

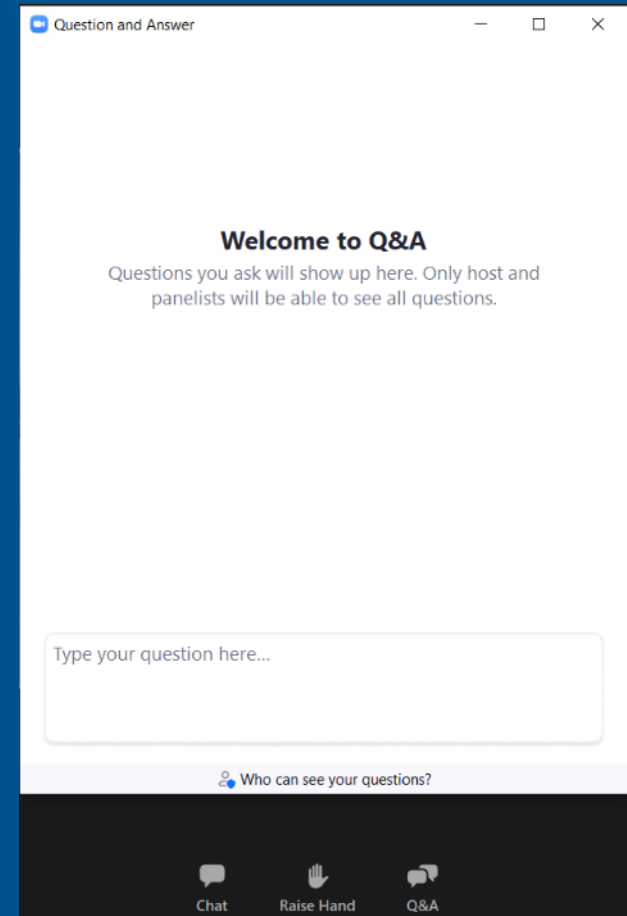


Nutrient Work Group

September 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



Leave

Agenda

Meeting Goal: Discuss update on Circular DEQ-15 roll-out timeframe, the rulemaking process and timeline, and the updated Rules.

Preliminaries

- Nutrient Work Group Roll Call

Rulemaking Updates

- Draft Circular DEQ-15 roll-out timeframe
- Rulemaking Overview and Timeline
- Sections of ARM to be Modified During Rulemaking

Updated Rule

- Split into two rules

Future NWG Meeting Agendas

- October 16, 2023
- November 14, 2023

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 Kenagy	
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	

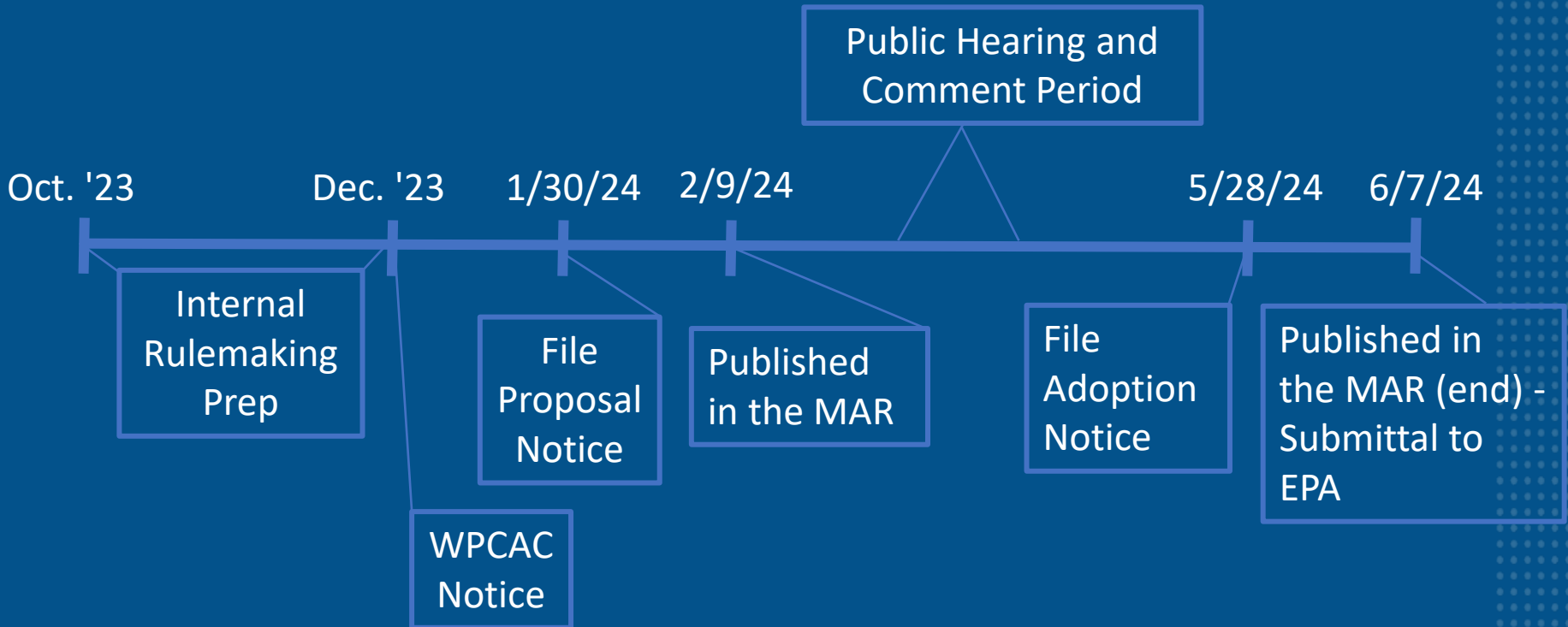


Rulemaking Updates

Draft Document Roll-Out

- Draft rules provided prior to this meeting
- Updated draft Circular DEQ-15 will be released shortly after the October 16, 2023 NWG meeting
- Updated draft guidance will be released prior to the November 16, 2023 NWG meeting

Rulemaking Overview & Timeline



ARM Modifications

ARM	Rule Name	Type of Change	Nature of Change
17.30.1388	Development of an Adaptive Management Program & Implementing Narrative Nutrient Standards	Repeal	SB358 prompted rule package
17.30.6xx or 17.30.13xx	Translation of Narrative Nutrient Standards	Adopt	New Rule I
17.30.13xx	Implementation of the Adaptive Management Program		New Rule II
17.30.602, 17.30.702, 17.30.1304	Definitions	Modify	Refine and add definitions, as needed (e.g., adaptive management program, adaptive management plan); Remove references to "DEQ-12A"
17.30.7XX	Nondegradation of water quality		Reflect transition to narrative nutrient standards; Remove references to "DEQ-12A"

ARM Modifications

ARM	Rule Name	Type of Change	Nature of Change
17.30.507	Specific Restrictions for Surface Water Mixing Zones	Modify	Remove reference to "DEQ-12A"
17.30.516	Standard Mixing Zones for Surface Water		
17.30.619	Incorporations by Reference		
17.30.622	A-1 Classification Standards		
17.30.623	B-1 Classification Standards		
17.30.624	B-2 Classification Standards		
17.30.625	B-3 Classification Standards		
17.30.626	C-1 Classification Standards		
17.30.627	C-2 Classification Standards		
17.30.628	I Classification Standards		
17.30.629	C-3 Classification Standards		
17.30.201	Permit Application, Degradation Authorization, and Annual Permit Fees	Modify	Add AMP fee structure



Updated Rules

Updated Rules

Two rules address two components:

- New Rule I. Translation of Narrative Nutrient Standards
- New Rule II. Implementation of the Adaptive Management Program

Splitting into two rules for clarity and efficiency

- Administrative Rules of Montana (ARMs) are applied by various DEQ programs
- New rules will be adopted into appropriate subchapters of water quality chapter of ARM (17.30)
- Sections of Circular DEQ-15 will correspond to each rule

New Rule I

- (1) Department translates narrative nutrient standards at 17.30.637(1)(e) as provided in Department Circular DEQ-15
- (2) Incorporates by reference Department Circular DEQ-15



New Rule II

- (1) Point source owners and operators may choose to enter the Adaptive Management Program to achieve nutrient standards and address nutrients in a specific watershed.
- (2) MPDES permits may include limits and conditions consistent with the department-approved Adaptive Management Plan.



New Rule II

- (3) Adaptive Management for Wadeable Streams and Medium Rivers
 - (a) Adaptive management plan must contain, at a minimum... (e.g., monthly effluent monitoring, monitoring plan, plan for examining possible pollutant minimization activities in the effluent, nutrient reduction activities for the broader watershed, annual reporting)
 - (b) department shall determine if phosphorus prioritization is appropriate
 - (c) if phosphorus prioritization is appropriate, department shall develop and implement total phosphorus effluent limits
 - (d) department may find, based on total phosphorus reductions, that beneficial uses are protected



New Rule II

(3) Adaptive Management for Wadeable Streams and Medium Rivers

(e) if phosphorus prioritization alone is insufficient, the department shall develop total nitrogen and/or total phosphorus limits and require the permittee(s) to develop a watershed plan in adaptive management plan

- watershed plan describes how nutrients will be reduced in a watershed (e.g., must identify and quantify sources, identify partners, document nutrient reduction action items, demonstrate ability to fund watershed plan, include enforceable agreements with partners, monitoring, timeframes, annual progress report)

(f) compliance determined at point(s) downstream of the facility



New Rule II

(4) Adaptive Management for Large Rivers

- (a) department or permittee may develop a mechanistic water quality model; may be used to derive total phosphorus limits
- (b) if no model, department shall derive limits for phosphorus and/or nitrogen based on best available information to protect uses and achieve standards
- (c) total phosphorus limits apply during growing season (with exceptions)
- (d) nutrient reductions will be evaluated using data collected in the river, consistent with Circular DEQ-15



New Rule II

(4) Adaptive Management for Large Rivers

(e) if P reduction alone is insufficient, permittee(s) shall develop a watershed plan for nutrient reduction

- watershed plan describes how nutrients will be reduced in a watershed (e.g., must identify and quantify sources, identify partners, document nutrient reduction action items, demonstrate ability to fund watershed plan, include enforceable agreements with partners, monitoring, timeframes, annual progress report)

(f) compliance determined at point(s) downstream of the facility



New Rule II

(5) permittee not precluded from pursuing, at any time, other regulatory compliance options (e.g., variances, compliance schedules, reuse, trading, recharge, land application)

(6) department adopts and incorporates by reference Department Circular DEQ-15





Upcoming Meetings

Upcoming Meeting Schedule

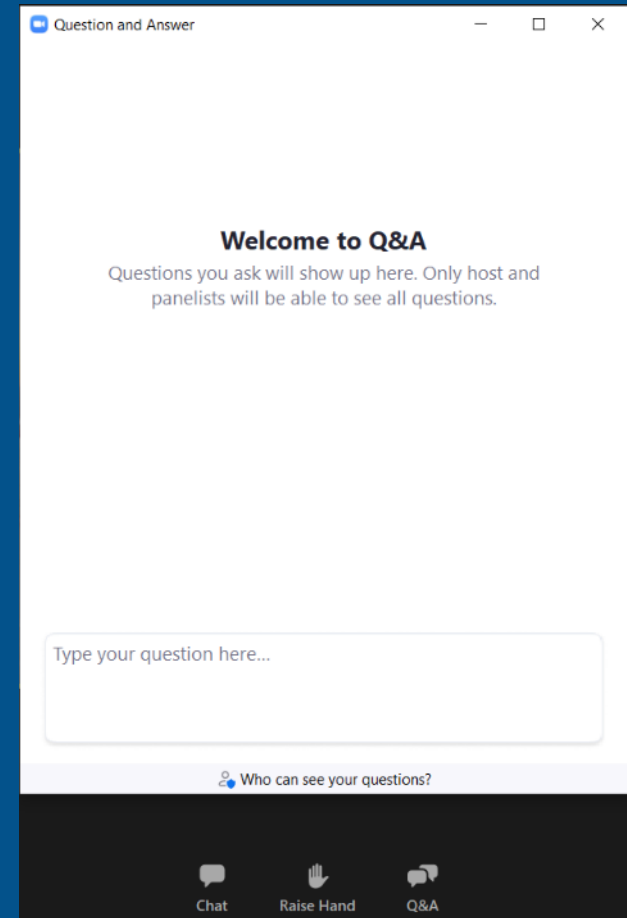
- October 16, 2023 9 – 11:00 a.m.
 - Overview of the translation of narrative nutrient standards
 - Overview of the implementation of the adaptive management program with permitting examples
 - Update on Circular DEQ-15
- November 14, 2023 9 – 11:00 a.m.
 - Rule package document revisions (clarifications based on feedback)
 - Fee structure
 - Budgeting and costs
 - List of items for consideration
 - Budgetary planning
 - Training program



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>

