

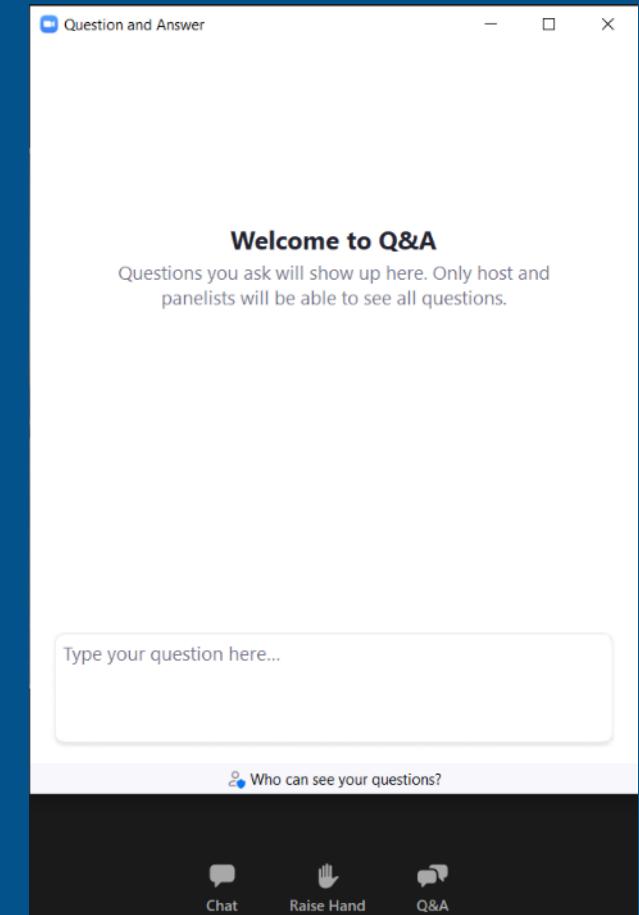


Nutrient Work Group

February 9, 2022

Welcome!

- This meeting has been converted to a webinar
- NWG members will be panelists
- Members of the public can raise their hand or use the Q&A feature to ask questions during the public comment portion of the meeting
- *9 raises your hand if you're on the phone
- State your name and affiliation before providing your comment



Unmute



Chat



Raise Hand



Q&A

Leave



Agenda

Meeting Goal: Discussion of items 2a through 3 of discussion proposal document

Preliminaries

- Nutrient Work Group Roll Call

Discussion Document

- Items 2a-3 of discussion document
 - Proposed Solutions
 - Nutrient Work Group Dealbreakers
- Additional topics as time allows

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	None
Environmental Advocacy Organization	Guy Alsentzer	
Water or Fishing-Based Recreation	Wade Fellin	
Federal Land Management Agencies	Andy Efta	
Federal Regulatory Agencies	Tina Laidlaw	Joining late
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	

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 2a-3

Recap

- Presentation photographs
- Check-ins still an option
- Discussed 2a – 2b



2A-3

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.

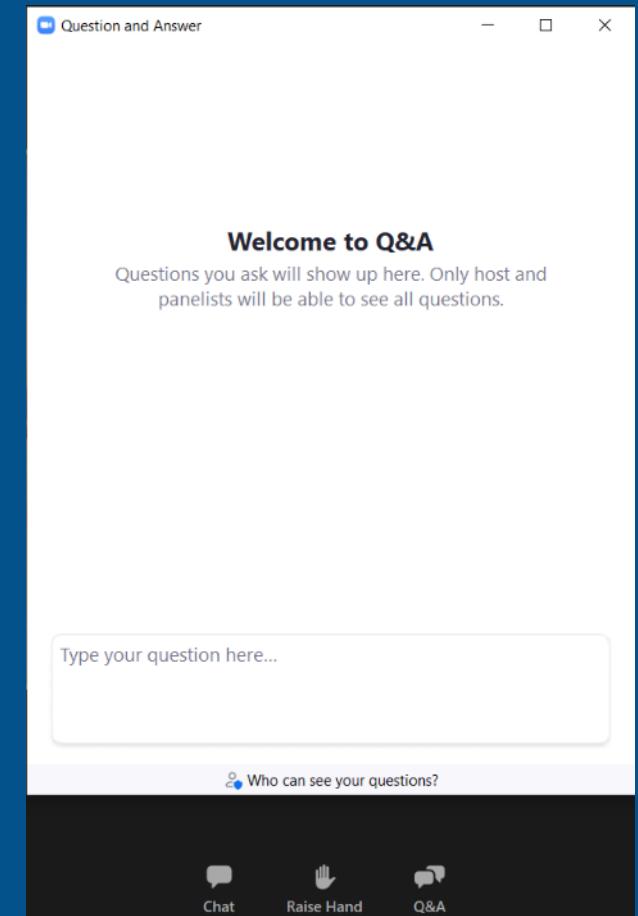
		Associated Section of Existing Documents					
League Topic	Short Description	Framework Rule	10/18 Rule	Circular DEQ-15	Guidance	Associated Comment(s) on 10-18-2021 Drafts	
2) Development of an Adaptive Management Plan for an Individual Watershed							
2a	Identify permittee and stakeholder partners	not 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)	
2d	Review and prioritize beneficial uses of waterbody	Permittees may pursue a Use Attainability Analysis (UAA), if appropriate, per 75-5-302, MCA and ARM 17.30.602(39).					Assessment and beneficial uses should be confirmed before doing anything else as part of the AMP process. (Industry, League)
2e	Create a process to define relevant credible current data; compile data and assess it for currency and relevance	not addressed	not addressed	Not addressed directly; 8.1 touches on the subject.	not addressed	A process for assessing and/or validating previous assessments should be a starting point in the rule. (Industry, League)	
2f	Establish a workplan including sampling locations, frequency, etc.	New Rule I (1)(a)(ii)	New Rule X (2) and (3) and (4)	Sections 4.0 and 8.0 (provides details)	Sections 3.6.1, 4.0, 8.0 (details)	The drafts provide no guidance for the development of an Adaptive Management Plan (League). AMPs developed on a watershed basis in Montana should serve as Category 5 Alternative Restoration Plan or TMDL for those watersheds (League). Most permittees are not, and should not be forced to become technical experts at the watershed level. Further, many permittees are not equipped scientifically and/or financially to take on such a task. (Industry).	
DEQ: Watersheds including a lake or reservoir, and downstream effects	Establish a watershed-scale workplan which includes consideration of a lake/reservoir being present; and downstream effects	not addressed	New Rule X (3)(a)(viii)	Section 4.4; Section 8.5	Section 4.4	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)	
2g	Carry out sampling, analyze data in watershed, quantify each source's load	New Rule I (1)(a)(ii)(A) and (B)	New Rule X (2)(f), (3)(c)	Section 3.0; Section 4.0; Section 5.0, Section 6.0	Sections 3.6.3 through 3.6.8; Section 4.0; Section 5.0; Section 6.0	Most permittees are not, and should not be forced to become technical experts at the watershed level. Further, many permittees are not equipped scientifically and/or financially to take on such a task (Industry).	
3) Create Conceptual Watershed Model	Conceptual watershed model which must be created using current relevant credible data	not addressed	not addressed	Section 3.3	Section 3.7	The document does not explain how permits would be developed, does not discuss watershed level modeling in any way, does not give any detail on conceptual water quality models.... (League).	
DEQ: Develop a Mechanistic Water Quality Model	Mechanistic models for large complex watersheds with multiple dischargers	not addressed	not addressed	Section 3.0	Section 3.0	A model should not be required for all permittees on all large rivers (Industry). Please indicate what models can simulate algae as Department threshold parameters to sufficient accuracy to be accepted by the Department as a predictor of threshold compliance values (LPD).	



PUBLIC COMMENT

Questions/ Comments

- Raise hand (*9 if on the phone) or type questions into the Q&A
- DEQ will unmute you if you wish to provide your comment orally
- If calling by phone, press*6 to unmute
- State your name and affiliation before providing your comment



Next Meeting

- Next Meeting:
February 23, 2022 at 9 a.m.
- Discussion topics: 4 - 7



Thanks for Joining Us

Contact:

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CStaten@mt.gov

To submit comments or questions

» [**Submit Comments or Questions**](#)

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

