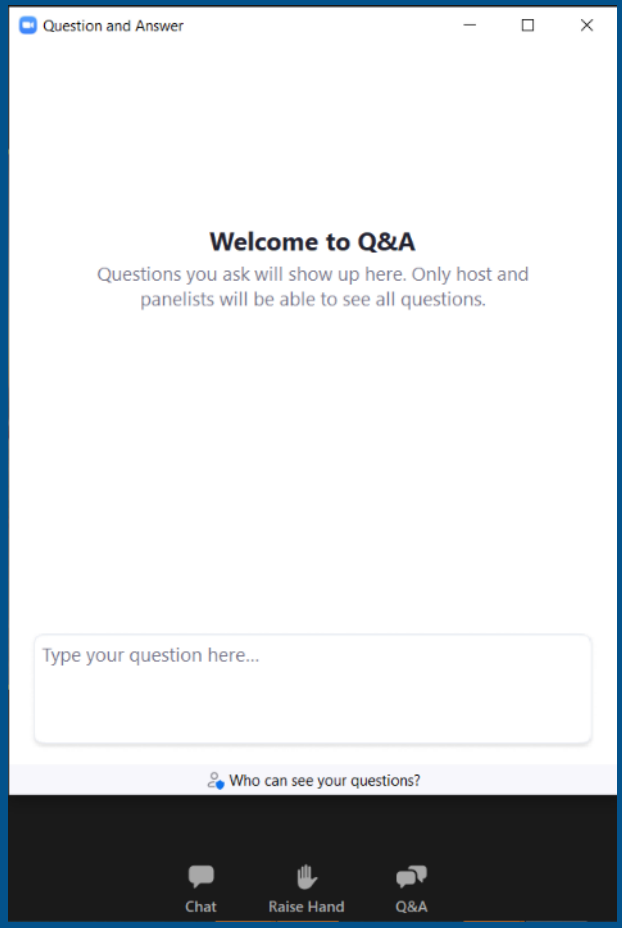
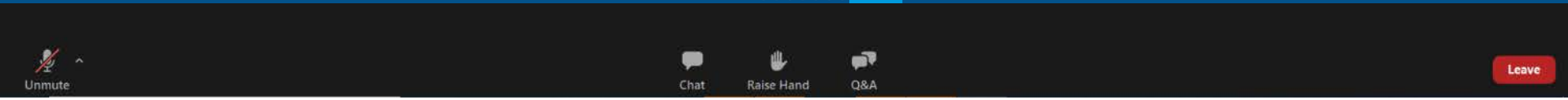
Questions/ Comments

- Raise hand (*9 if on the phone) or type questions into the Q&A
- DEQ will unmute you if you wish to provide your comment orally
- If calling by phone, press*6 to unmute
- State your name and affiliation before providing your comment





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Next Meeting

Next Meeting

- Wednesday, September 14, 2022, 9 – 11 a.m.

Thanks for Joining Us

Contact:
Christina Staten
CStaten@mt.gov

To submit comments or questions

Submit Comments or Questions

https://deq.mt.gov/water/Councils

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