



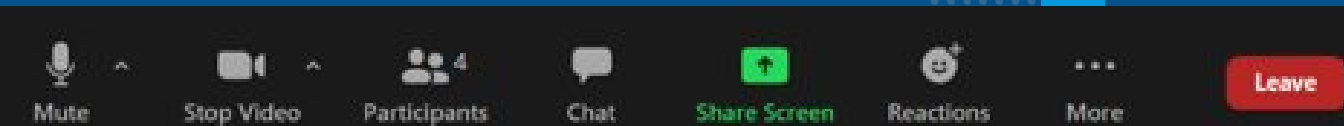
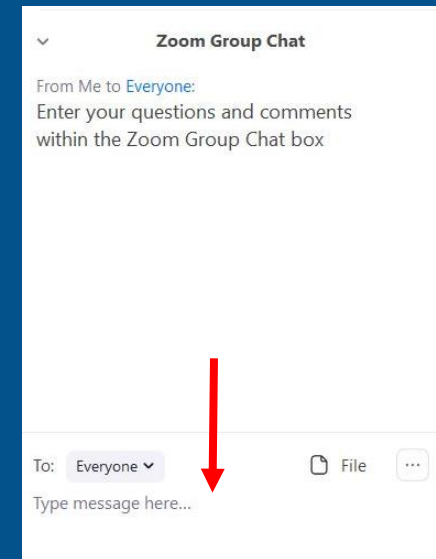
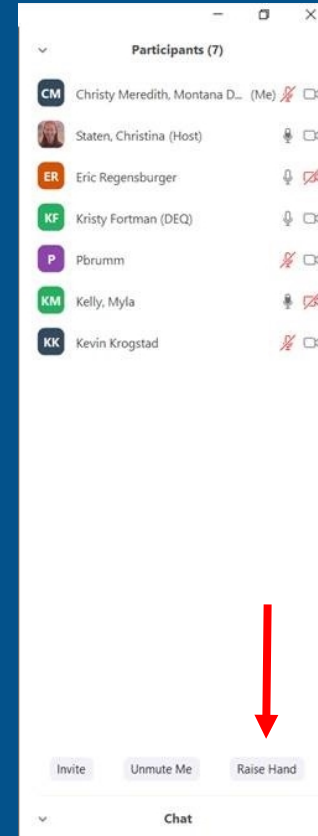
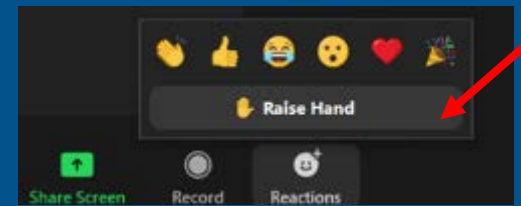
# Nutrient Work Group

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January 26, 2022

# 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: Discussion of items 1c through 2c of discussion proposal document

## **Preliminaries**

- Nutrient Work Group Roll Call

## **Discussion Document**

- Recap of definitions
- Items 1a-2c of discussion document (as time allows)
  - Proposed Solutions
  - Nutrient Work Group Dealbreakers

## **Public Comment & Close of Meeting**

- Public Comment

# Introductions

## Nutrient Work Group Members

Interest Group	Representative	Substitute
Point Source Discharger: Large Municipal Systems (>1 MGD)	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	None
State Land Management Agencies	Jeff Schmalenberg	
Water Quality Districts / County Planning Departments	Pete Schade	
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	

# Group Discussion

- We want to hear from all of you, this is your opportunity to speak into the process
- You are welcome to send us solution-oriented suggestions and we will share them with the team
- We will listen and review all input
- DEQ will take all of the information and make a decision based on science and law.
- DEQ will communicate the decision and reasoning to the group and we will move forward to the next decision point.





# DISCUSSION DOCUMENT 1c-2c

# Recap

- DEQ is looking into variances from nutrient limits derived from the narrative standards (per MCA 75-5-320)
- Definitions



# Nutrients Definition

means total phosphorous and total nitrogen concentrations in state surface waters



# Large River Definition

means a perennial waterbody which has, during summer and fall baseflow (August 1 to October 31 each year), a wadeability index (product of river depth [in feet] and mean velocity [in ft/sec]) of  $7.24 \text{ ft}^2/\text{sec}$  or greater, a depth of 3.15 ft or greater, or a baseflow annual discharge of  $1,500 \text{ ft}^3/\text{sec}$  or greater. *See also Table 2-1 in draft Circular DEQ-15.*

# Wadeable Stream Definition

means a perennial or intermittent stream in which most of the wetted channel is safely wadeable by a person during baseflow conditions

# 1A-2C

## Crosswalk Between League's Proposed Discussion Outline and (1) the Framework Rule and (2) the 10/18/2021 Department Documents (Rule, Circular DEQ-15, Guidance).

Subjects in blue were added to the League's proposal and are subjects that DEQ needs to include and address.

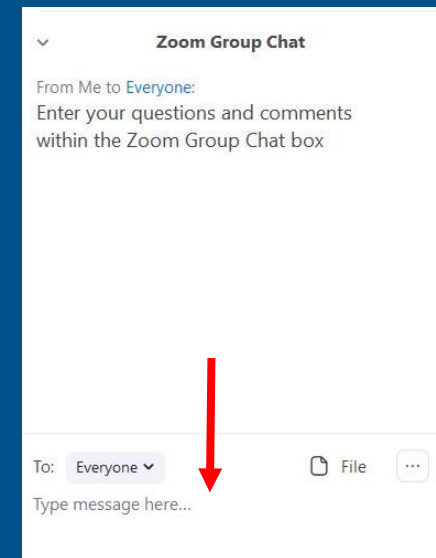
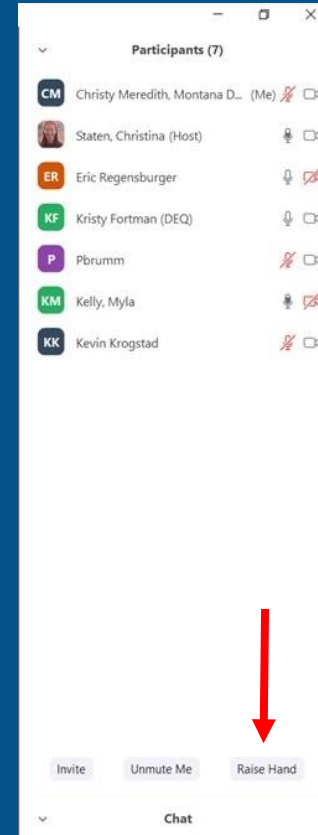
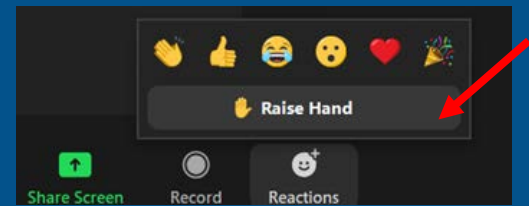
League Topic	Short Description	Associated Section of Existing Documents				Associated Comment(s) on 10-18-2021 Drafts
		Framework Rule	10/18 Rule	Circular DEQ-15	Guidance	
1c	Prioritization of watersheds for AMP development	not addressed	New Rule X (2)(a) touches on this	not addressed	not addressed	(AMP should) result in the development of prioritized, implementable, and evaluated actions that will actually improve surface waters without wasting millions of public dollars where additional point-source treatment actions are not necessary or beneficial (League).
1d	Roles/responsibilities when a waterbody is <u>not</u> impaired by nutrients	not addressed	not addressed	Section 3.2; Section 4.9	Section 4.8	Assessment and beneficial uses should be confirmed before doing anything else as part of the AMP process. That will allow an exit from the process for waterbodies that are not impaired or that do not support beneficial uses that are impacted by nutrients (League, Industry).
1e	Process for initiating an adaptive management plan	New Rule I (1)(a)(i)	New Rule X (1), (2), (4), (6b)	Section 1.0 Flowchart	not addressed	Please explain the Department's proposed method and evaluation criteria for approving or denying a watershed monitoring plan, a request for an extension, and the schedule for this process. (LPD). The Rule Should Not Use a Reasonable Potential Analysis as Part of this AMP Approach (League). Figure 1-1 (of DEQ-15) should be revised such that the term "Permittee" is replaced with "DEQ" or "Department" throughout the figure where it refers to AMP Implementation Plans (Industry). The state's comment that "the ranges in Table 7-1 are based on dose-response studies (nutrient as dose, ecological effect as response) applicable to the ecoregional zones indicated" recognizes that the underlying science exists to identify a range of protective TN and TP values to protect the narrative criteria. Therefore, the state's rationale for not identifying protective TN and TP values to develop permit limits is unclear. The rationale does not meet EPA's expectations for interpretation of the narrative nutrient standard (EPA).
2) Development of an Adaptive Management Plan for an Individual Watershed						
2a	Identify permittee and stakeholder partners	not addressed	New Rule X (3)(a)(v) and (4)(a)(ii)	Section 8.2	Section 8.2	Section (3)(a)(v) "stakeholder engagement plan" should only be required if the permittee has to develop an AMP implementation plan. (LPD)
2b	Notification that an AMP is being developed	not addressed	New Rule X (3)(a)(v)	not addressed	not addressed	Section (3)(a)(v) "stakeholder engagement plan" should only be required if the permittee has to develop an AMP implementation plan. (LPD)
2c	Define who will lead the AMP process	not addressed	New Rule X (2)(a) and (b) and (4)(a)	Multiple Sections (permittee leads)	Multiple Sections (permittee leads)	The rule should be re-written to acknowledge voluntary permittee participation and to clarify that if AMP monitoring will become part of the MPDES permit, how and by what authority that will occur. (Industry)



# 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



# Next Meeting

- Next Meeting:  
February, 9, 2022 at 9 a.m.
- Check-ins



# Thanks for Joining Us

Contact:  
Christina Staten  
[CStaten@mt.gov](mailto:CStaten@mt.gov)

To submit comments or questions



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

