

Add definitions to ARM 17.30.1304

Adaptive Management Program means a watershed-scale system that protects water quality from the impacts of nutrient sources by: (a) prioritizing phosphorus reduction, as appropriate, while accounting for site specific conditions, (b) allowing for nutrient sources to be addressed incrementally over time by incorporating flexible decision-making which can be adjusted as management actions and other factors become better understood, (c) reasonably balancing all factors impacting a waterbody while considering the relative cost of treatment options, their feasibility, and their expected water quality improvement, (d) identifying specific nutrient reduction requirements, and (e) setting as its goal the protection and achievement of beneficial uses of the waterbody.

Adaptive Management Plan means a watershed-specific tool developed under the adaptive management program to achieve the narrative nutrient standards and address nutrients in a specific watershed, comprising a watershed monitoring plan and, if required, an implementation plan.

NEW RULE X: DEVELOPMENT PROCESS FOR THE ADAPTIVE MANAGEMENT PROGRAM TO IMPLEMENT NARRATIVE NUTRIENT STANDARDS

(1) APPLICATION MATERIALS FOR INDIVIDUAL MPDES PERMITS UNDER THE ADAPTIVE MANAGEMENT PROGRAM

(a) Identify a process for point source dischargers under the Montana Pollutant Discharge Elimination System whose discharges include total phosphorus and/or total nitrogen to submit application materials for inclusion under the Adaptive Management Program.

(b) Application materials for an Adaptive Management Plan must incorporate a Watershed Monitoring Plan and may include an Implementation Plan.

(2) WATERSHED MONITORING PLAN

(a) Establish requirements for a Watershed Monitoring Plan that will:

- (i) quantify nutrient loading from both point and non-point sources within watersheds.
- (ii) evaluate impacts of nutrients on beneficial uses of the surface water bodies by requiring monitoring of appropriate response variables and any associated impact thresholds.
- (iii) consider impairment status when identifying monitoring objectives.

(3) IMPLEMENTATION PLAN

(a) Establish a process for identifying nutrient loading reductions and other actions needed to achieve the narrative nutrient standards and protect beneficial uses. This process will prioritize phosphorus, taking into account site specific conditions.

(b) The plan may include flexibility for point sources to identify a variety of specific actions to reduce nutrient loading within the watershed. These actions must be based on results from the Watershed Monitoring Plan or Department assessments.

(4) INCORPORATION INTO MPDES PERMITS

(a) Establish a process for incorporating the Watershed Monitoring Plan requirements and any Implementation Plan into MPDES permits.

(b) Establish a process for developing nutrient loading reductions and other actions that can be incorporated into MPDES permits as enforceable conditions.

(5) INCENTIVE PROGRAM

(a) Develop a program to incentivize additional nutrient reductions and other actions using methods that improve water quality beyond minimum requirements.

(6)

The department will adopt rules, in consultation with the Nutrient Work Group, to specify program requirements pursuant to (1) – (5).