

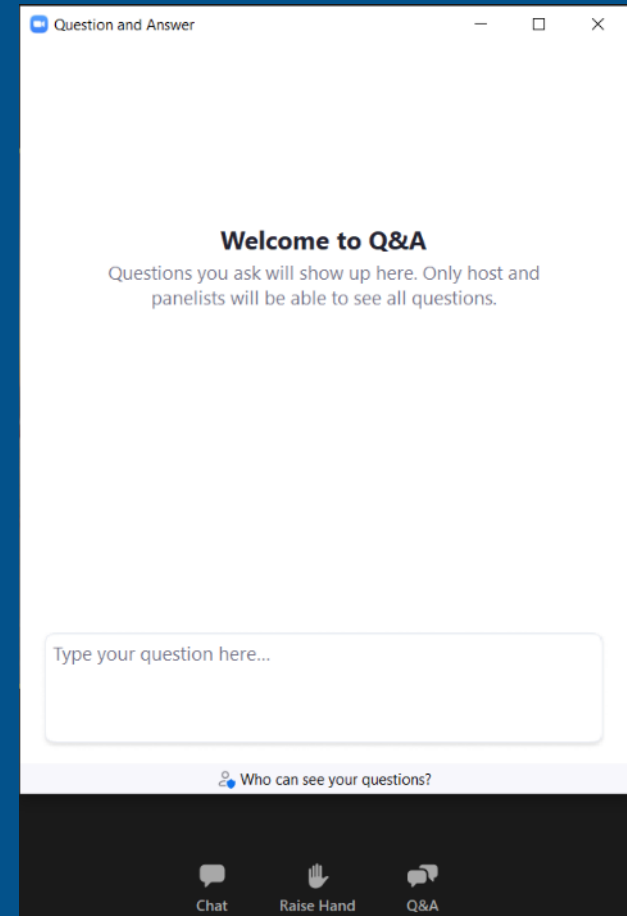


Nutrient Work Group

February 26, 2023

Welcome!

- This meeting is 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



Agenda

Meeting Goal: Discuss the new rulemaking timeline, reasonable potential analysis, and have a Q&A session to answer questions on the rulemaking documents.

Preliminaries

- Nutrient Work Group Roll Call

Rulemaking Timeline Update

Reasonable Potential Analysis

Rulemaking Documents Q&A

Public Comment & Close of Meeting

- Public comment

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	Matt Vincent	
Farming-Oriented Agriculture	Karli Johnson	
Livestock-Oriented Agriculture	Ellie Brighton	
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	Pete Cardinal	
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	



Rulemaking Timeline Update

2021 to 2023 - Conceptual review and initial drafting

November 14, 2023 - Final NWG meeting of 2023

December 5, 2023 - Provide materials to WPCAC

December 13, 2023 - Rulemaking presentation to WPCAC

January 16, 2024 - Rulemaking overview to WPIC

January 26, 2024 - Rulemaking update to WPCAC

March 8, 2024 – Revised rule package to NWG and WPCAC

March 15, 2024 - Rulemaking update to WPCAC

March 18, 2024 - Rulemaking overview to WPIC

April 16, 2024 - File proposal notice with SOS

April 26, 2024 - Proposal notice published in MAR

April 26 – June 10, 2024 - Public comment period

June 10, 2024 - Public hearing

Respond to comments; modify adoption notice

September 24, 2024 - File adoption notice with SOS

October 4, 2024 - Adoption notice published in MAR

RULEMAKING TIMELINE

* Dates subject to change

NWG = Nutrient Work
Group

WPCAC = Water Pollution
Control Advisory Council

WPIC = Water Policy
Interim Committee

SOS = Secretary of State

MAR = Montana
Administrative Record

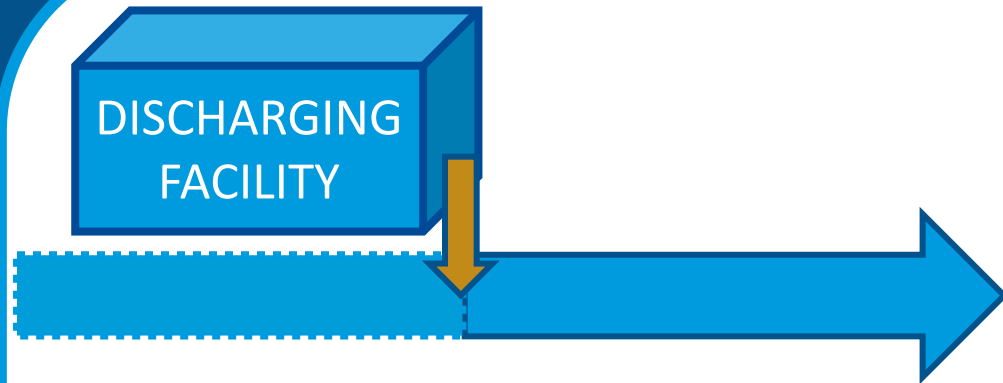




Reasonable Potential Analysis

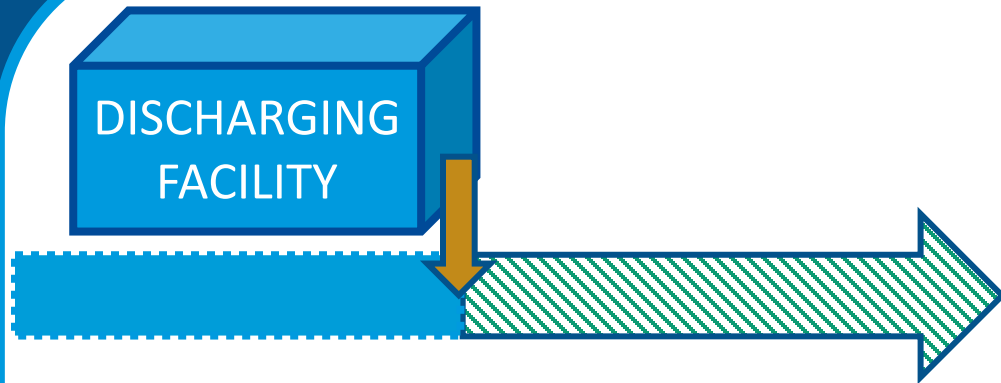
“Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level which will cause, have the **reasonable potential to cause, or contribute** to an excursion above any State water quality standard, including State narrative criteria for water quality.”

- 40 CFR 122.44(d)(1)(i)



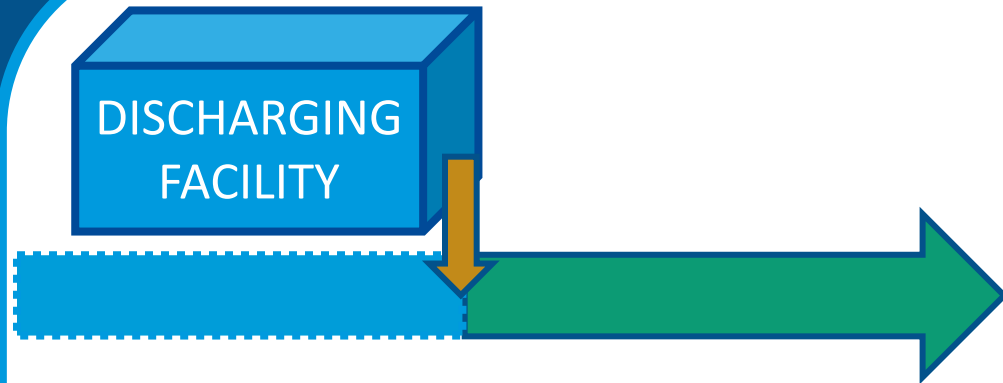
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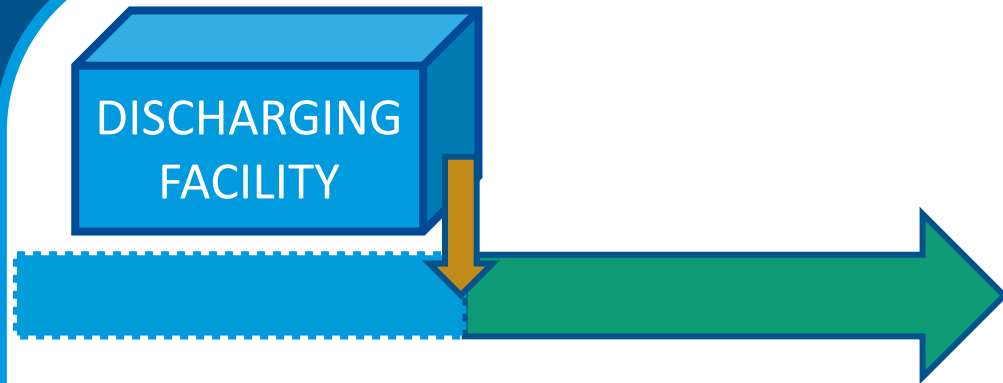
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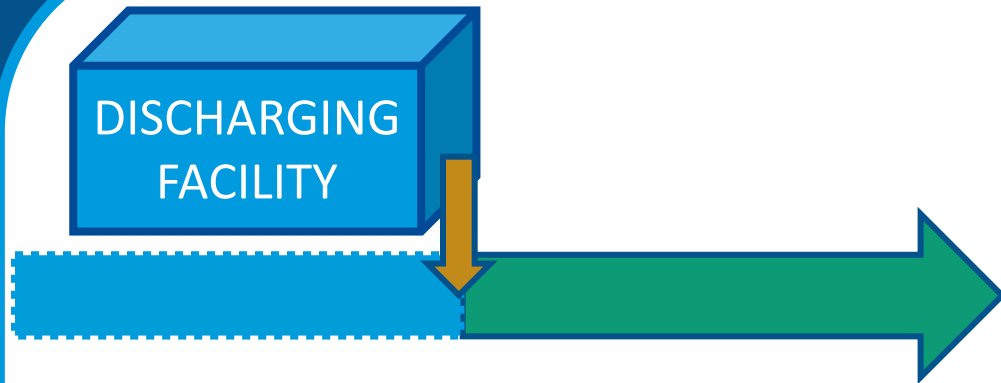


Quantitative RP, calculated using a mass-balance approach, with pre-established critical conditions:

$$C_s Q_s + C_e Q_e = C_d Q_d$$

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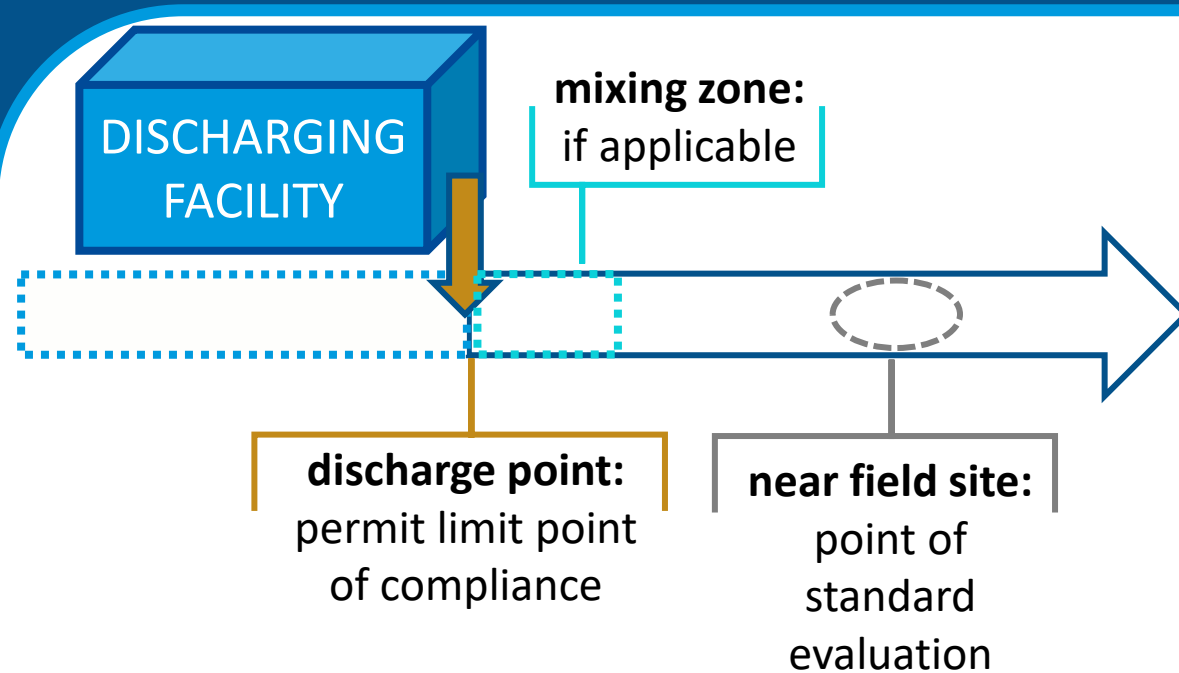
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Quantitative RP, calculated using a mass-balance approach, with pre-established critical conditions:

$$C_s Q_s + C_e Q_e = C_d Q_d$$

This approach is workable for **causal variables**, but not for **response variables**.



Ecoregion: 17. Middle Rockies

Stream Slope Zone: low valley & transitional, <1% slope

ER: 17 Middle Rockies, low valley & transitional, <1% slope

Beneficial Use and Applicable Zone			Causal Variable	Response Variable (threshold)			
Beneficial Use	Stream Slope Zone*	Macroinvertebrate Zone*	TP, TN (see ecoregional nutrient concentration ranges in Table 2-3)	DO Delta [†]	Benthic Chl _a ; AFDW	% filamentous algae bottom cover	Macroinvertebrates
Recreation	Western and transitional ecoregions, <u>all</u> stream/medium river water surface slopes	n/a	X		X (150 mg Chl _a /m ² ; 35 g AFDW/m ²)	X (30% cover)	
Aquatic Life	Western and transitional ecoregions, streams/medium rivers with ≤1% water surface slope	Low Valleys and Transitional ^a	X	X (3.0 mg DO/L)			X Beck's Biotic Index v3 (18.7)

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RECREATION CRITERIA

Benthic Chl-*a*:

<150 mg Chl-*a*/m²

AFDW:

35 g/ m²

% fil. algae cover

<30% cover

TN:

<980 µg/L

TP:

<60 µg/L

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RECREATION & AQUATIC LIFE CRITERIA

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FACILITY

~~RP for nutrients~~

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Recreation Criteria
Aquatic Life Criteria



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Recreation Criteria



Aquatic Life Criteria



*case where "cap at current" limit is appropriate,
site-specific standard may be warranted

DISCHARGING
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Recreation Criteria



Aquatic Life Criteria



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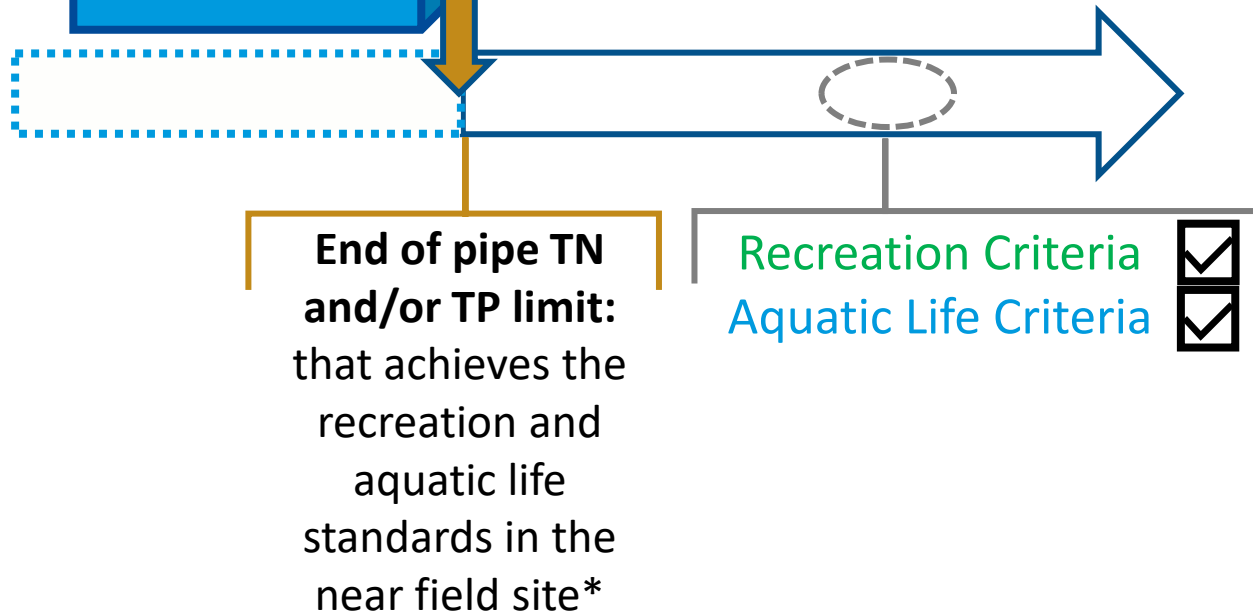


Recreation Criteria



Aquatic Life Criteria





*in combination with NPS projects, where applicable



Rulemaking Documents Q & A



Future NWG Meetings

Future NWG Meetings

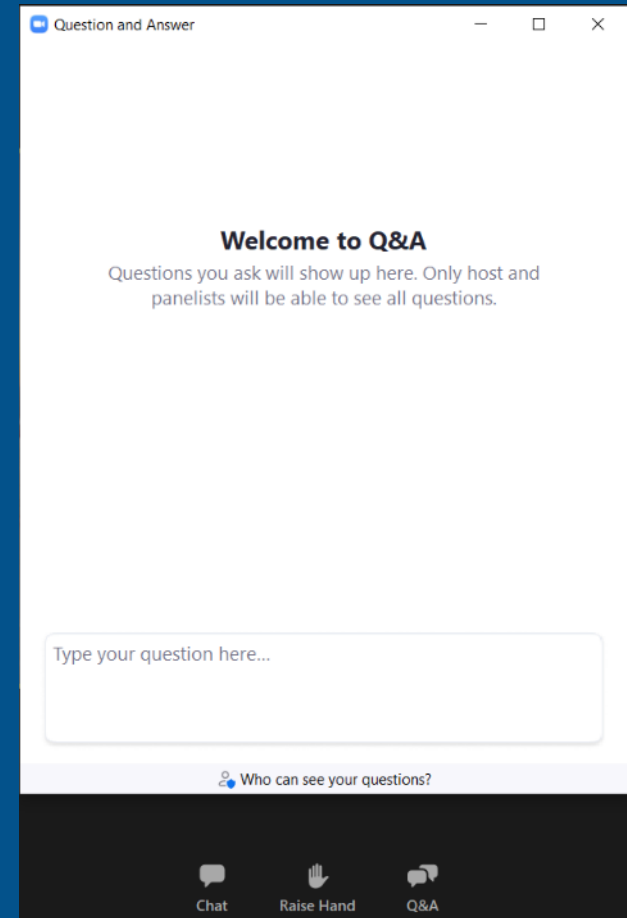
- DEQ is open to other venues for feedback as needed. Some suggestions: a video call between parties, written submitted Q&A, and phone calls to DEQ experts for clarifications
- DEQ values NWG member input and will continue listening as the rules are implemented.
- DEQ anticipates future NWG meetings on an as-needed basis to provide updates and hear concerns.



Public Comment

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



Leave

Thanks for Joining Us

Contact:

Kyle Milke

kyle.milke@mt.gov

To submit comments or questions



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

