



April 3, 2022

Dear Interested Party;

On December 11, 2020 the Board of Environmental Review (board), voted to adopt the Department of Environmental Quality's (department) proposed selenium water quality standard for Lake Koocanusa into state law and determined the proposed standard was no more stringent than federal guidelines. Therefore, there was no requirement for the completion of written findings as described in MCA 75-5-203. The multi-part standard includes fish tissue and water column components with the following numeric values: 15.1 mg/kg dry weight (dw) egg/ovary, 11.3 mg/kg dw muscle, 8.5 mg/kg dw whole body, and 0.8 µg/L total dissolved selenium in Lake Koocanusa and 3.1 µg/L in the Kootenai River mainstem. See ARM 17.30.632. The frequency and duration of the fish tissue standards are instantaneous measurements, not to be exceeded. The water column standard is computed as a 30-day average and shall not be exceeded more than once in three years, on average.

The standards were adopted into state law on December 25, 2020 and codified in ARM 17.30.632. The water quality standards were approved by the U.S. Environmental Protection Agency (EPA) on February 25, 2021. Two petitions were filed to the board calling for a review of the stringency determination for the site-specific water column standard for Lake Koocanusa in ARM 17.30.632(7)(a). On February 25, 2022 the board reversed its previous stringency determination and determined that the site-specific water column standard for Lake Koocanusa is more stringent than comparable federal guidelines. The department will, therefore, comply with MCA 75-5-203 by making the written findings set forth in 75-5-203(2), MCA. The draft written findings are located on the department's website at: <https://deq.mt.gov/public/water-public>.

On April 26, 2022, at 10:00 a.m., a public hearing will be held in room 111 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to hear comments on the department's draft written findings. You may also join the meeting virtually via Zoom. More information is available on the department's website, including instruction on how to attend remotely, at <https://deq.mt.gov/public/water-public>. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice.

You are invited to submit data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Catherine Armstrong, Paralegal, Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; or e-mailed to Catherine.Armstrong2@mt.gov no later than 5:00 p.m. on May 4, 2022. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

Sincerely,

Myla Kelly
Section Supervisor
Water Quality Standards & Modeling Section