



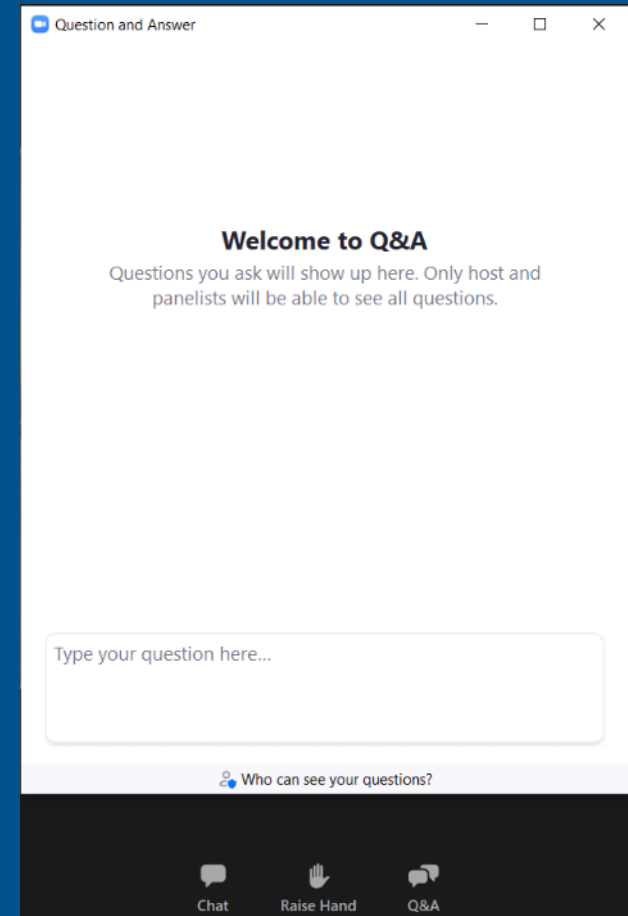
# Nutrient Work Group

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February 23, 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



Leave

# Agenda

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

## **Preliminaries**

- Nutrient Work Group Roll Call
- Recap of February 9 Meeting

## **Discussion Document**

- Items 2d-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	
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	Vacant	
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	

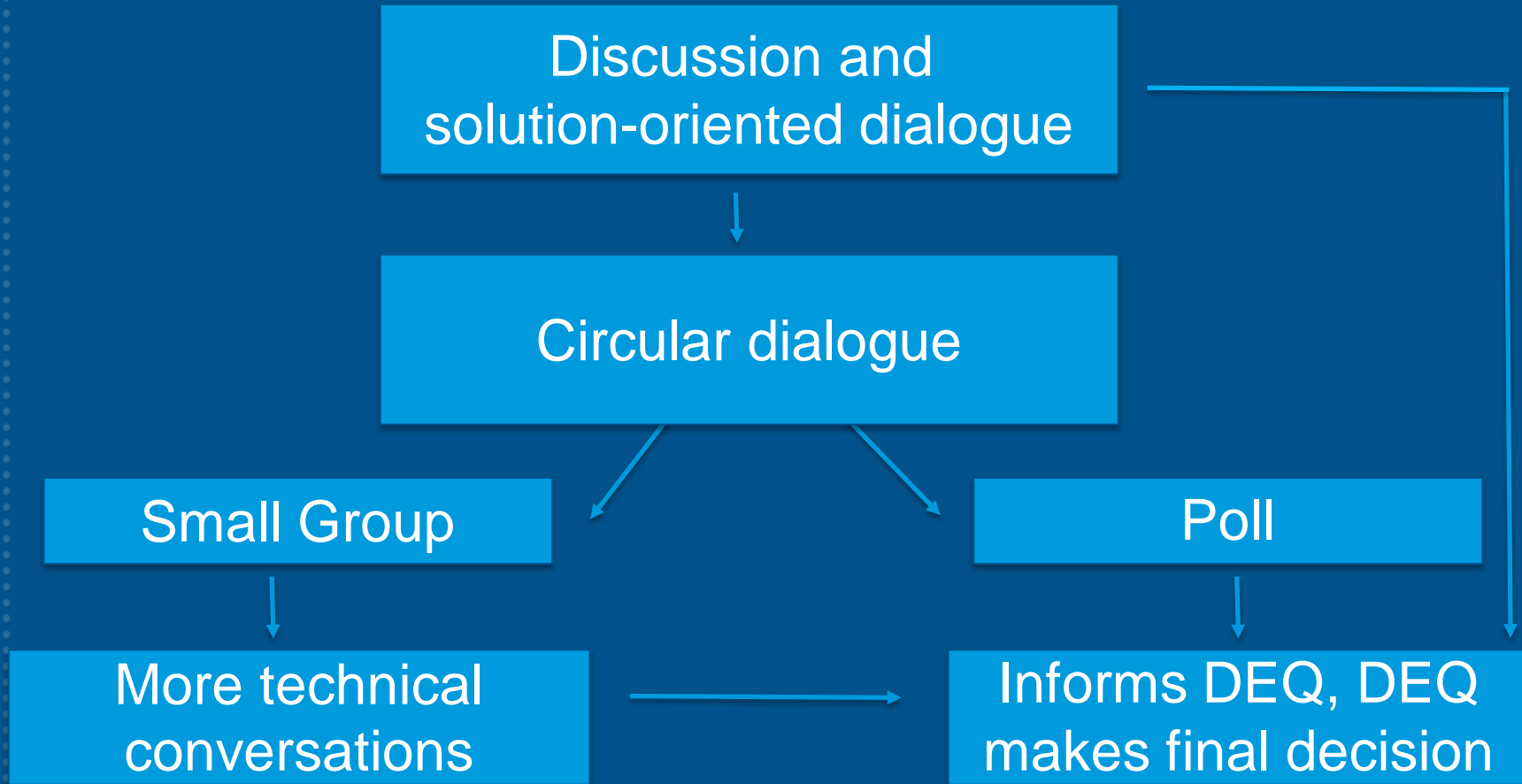
# Group Discussion

- 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.



# Decision-Making Tree

DEQ is the Final Decision Maker



# Recap

- Timeline
- Themes from check-in meetings
  - Appreciate the dialogue and transparency
  - Varying levels of understanding and concerns
  - Appreciate DEQ expertise and explanations
  - Hear from DEQ on non-starters, capacity and funding
  - Seeking to understand
  - Majority feels this is moving in the right direction
- Discussed 2a – 2c





# DISCUSSION DOCUMENT



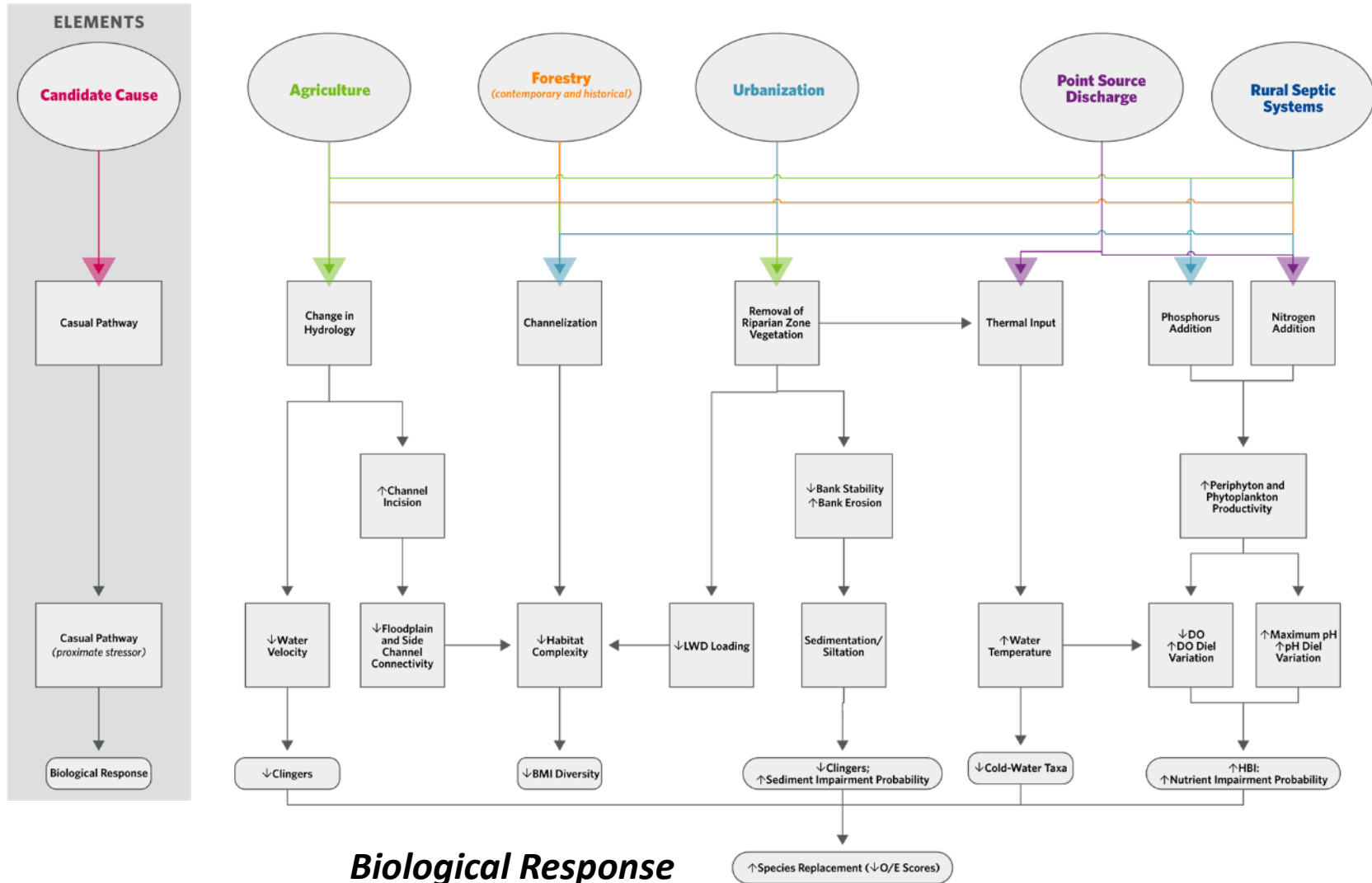
# 2A-3

## 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.

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	
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	<b>Section (3)(a)(v)</b> "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	<b>Section (3)(a)(v)</b> "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)	<b>The rule</b> 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).				<b>Assessment</b> 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	<b>A process</b> 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)	<b>The drafts</b> provide no guidance for the development of an Adaptive Management Plan (League). <b>AMPs</b> developed on a watershed basis in Montana should serve as Category 5 Alternative Restoration Plan or TMDL for those watersheds (League). <b>Most</b> 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).
<i>DEQ: Watersheds including a lake or reservoir, and downstream effects</i>	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	<b>Please</b> 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	<b>Most</b> 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).
<i>DEQ: Develop a Mechanistic Water Quality Model</i>	<u>Mechanistic</u> models for large complex watersheds with multiple dischargers	not addressed	not addressed	Section 3.0	Section 3.0	<b>A model</b> should not be required for all permittees on all large rivers (Industry). <b>Please</b> 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).

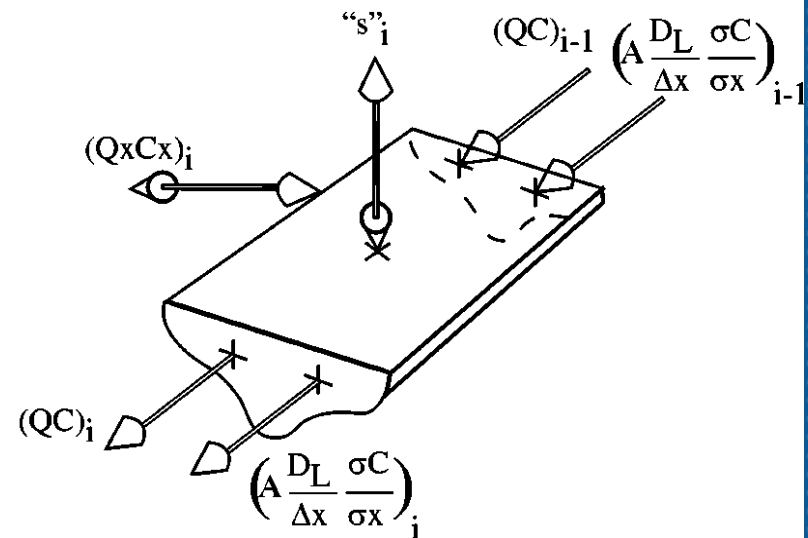
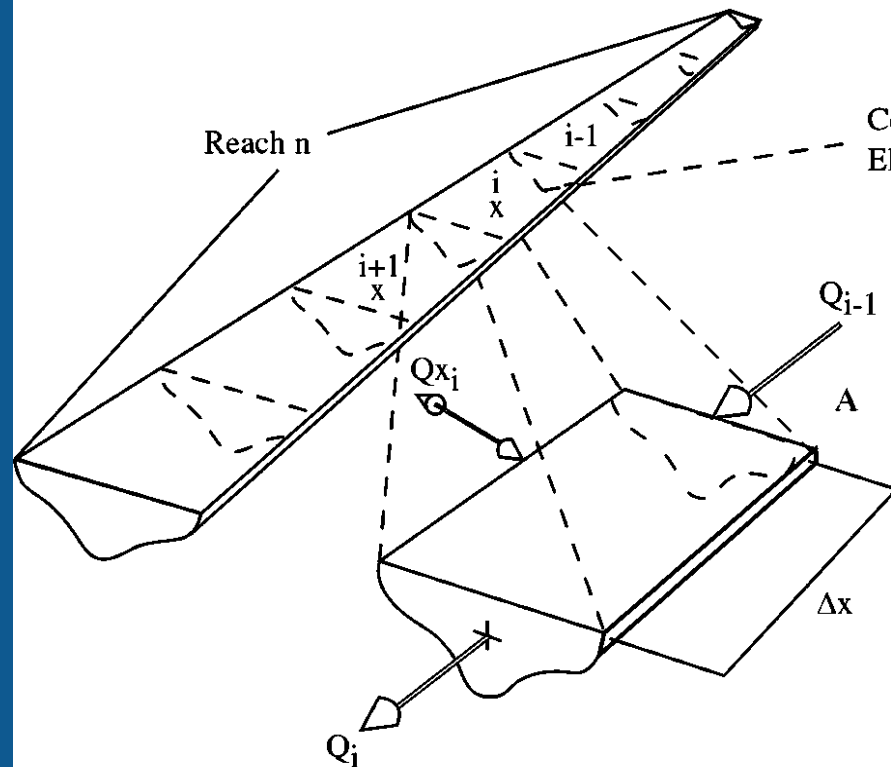
# Conceptual Model



# Mechanistic Model: QUAL2K

**FLOW BALANCE**

**MASS BALANCE**

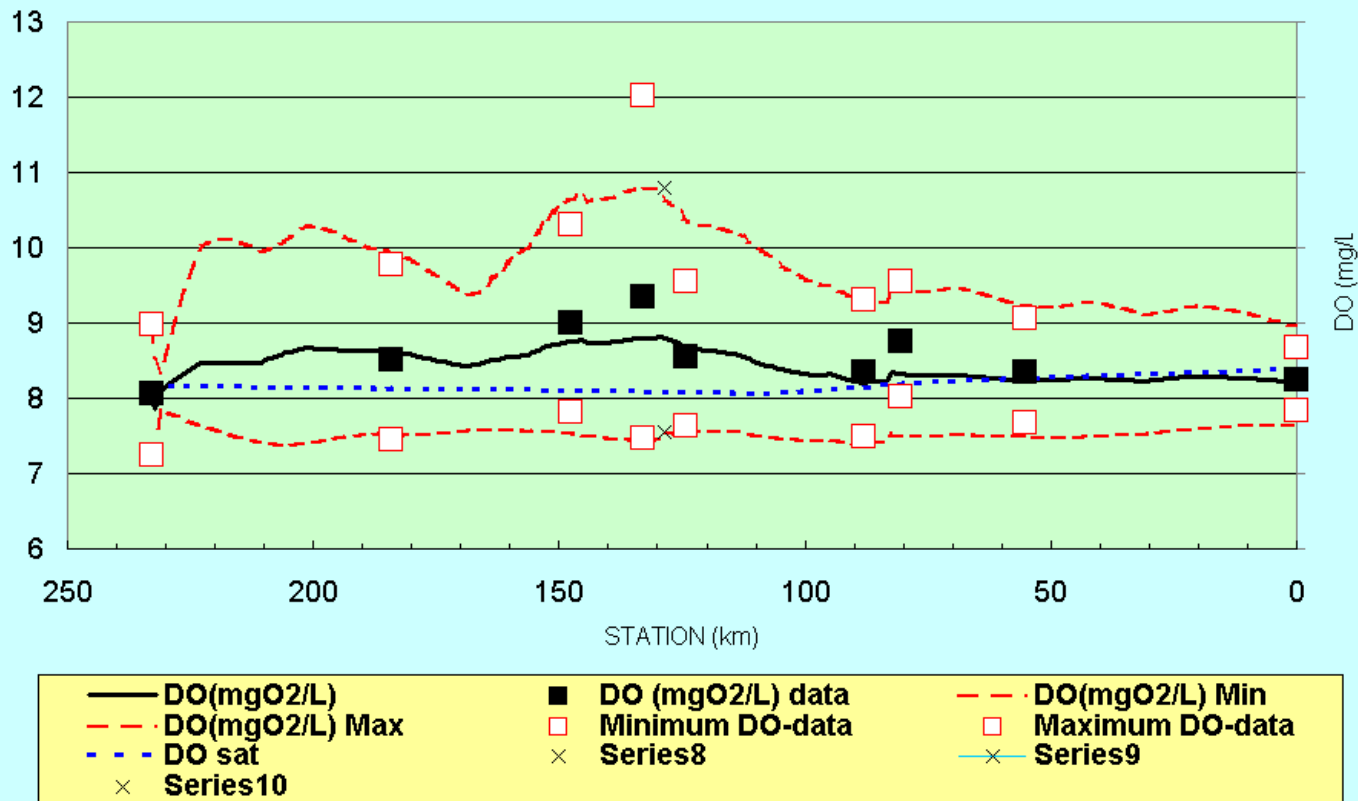


# Mechanistic Model

Example of Modeled Dissolved Oxygen  
(Yellowstone River, Forsyth to Glendive)

Plot another  
Tributary

## *Yellowstone River (8/17/2007) Mainstem*





# Ten Minute Break

# 4-5

## 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).

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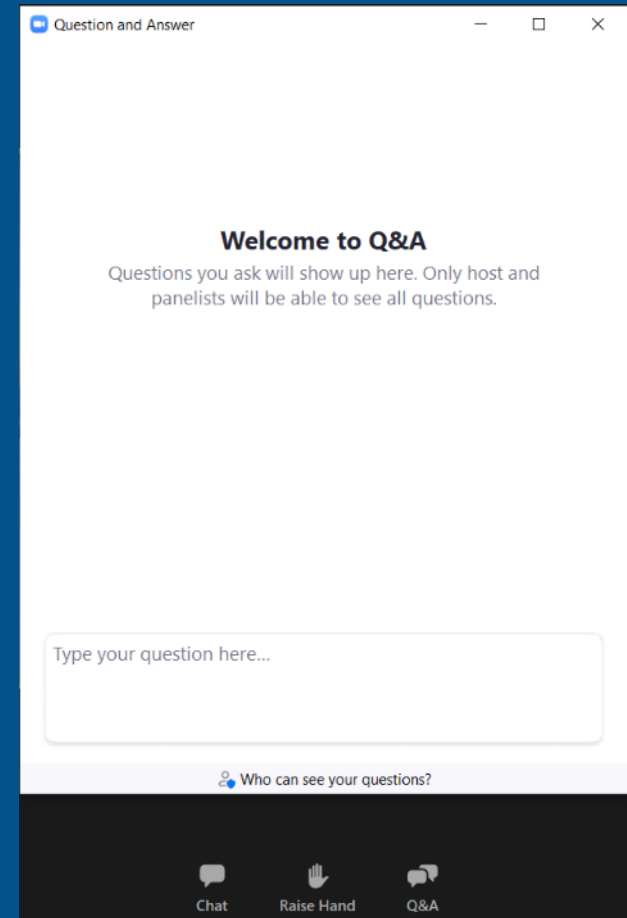
League Topic	Short Description	Associated Section of Existing Documents				Associated Comment(s) on 10-18-2021 Drafts
		Framework Rule	10/18 Rule	Circular DEQ-15	Guidance	
4) Assessment of Treatment Options, Resulting Load Reductions, and Associated Cost	Each point source must provide information regarding current & potential treatment options, their potential load reductions, costs associated with different options, and feasibility	not addressed	New Rule X (4)(a)(i) and (iii) only address this indirectly.	Section 8.3.1	Sections 3.6.7 and 8.3.1.	<b>Adaptive</b> Management Program means (c) identifying and assigning treatment options to all dischargers in the watershed, considering the relative cost of their feasibility, and the expected water quality improvement, in determining whether to enforce such options or create voluntary incentives and programs for administration by DEQ (League, Industry).
5) Identify and Prioritize Actions for Nutrient Reduction in the Watershed						
5a	Collaboration between permittees, stakeholders, & DEQ to identify actions/tools to reduce watershed nutrients. DEQ to allow permit compliance flexibilities for experimentation with new technologies.	New Rule I (1)(a)(ii)(B) and maybe New Rule I (1)(d)	New Rule X (4)(a)(iii)	Section 8.2, Section 8.3.2	not addressed	<b>The</b> permittee has no authority to impose the monitoring plan or the implementation plan on anyone else, including other point and nonpoint sources. (Industry, Eng)
5b	Identify funding sources	not addressed	New Rule X (4)(a)(iv)	Section 8.4	Section 8.4 (placeholder section)	<b>New</b> Rule X(4)(a)(iv) requires demonstration of "the ability to fund and implement the plan," yet the permittee has no authority to implement anything beyond its discharge.
5c	Prioritize actions based on cost, feasibility, and degree of expected nutrient reduction	not addressed	not addressed	not addressed	not addressed	<b>Adaptive</b> Management Program means (c) identifying and assigning treatment options to all dischargers in the watershed, considering the relative cost of their feasibility, and the expected water quality improvement, in determining whether to enforce such options or create voluntary incentives and programs for administration by DEQ (League, Industry).
5d	Develop a schedule to implement actions and evaluate success of actions taken	Not addressed directly; New Rule I (1)(a)(ii)(B) is generally related	New Rule X (4)(a)(iii) and (v)	Section 4.5; Section 8.5	Section 4.5; Section 8.5; Appendix B	<b>The</b> document ...contains no discussion of implementation expectations, schedules, or roles. (League).
5e	Final plan submission to DEQ for review and approval; <b>how</b> plan is implemented in MPDES permit or TMDL	New Rule I (1)(b)	New Rule X (1) and (4)(b)	Section 1.0 Flowchart	not addressed	<b>The</b> AMP should be separate from the MPDES permitting process, but used to inform permit limits when appropriate, much like a TMDL. Keeping the AMP separate from the MPDES permitting process provides a path for watershed-specific science to be developed that can inform MPDES permits as appropriate, while recognizing and respecting the legal limits of the MPDES permitting program. Foisting watershed-scale requirements onto the permittee exceeds the authority of MPDES program (Industry). <b>The</b> absence of a similar table for permitting and the lack of information that describes how the state will consider the pollutants (i.e., TN and TP) for any reasonable potential analysis fails to provide an adequate level of assurance that MDEQ will identify protective levels of both TN and TP for implementation in NPDES permitting decisions.



# 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



Question and Answer

**Welcome to Q&A**

Questions you ask will show up here. Only host and panelists will be able to see all questions.

Type your question here...

[Who can see your questions?](#)

Chat Raise Hand Q&A

Unmute

Chat

Raise Hand

Q&A

Leave



# Next Meeting

- Next Meeting:  
March 9, 2022 at 9 a.m.



# 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>

