

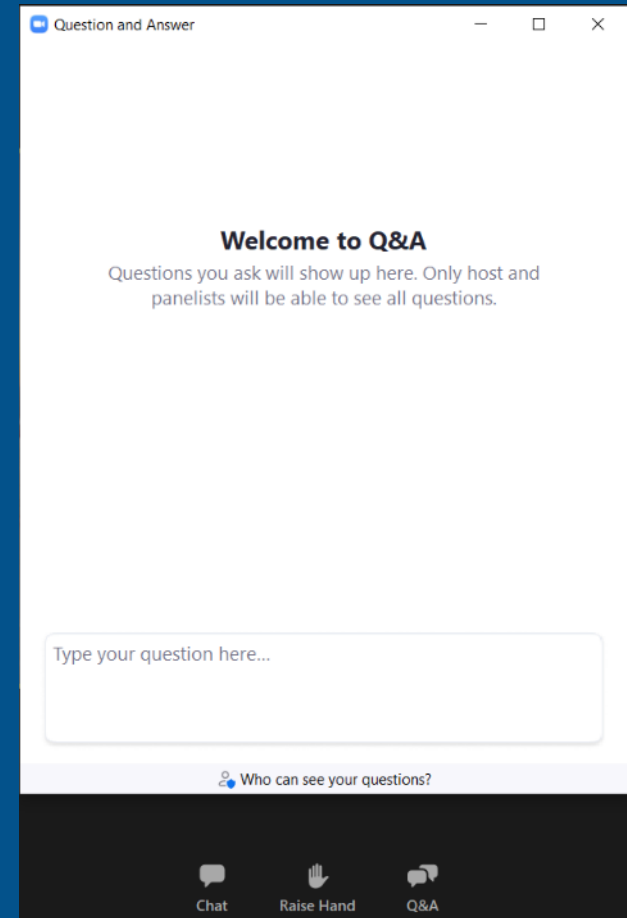


Nutrient Work Group

November 14, 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 rule package revisions, fees, budgeting and costs, and the adaptive management training program.

Preliminaries

- Nutrient Work Group Roll Call
- DEQ Update

Rule Package Document Revisions

Fee Structure

- Application and annual fees
- Incentive for collaboration

Budgetary Planning and Funding Programs

- Items for consideration when entering AMP
- Available programs to help fund AMP implementation

Training Program

Rulemaking Timeline

Closeout and Acknowledgments

- Upcoming documents
- Future meetings

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	



DEQ Update

Hannah Riedl announced as new
Nonpoint Source and Wetlands Section
Supervisor



Rule Package Document Revisions

Rules, Circular, and Guidance

Rules

NEW RULE I –
Translation of narrative
nutrient standards

NEW RULE II –
Implementation of the
Adaptive Management
Program

Circular DEQ-15

Part I – Translation of
narrative nutrient
standards

Part II – Implementation
of the Adaptive
Management Program

Guidance in Support of Circular DEQ-15

Part I – Translation of
narrative nutrient
standards

Part II – Implementation
of the Adaptive
Management Program

Highlights

Improved Structure

- Two new rules instead of one
- Re-organized circular & guidance to align with rule format

Scientific Foundation

- Updated response variable metrics and thresholds
- Acknowledged special conditions (e.g., spring creeks, macrophytes, specific conductance, dams)

Added Clarity

- Compliance schedules and permit limits
- Monitoring requirements and methods
- Annual reporting requirements
- TMDL/WLA modifications



Proposed Fee Structure

Application
Fee

Annual
Fee

Proposed AMP Fee Structure

- Application fee:
 - One-time fee
 - Based on phase identified
 - Paid by each discharger applying
- Annual fee:
 - Based on phase identified and approved by DEQ in AMP annual report
 - May be paid in full by a single permittee or shared/cumulatively by multiple permittees

Draft AMP *Application* Fee

Category	Amount
Monitoring and optimization phase of the adaptive management plan (AMP)	\$10,000
Source assessment phase of the AMP	\$15,000
Watershed-scale implementation phase of the AMP	\$20,000

The adaptive management program application fee is required for each permittee included in a single adaptive management plan

Draft AMP *Annual* Fee

Category	Amount (One to Two Permittees)	Amount (Three or More Permittees)
Monitoring and optimization phase of the adaptive management plan (AMP)	\$10,000	\$10,000 / 3+
Source assessment phase of the AMP	\$20,000	\$40,000 / 3+
Watershed-scale implementation phase of the AMP	\$30,000	\$60,000 / 3+

- A single, annual fee based on which phase of AMP the permittee(s) is in.
- For AMPs covering multiple permittees, the fee may be divided among the permittees (cost savings when 3+)

AMP Fee: Services Covered

- In-person training on sampling methods
- Data entry help
- Consultation on source assessment methods
- Collaborative DEQ review of the AMP by
 - Adaptive Management Program Scientist,
 - Water Quality Standards & Modeling Section,
 - Monitoring & Assessment Section,
 - TMDL Section,
 - Nonpoint Source & Wetlands Section,
 - MPDES Permitting Section,
 - Engineering Bureau



Budgetary Planning and Funding Programs

Budgetary Planning for AMP

Budgets associated with Adaptive Management Program will vary:

- From permittee participant to participant
- From year to year or phase to phase

Dependent on many considerations, for example:

- Phase of AMP
- Size of watershed
- Scale of project implementation
- Lab costs
- In-house versus contracted consultants

Budgetary Planning for AMP

Examples of items to budget for:

Planning

- AMP development, source assessment, document revisions

Fees

Monitoring

- Lab analysis, sample shipping or delivery, equipment, supplies, field technician time, training, travel

Modeling

Reporting

- Annual reporting, data management

Facility Improvements

- Optimization, training, upgrades

Implementation

- Coordination with partners, project implementation

Eligible Funding Programs

- Clean Water State Revolving Fund (SRF)
 - Low interest rate loans
 - Intended use plan (IUP)
 - Updated every spring
 - Point source projects must be included in IUP
 - Funded according to priority/ranking
 - NPS projects can be added at any time
 - Uniform loan application – SRF program available to assist dischargers with application
 - EPA case study: WI AMP program leveraging SRF \$
 - https://www.epa.gov/system/files/documents/2023-08/Wisconsin%20NPS%20Pilot%20Case%20Study_July%202023_508.pdf

Eligible Funding Programs

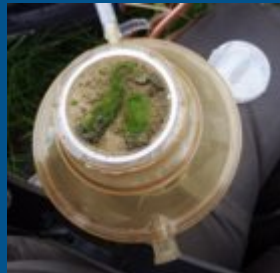
- DNRC Renewable Resource Grant and Loan Program (RRGL)
 - Project & Planning Grants
 - New Nonpoint Source Grants (\$3.5 million) via HB 6
 - Connection of onsite systems to centralized sewer
 - 319 match
 - Small NPS projects
 - Match typically not required for local governments
 - Funding table:
<https://dnrc.mt.gov/docs/conservation/RD-Bureau/RRGL/RRG-Program-Grant-Table.pdf>
- Questions? Contact Lindsay Volpe, DNRC (Lmvolpe@mt.gov)



Training Program

Adaptive Management Training Program

- Training
 - First monitoring event: DEQ will accompany data collection entity
 - Walk through of SOPs
- Adaptive Management Program Webpage
 - Relevant documents
 - Links to other program pages
 - Funding
 - GIS tool for AMP development
 - Compendium of useful map layers
 - Training videos – at a later date





Rulemaking Overview & Timeline

Rulemaking Overview & Timeline*

Conceptual
Review
and Initial
Drafting

Water Pollution
Control Advisory
Council (WPCAC)
(December 13, 2023)

File Proposal
Notice with
Secretary of State
(January 30, 2024)

Proposal Notice
published in Montana
Administrative Record
(February 9, 2024)

Compile & Respond
to Comments;
Modify Adoption
Notice

Public Hearing
(March 25, 2024)

Public Comment
Period
(February 9, 2024 –
March 25, 2024)

File Adoption
Notice with
Secretary of State
(May 28, 2024)

Adoption Notice
published in Montana
Administrative Record
(June 7, 2024)

* Dates subject to change



Closeout and Acknowledgments

Closeout and Acknowledgments

- Upcoming documents
 - Technical support documents
 - SOPs and assessment methods
 - Multi-discharger variance for lagoons
- Thank you!



Upcoming Meetings

Future NWG Meetings

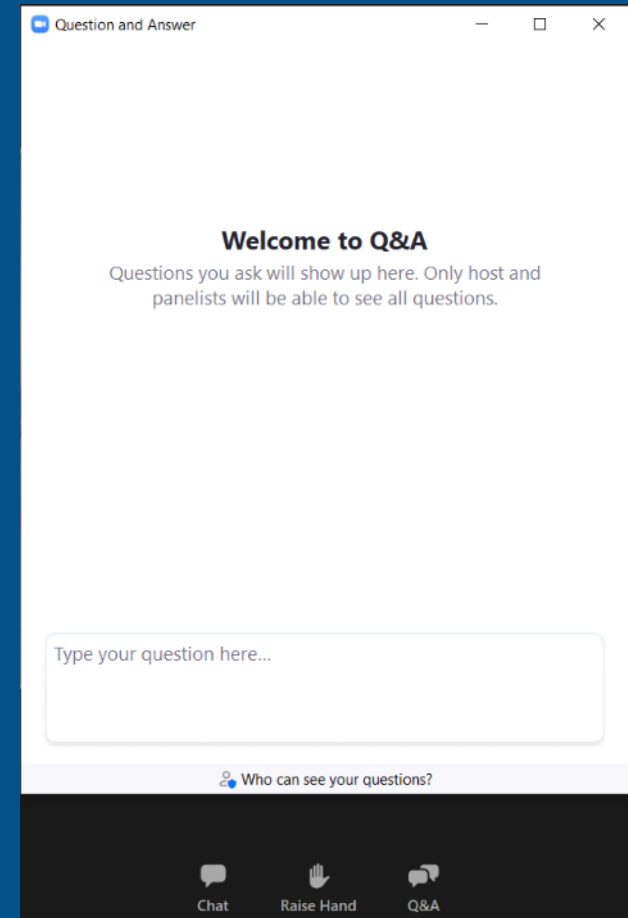
- Resource constraints preclude another NWG meeting prior to initiation of rulemaking.
- DEQ is open to other venues for feedback as needed. Some suggestions: a video call between parties, written submitted Q&A, and phone calls to DEQ experts for clarifications
- DEQ values NWG member input and will 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



Unmute



Chat



Raise Hand



Q&A

Leave

Thanks for Joining Us

Contact:

Kyle Milke

kyle.milke@mt.gov

To submit comments or questions



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

