Nutrient Trading/Offset Work Group Meeting

October 29, 2026, 1:00 p.m. – 3:00 p.m.
1225 Cedar Street Helena, MT 59601
Ponderosa Room

Join via Zoom:
Zoom Link
Dial by Phone: 1 (206) 337-9723, **Webinar ID:** 876 1948 7060

Relevant Documents

- HB736
- Circular DEQ-13
- ARM 17.30.1701

Preliminaries

- Agenda
- Roll Call
  - Shawn Kohtz, Public point sources
  - Clayton Elliott, Conservation, recreation
  - Eric Sivers, DEQ
  - Hannah New, DEQ
  - Mark Ockey, DEQ
  - Kyle Milke, DEQ
- Approve September 21, 2026 meeting minutes and share any post-meeting thoughts or ideas
  - No corrections recommended by Work Group members – Kyle M. will finalize the meeting minutes and put them on the website.

Circular DEQ-13 Walkthrough and Comments

- Kyle M. lead a discussion of Circular DEQ-13
  - Shawn K. wonders about changing usage of "WQBEL" to "narrative standard" throughout the document.
    - Hannah N. notes that the standard won't be in the permit; the limit will be numeric and based on the narrative. That number will likely be what spurs a facility to decide they want to trade.
    - Clayton E. asked for a specific example so he can see in context. DEQ clarified that the permit requires compliance with a limit, not with the standard (which informs the limit). DEQ expressed willingness to massage the language as much as possible.

- Shawn K. brought up the nutrient trading definition and whether the legislative percentages from HB736 should be included.
  - DEQ agreed to this addition, possibly through referencing the section that lists the percentages.
- Shawn K. wondered about recognizing local improvements above baseline in the principles section, to clarify that credits are available before the entire watershed's NPS baseline is met.
  - DEQ will follow up with TMDL section but is receptive.
- Clayton E. didn't have any additional comments. Will share if anything comes up when Kyle M. updates Sarah Z. and Greg B. on this meeting.

Topics from September 21st to revisit

- Estimating Nutrient Reduction Credit Methods
  - Hannah N. stated that for point source to point source trading, regarding whether to use the 75% or average that DEQ preferred the 75% and dischargers preferred the average. Hannah N. checked with EPA and found most states use average, so DEQ will do the same.
  - Kyle M. stated that the MEANNS model guidance is updated and under review; will be shared and incorporated into Appendix A of Circular DEQ-13.
  - Mark O. said that DEQ went back to do a new literature survey on nutrient reduction from riparian fencing. Concluded that buffer width is an unreliable predictor of removal efficiency. The buffer is heavily influenced by slope, vegetation, climate, etc. Mark O. will share this Excel dataset with the group after some minor cleanup.

General Comments from Work Group Members & Public Comment

- None

Upcoming Meeting Topics

- **Next meeting 11/30/26, 1:00-3:00 in DEQ Colonial Building.**
- TBD