

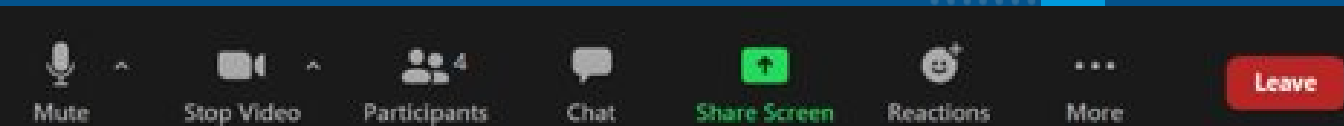
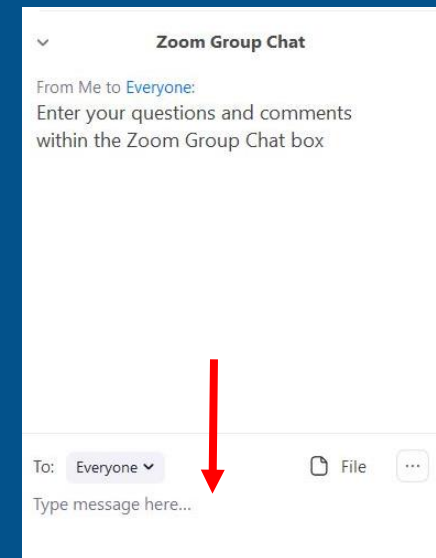
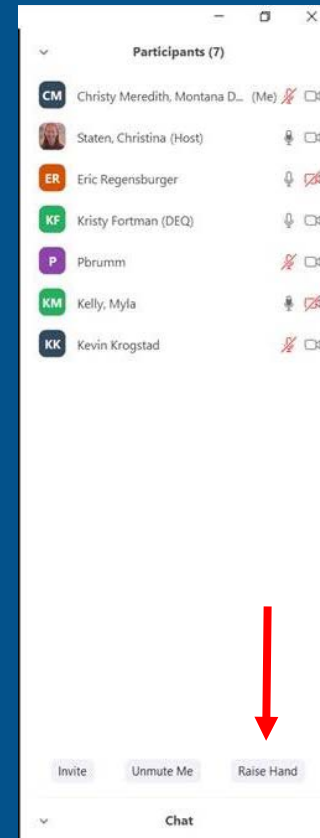
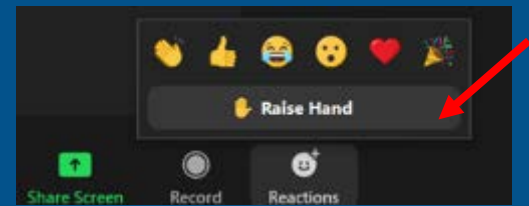


Nutrient Work Group Session Ten

November 30, 2021

Welcome!

- Please keep your microphone muted until called on
- Only NWG Members may participate during discussions
- Please reserve public comment until the end
- *6 unmutes your phone
- State your name and affiliation before providing your comment
- Enter questions in the chat box or raise hand
- Turning off your video feed provides better bandwidth
- Please sign-in to the chat box with name and affiliation



Agenda

Meeting Goal: Discuss themes of Nutrient Work Group member comments on the draft comprehensive rule package

Preliminaries

- Nutrient Work Group Roll Call (Ted Barber, Meeting Facilitator)

Meeting Focus Discussion

- Themes of Nutrient Work Group Comments on Comprehensive Rulemaking Package
- Formation of Technical Subgroups

Public Comment & Close of Meeting

- Schedule for Future Nutrient Work Group Meetings
- Public Comment

Introductions

DEQ Staff

- Christopher Dorrington, Director
- George Mathieus, Deputy Director
- Kurt Moser, Legal Counsel
- Moira Davin, Public Relations
- Amy Steinmetz, Water Quality Division Administrator
- Jon Kenning, Water Protection Bureau Chief
- Rainie DeVaney, Discharge Permitting Section Supervisor
- Galen Steffens, Water Quality Planning Bureau Chief
- Myla Kelly, WQ Standards & Modeling Section Supervisor
- Kristy Fortman, Watershed Protection Section Supervisor
- Darrin Kron, WQ Monitoring & Assessment Section Supervisor
- Michael Suplee, Water Quality Science Specialist

Introductions

Nutrient Work Group Members

Interest Group	Representative	Substitute
Point Source Discharger: Large Municipal Systems (>1 MGD)	Susie Turner	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	Tammy Johnson	
Farming-Oriented Agriculture	John Youngberg	
Livestock-Oriented Agriculture	Jay Bodner	
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	Wade Fellin	
Federal Land Management Agencies	Andy Efta	
Federal Regulatory Agencies	Tina Laidlaw	
State Land Management Agencies	Jeff Schmalenberg	
Water Quality Districts / County Planning Departments	Pete Schade	None
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	

Ground Rules

- Speak one at a time – refrain from interrupting others.
- Wait to be recognized by facilitator before speaking.
- Facilitator will call on people who have not yet spoken before calling on someone a second time for a given subject.
- Share the oxygen – ensure that all members who wish to have an opportunity to speak are afforded a chance to do so.
- Be respectful towards all participants.
- Listen to other points of view and try to understand other interests.
- Share information openly, promptly, and respectfully.
- If requested to do so, hold questions to the end of each presentation.
- Remain flexible and open-minded, and actively participate in meetings.



Roles and Responsibilities

The Nutrient Work Group is an advisory group to DEQ.

Members agree to:

- Provide specific local expertise, including identifying emerging local issues;
- Review project reports and comment promptly;
- Attend as many meetings as possible and prepare appropriately;
- Complete all necessary assignments prior to each meeting;
- Relay information to and from their broader interest group counterparts after each meeting and gather information/feedback from their counterparts as practicable before each meeting;
- Articulate and reflect the interests that NWG members bring to the table;
- Maintain a focus on solutions that benefit the entire state;
- Present recommendations for the rulemaking throughout the planning process.



Framework Rulemaking Update



Themes of Nutrient Work Group Comments on Comprehensive Rule Package

Theme 1

SB-358 created a new narrative standard; interpreting or translating response variables and associated thresholds into numbers is a violation of SB-358 because the standard is narrative

Theme 2

The role of the adaptive management program

Examples:

- Use classification review & confirmation as part of AMP process
- Update impairment assessments

Theme 3

Use of response variables and interpretation of upstream/downstream changes is inefficient and expensive, reactive instead of proactive; various other concerns pertaining to response variables and thresholds

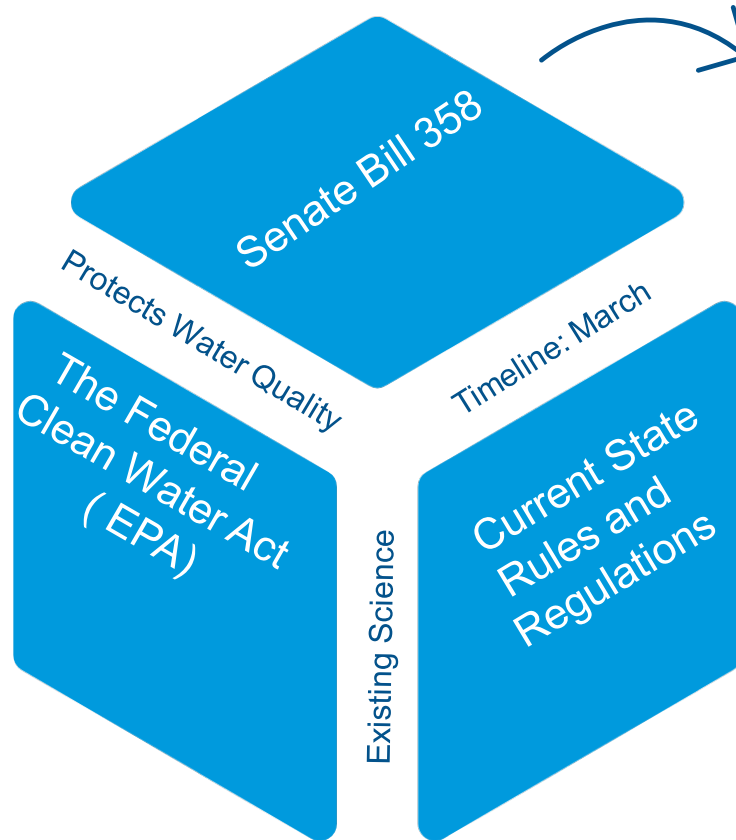
Theme 4

Too much responsibility for watershed monitoring and cleanup would be transferred to the point source dischargers; this transfer of responsibility is beyond the MPDES authority

Where an adaptive management plan (AMP) fits into the MPDES process

Narrative Nutrient Standards

Must meet...



Senate Bill 358:

- Rule provides for AMP
- Balances all factors impacting a water body
- Prioritizes the minimization of phosphorus, taking into account site-specific conditions
- Identifies response variables and associated thresholds
- Considers whether point source is new or existing, and impaired or unimpaired
- Rules adopted by March 1, 2022



Working Subgroups

Working Subgroups Purpose

To provide solutions to the common themes discussed today

- Approvable solutions to protect water quality
- Starting point: address major comment themes
- Timeline: December 2021 – May 2022

Working Subgroups Construct

DEQ Recommends Each Group Contain:

- One DEQ representative
- One EPA representative
- Three NWG representatives that balance interests

DEQ will make final member selections from today's nominations

Expectations:

- Attend every meeting to ensure cohesiveness
- Commitment to meet as needed
- Provide concrete solutions
- Report back to full NWG



Circular DEQ-12A Repeal



Next NWG Meetings

Next Meetings

Next Meeting Potential Dates:

- Fourth Wednesday of each month
9 – 11 a.m.
- January 26
- February 23
- March 23
- April 27
- May 25

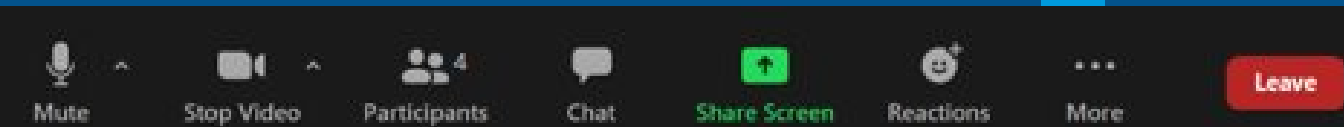
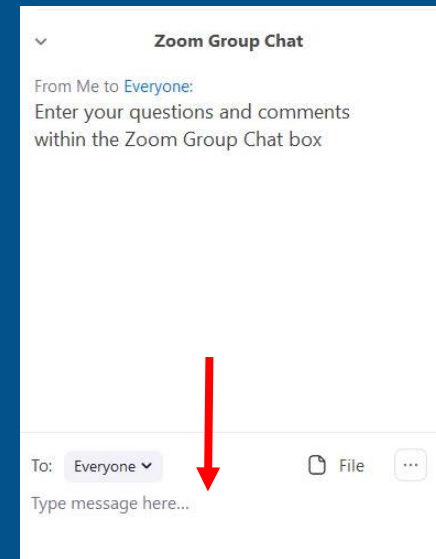
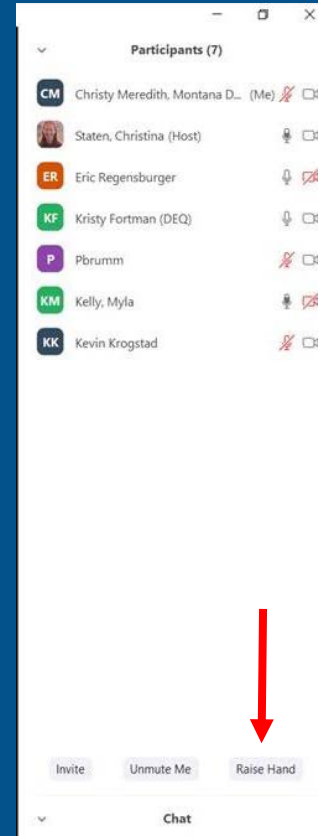
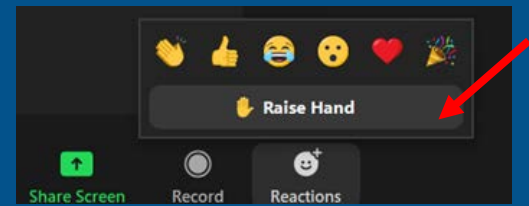




Public Comment

Questions/ Comments

- Raise hand or type questions into the chat
- Please keep your microphone muted until called on
- If calling by phone, press*6 to unmute
- State your name and affiliation before providing your comment



Thanks for Joining Us

Contact:
Christina Staten
CStaten@mt.gov

To submit comments or questions



<https://deq.mt.gov/water/Councils>

