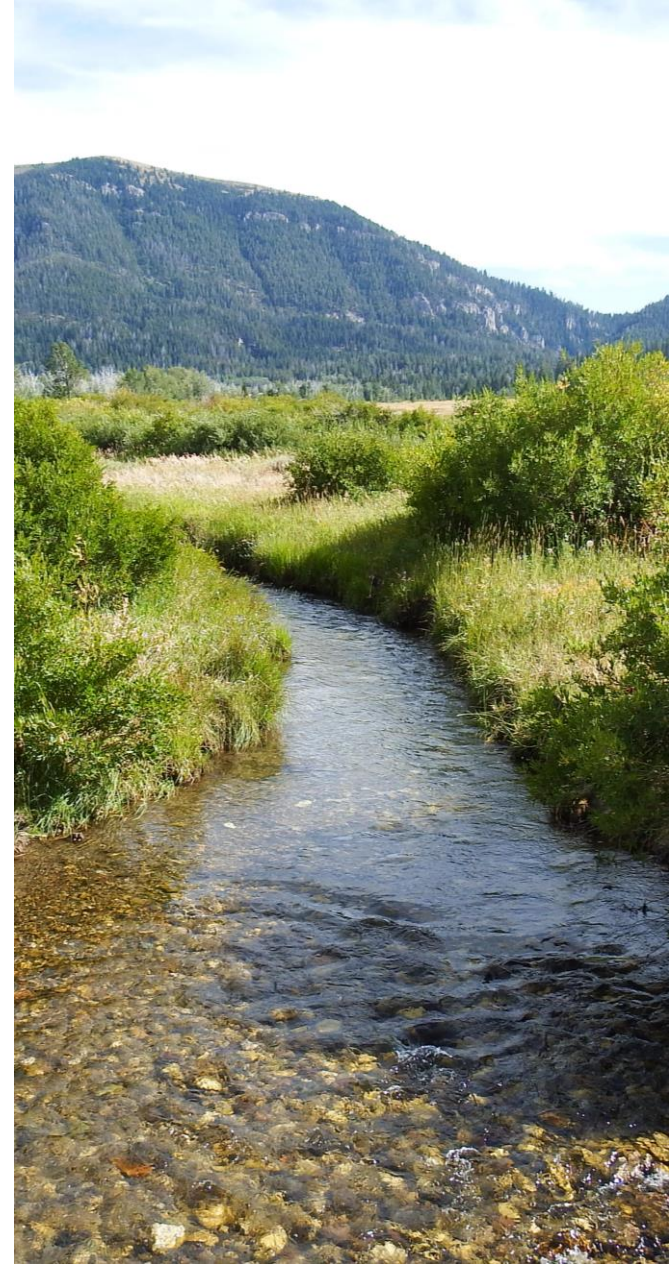


# Montana Water Quality Standards Triennial Review

Water Pollution Control Advisory Council  
March 17, 2023

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# Water Quality Standards Triennial Review

DEQ is required, at least every three years, to hold a public hearing for the purpose of reviewing water quality standards and, as appropriate, to modify and adopt water quality standards

- Montana Water Quality Act (75-5-301, MCA)
- Clean Water Act (40 CFR Part 131)



# Purpose and Requirements of Triennial Review

## Purpose

- Solicit comments from interested persons regarding potential revision to any aspect of Montana's water quality standards.
- Consistency with state and federal regulations.
- Congruency with current research and technology.

## Requirements

- Hold a public hearing
- Re-evaluate classifications of waters with less than aquatic life and recreation designated uses
- Explain why not adopting new or updated national criteria recommendations (if applicable)
- Submit triennial review results to EPA



## Open Montana water quality standards for public comment

- WPCAC presentation
- Public notice
- Public comment period
- Public hearing

## Review comments and develop responses

- Determine whether WQS changes are appropriate
- Identify which WQS changes will be pursued during current triennial review

# Overview of Triennial Review Process

## If no WQS changes, finalize responses

## If WQS changes, initiate rulemaking

- WPCAC presentation
- Public notice
- Public comment period
- Public hearing
- Adopt, file, publish

## Submit to EPA

- Within 30 days of completion of review (no changes)
- Within 30 days of adoption/certification (changes)

# Public Participation

Public participation is a key component of triennial review

- Interested persons may submit comments orally or in writing.
- Comments should identify the water quality standard at issue, any suggested revision to the standard, and the basis for the suggested revision, including technical information.
- DEQ responds to all comments received.

Rulemaking to adopt new or revise existing standards by DEQ includes public participation (e.g., public hearings, comment periods).

# Components of Upcoming Triennial Review

1. 2020 triennial review completion
2. 2023 water quality standards triennial review, including site-specific selenium

Triennial review may or may not result in rulemaking.

- Depends on whether the Department determines changes are appropriate, when or if the Department will have the resources to pursue changes, ongoing coordination with partner programs and stakeholders, etc.





# 2020 Triennial Review Completion

- Public hearing for WQS triennial review was last held on June 10, 2020
- 64 comments were received
- Substantial progress made on developing responses
- Identified several clerical and other changes to consider for rulemaking
- Delayed completion due to staff and manager turnover
- Plan to complete and submit to EPA alongside 2023 triennial review



# 2023 Triennial Review

Since last triennial review public hearing was June 10, 2020, the next public hearing is due by June 10, 2023

Expected timeline to initiate in 2023:

- May – public notice to solicit comments on all WQS
- May-June/July – public comment period (written)
- June/ July – public hearing (oral)





# 2023 Triennial Review

Planning to solicit comments on all WQS:

- Improved efficiency and tracking with a single inclusive triennial review timeline.
- Discussing whether to include or exclude nutrients, given ongoing status of Nutrient Work Group and transition from numeric to narrative nutrient standards.
- Including site-specific selenium standards for Lake Koocanusa and Kootenai River.



# Selenium Standards for Lake Koocanusa and Kootenai River

- Montana adopted site-specific selenium standards for Lake Koocanusa and the Kootenai River (ARM 17.30.632) in accordance with 2016 EPA national criteria and guidance.
- Adopted in December, 2020 (with the last public hearing in November, 2020), so a public hearing for triennial review is due by November, 2023.
- Approved by EPA in 2021.
- Include both water column and fish tissue criteria elements to account for dietary exposure and protect fish as the most sensitive ecologic endpoint.

Selenium Standards	Lake Koocanusa	Kootenai River
Dissolved selenium (µg/L)	0.8	3.1
Egg/ovary (mg/kg dw)	15.1	15.1
Muscle (mg/kg dw)	11.3	11.3
Whole body (mg/kg dw)	8.5	8.5



# Selenium Standards for Lake Koocanusa and Kootenai River

Adoption of these standards followed 6+ years of bi-national coordination and formal rulemaking procedures:

- MOU between Montana DEQ and British Columbia to coordinate monitoring, research, and setting water quality standards (Montana) and water quality objectives (Canada) to protect Lake Koocanusa.
- Lake Koocanusa Monitoring and Research Working Group formed in 2014, co-chaired by Montana DEQ and British Columbia.
- Participation from federal, state and provincial agencies from the US and Canada, US tribal nations and Canada First Nations, industry, environmental groups, and local elected officials.
- LKMRWG identified selenium as a priority topic.
- Selenium Technical Subcommittee, comprised of selenium experts, formed to provide technical recommendations and guidance during standards development.





# Selenium Standards for Lake Koocanusa and Kootenai River

- DEQ applied the selenium bioaccumulation model (Presser and Luoma, 2010) used by the EPA in developing the nationally recommended selenium criteria.
- The USGS calibrated the Presser and Luoma (2010) model to the Lake Koocanusa ecosystem using site-specific data and model parameters that reflect local conditions.
- DEQ used USGS peer-reviewed and published modeling report and data as a foundation for standard-setting; model parameters and protection goals were selected by DEQ with recommendations from Selenium Technical Subcommittee experts.
- We expect substantive comments on the standard since there is a very engaged group of stakeholders and partner agencies across the Kootenai Basin (US and Canada) who have indicated they will submit data or comments.



# Questions?

