

# NUTRIENT WORK GROUP MEETING SUMMARY

## DECEMBER 8, 2021

9:00 a.m.

Hybrid Meeting: Zoom and DEQ Room 45

### ATTENDANCE: NUTRIENT WORK GROUP MEMBERS

Representative & Affiliation	Representing
Susie Turner City of Kalispell	Point Source Discharger: Large Municipal Systems (>1 MGD)
Shannon Holmes City of Livingston	Point Source Discharger: Middle-Sized Mechanical Systems (<1 MGD)
Rika Lashley Morrison-Maeirle	Point Source Discharger: Small Municipal Systems with Lagoons
Alan Olson Montana Petroleum Association	Point Source Discharger: Non-POTW
Kelly Lynch Montana League of Cities and Towns	Municipalities
Pete Schade Lewis and Clark County Water Quality Protection District	County Water Quality Districts or Planning Departments
Matt Wolfe (sub. for Tammy Johnson) Sibanye Stillwater	Mining
Kristin Gardner Gallatin River Task Force	Conservation Organization: Local
Sarah Zuzulock Zuzulock Environmental Services	Conservation Organization: Regional
Guy Alsentzer Upper Missouri Waterkeeper	Environmental Advocacy Organization
Guy Alsentzer (sub. for Wade Fellin) Upper Missouri Waterkeeper	Water or Fishing-Based Recreation
Jeff Schmalenberg MT Dept. of Natural Resources and Conservation	State Land Management Agencies
Andy Efta U.S. Forest Service, Northern Region	Federal Land Management Agencies
Samantha Tappenbeck Flathead Conservation District	Soil and Water Conservation Districts – West of the Continental Divide
Dan Rostad Yellowstone Conservation District Council	Soil and Water Conservation Districts – East of the Continental Divide
Julia Altemus Montana Wood Products Association	Timber Industry
Brian Viall (sub. for Scott Buecker) AE2S	Wastewater Engineering Firms

**NOT IN ATTENDANCE: NUTRIENT WORK GROUP MEMBERS**

<b>Representative &amp; Affiliation</b>	<b>Representing</b>
David Brooks Montana Trout Unlimited	Conservation Organization: Statewide
John Youngberg Montana Farm Bureau	Farming-Oriented Agriculture
Jay Bodner Montana Stockgrowers Association	Livestock-Oriented Agriculture
Tina Laidlaw U.S. Environmental Protection Agency	Federal Regulatory Agencies

**ATTENDANCE: OTHER PARTICIPANTS**

Aaron Losing, City of Kalispell  
 Amanda McInnis  
 Bill Andrene, City of Butte  
 Christina Staten, DEQ, Watershed Management Section  
 Coralynn Revis, HDR  
 Cori Hach, Legislative Services Division  
 Darrin Kron, DEQ, Monitoring and Assessment Section Supervisor  
 David Clark, HDR  
 Ed Coleman, City of Helena  
 Griffin Nielsen, City of Bozeman  
 Hannah New, DEQ, Surface Water Discharge Permitting  
 Heather Henry, DEQ, Surface Water Discharge Permitting  
 Jon Kenning, DEQ, Water Protection Bureau Chief  
 Josh Viall, DEQ, Compliance Training and Technical Assistance  
 Karen Sanchez  
 Katie Makarowski, DEQ, QA Officer  
 Kurt Moser, DEQ, Legal Counsel  
 Laura Alvey, DEQ, Superfund Program  
 Loren Franklin, KC Harvey Environmental  
 Louis Engels, City of Billings  
 Maya Rao, DEQ, Surface Water Discharge Permitting  
 Michael Suplee, DEQ, Water Quality Standards and Modeling Section  
 Mikindra Morin, Northern Plains Resource Council  
 Moira Davin, DEQ, Public Information Officer  
 Myla Kelly, DEQ, Water Quality Standards and Modeling Section Supervisor  
 Rainie DeVaney, DEQ, Surface Water Discharge Permitting Section Supervisor  
 Rickey Schultz, HDR  
 Ron Kuhler, ExxonMobil  
 Ryan Sudbury, City of Missoula  
 Scott Jungwirth, AE2S  
 Scott Mason, Hydrometrics  
 Shane LaCasse, CHS, Inc.  
 Tim Burton, Montana League of Cities and Towns  
 Vicki Watson, University of Montana Watershed Clinic

## MEETING INITIATION

Moira Davin, DEQ public information officer and meeting facilitator, welcomed everyone to the meeting around 9:01 a.m. and announced that the Zoom chat box would not be in use for this meeting to facilitate better discussion. Moira then went over meeting logistics, the meeting agenda (slide 3 of **Attachment A**), and took a roll call of Nutrient Work Group members present either via Zoom or in Room 45 of the DEQ Metcalf Building in Helena (slide 4 of **Attachment A**).

## COMPREHENSIVE RULE PACKAGE WORK PLAN

Moira Davin stated that the goal for today is to complete the discussion started at the November 30 Nutrient Work Group meeting and generate a plan to move forward. She stated that last week we talked about a proposed work plan which was to break into smaller groups to address comment themes. DEQ also asked for Nutrient Work Group members to submit their thoughts and proposals, and a proposal was received from Kelly Lynch. Kelly's proposal included not doing small working groups but rather two meetings a month with the entire Nutrient Work Group.

Kelly Lynch, municipalities representative, stated that her proposal was along the lines of what was asked for after the technical subcommittee was dissolved in the summer. She further stated that if certain members are not on a working group, we're going to have a harder time getting buy-in from all the parties and it will work better if we meet more often as a full group.

Alan Olson, Non-POTW point source dischargers representative, stated that he agreed with Kelly. He also stated that he somewhat sees where people might think we want to break out into small groups, but we're going to rehash it all over again when we come back to the big group.

Sarah Zuzulock, regional conservation organizations representative, stated she has mixed feelings about continuing with two meetings a month versus breaking into groups and focusing on specific issues. If we stick with the same format, it seems like we'll end up stuck in the same place. We need guidance from DEQ on the specifics and what we're going with, as we have to move forward at some point. She could also see some advantage breaking into groups.

Moira Davin stated that we could work through the rulemaking process together as a group, but where finer-tuned details need to be worked out, ad-hoc groups could form. Mike Suplee, DEQ water quality specialist, stated that we can go through the circular, guidance, and rule that were proposed from beginning to end because those documents are written in sequence, along the lines of the flow chart that Rainie DeVaney put together. Mike further stated that we can go from beginning to end and then tackle issues as they come up. Rainie DeVaney, supervisor of DEQ's surface water discharge permitting program, then stated that she can create a cross walk document between the flow chart and guidance and rule and discuss what we feel like needs worked on for each step in the flowchart. That will give us a structure.

Amanda McInnis, technical representative for municipalities, stated she would like to follow Kelly's outline and doesn't want to do what Mike and Rainie just proposed. Amanda stated we don't want to use the rulemaking documents as a starting point. Mike Suplee then asked if Amanda could elaborate on why that is. Amanda then stated that there are fundamental disagreements with the approach and its base assumptions. She doesn't want to start there and stated that's why they didn't edit it in their

comments. Rainie DeVaney then stated she will spend more time with Kelly's outline, but she feels like the opposite is true - there are some very similar components; we're just using different word choices.

Dan Rostad, representative of conservation districts east of the continental divide, asked what the timeline is for moving forward. Moira Davin pointed out that everything has to be worked through by May 2022, whether we form small working groups or continue as a larger group.

Mike Suplee then stated he had a question for Kelly Lynch and asked if she could elaborate on her submitted comments, specifically asking about her statement: "we suggest that the NWG schedule set meetings for every two weeks beginning in January for as long as necessary to work our way through this outline." Kelly responded that she didn't have anything in particular in mind and understands that we're aiming for May. Michael Suplee again confirmed with Kelly that the work needs to be completed by May 2022. Kelly further stated that she was trying to stress that we're at the table and we're committed and we're working on it.

Katie Makarowski, DEQ's quality assurance officer, stated that she is sensing agreement from everyone she's heard from and that working through the adaptive management program in a sequential, logical progression from start to finish seems to make sense to everybody. Katie further stated that she gathered this from Kelly's proposed outline and she's hearing it on DEQ's side as well. Katie observed that even with adding a second meeting each month we'll probably need to look at how to break down the related steps or phases of the process into manageable chunks to work through each meeting. Katie suggested that we try to tackle those related topics at same time. She also stated that there may be point at which we hit a point that it takes a lot of time to find consensus with the whole group – these will be good candidates to table for the moment and break out into smaller groups to hash through the issues.

Samantha Tappenbeck, representative of conservation districts west of the continental divide, asked about when it comes to moving forward, if DEQ could elaborate on the decision-making procedure. She stated that DEQ makes decisions on what is or is not included in the rulemaking framework. Are you looking for a consensus from the Nutrient Work Group? Will there be votes on decisions moving forward? Moira Davin responded that this is an advisory group and DEQ does make the final decision. Moira further stated that she doesn't think our team would ever expect full consensus. Part of our pillars in the beginning of this process is that people put aside their own personal interest to work towards a common goal for moving this forward. Samantha then stated that it's tough to participate via Zoom even if chat is enabled. If we have specific issues to address moving forward, it would be helpful to have polls for the group or some way to get everyone's point of view.

Louis Engels, substitute representative for large point source dischargers, stated he thinks there are so many nuanced issues. If we split up again, it makes it hard for those stakeholders who aren't part of the task group to really have input. It may seem more arduous to have everyone at every meeting, but good stakeholder input needs to have everyone together.

Moira Davin then stated that DEQ has noted that Amanda and Kelly want to talk through assumptions. As we move forward, we'll look at a way to incorporate those assumptions.

A poll was then launched with three options of how to move forward:

- Small working groups and one Nutrient Work Group meeting per month
- Without small working groups and two Nutrient Work Group meetings per month

- With two Nutrient Work Group meetings per month and ad-hoc working groups formed as needed.

The results of the poll showed ad-hoc groups having the most votes.

Moira then showed slide 6 of **Attachment A** and asked if any of these potential meeting dates have conflicts. Rika Lashley, small point source dischargers representative, noted that April 27 is a conference day. Brian Viall noted that Scott Buecker would likely be attending the same conference.

## PUBLIC COMMENT

Time was taken at the end of the meeting for public comment, but none was received.

The meeting was ended at 9:34 a.m.

## SUMMARY OF ACTION ITEMS

As Nutrient Work Group and Technical Subcommittee meetings have been combined, the action items below now contain those from both previous Nutrient Work Group meetings and Technical Subcommittee meetings. All noted in progress or pending Technical Subcommittee responsibilities now fall to the Nutrient Work Group. No new action items were recorded from this meeting.

In-Progress Action Items			
#	Action	Who	Status
1	Define what P prioritization means	DEQ and TSC	Pending
2	Provide documents in advance of NWG meetings	DEQ	Ongoing
3	Summarize SOPs for sampling nutrients	DEQ	Ongoing

Complete Action Items			
#	Action	Who	Status
1	Distribute the flowchart and supporting materials to the TSC in a format to provide comments/track changes	Rainie DeVaney, Mike Suplee	Complete
2	Consider other measures that may trigger action (Box 7 of flowchart)	TSC	Complete
3	Clarify in the supporting documents that the narrative standards are those referenced in the Administrative Rules of the Montana of the State of Montana.	Rainie DeVaney, Mike Suplee	Complete
4	Define the overall work for the AMP by the June 23 Nutrient Work Group meeting	TSC	Complete
5	Provide information to the TSC on how to get on the agenda for a future meeting	Rainie DeVaney, Mike Suplee	Complete
6	Schedule two TSC meetings between each Nutrient Work Group	Rainie DeVaney, Mike Suplee	Complete

<b>Complete Action Items</b>			
<b>#</b>	<b>Action</b>	<b>Who</b>	<b>Status</b>
7	Set up Teams TSC collaboration site. Send invite email. Post comments received from TSC members and draft DEQ documents	Moira Davin, Christina Staten	Complete
8	Update AMP definition based on TSC feedback. Share out to TSC.	Rainie DeVaney, Mike Suplee	Complete
9	Decide whether medium sized rivers should be broken out	TSC	Complete
10	Add the draft approach for determining watersheds to Teams for feedback from TSC	Mike Suplee	Complete
11	Reorganize technical subcommittee Teams folders so they are more intuitive	DEQ	Complete
12	Receive written comments from League of Cities and Towns	Amanda McInnis	Complete
13	Medium rivers definition	Mike Suplee	Complete
14	Create bibliography of nutrient-related literature	DEQ	Complete
15	Provide feedback from the TSC about the time component in the flow chart	TSC	Complete
16	Receive feedback from TSC on time component of each flowchart step.	TSC	Complete
17	Get Microsoft Teams up and running for NWG and TSC members	DEQ	Complete
18	Address the question of nonpoint source participation in the AMP process	DEQ, NWG	Complete
19	Consensus opinion of farming and nonpoint source community on this process and what they think is possible or realistic	Nonpoint source representatives	Comment noted
20	Create responsibility chart for adaptive management program	DEQ and TSC	Complete
21	Summarize the process for determining a wadeable stream vs large river	DEQ	Complete
22	Add groundwater to the adaptive management program framework	DEQ and TSC	Complete
23	Provide copy of EPA action letter on Utah's headwater streams	DEQ	Complete
24	Update the AMP flowchart and supporting materials based on TSC feedback	DEQ	Complete
25	Define roles and responsibilities of DEQ and permittees for AMP process	DEQ	Complete
26	Identify and define what is needed to determine how far upstream and downstream monitoring should occur for a point source	TSC	Addressed
27	Add timeframes to the Adaptive Management Program flowchart	DEQ and TSC	Addressed
28	Put together case study of what DEQ thinks is a reasonable minimum of data collection for large rivers	DEQ	Complete
29	Submit ideas for organization of working subgroups	NWG	Complete

**ATTACHMENT A: DECEMBER 8, 2021 NUTRIENT WORK GROUP MEETING  
PRESENTATION SLIDES**



# Nutrient Work Group

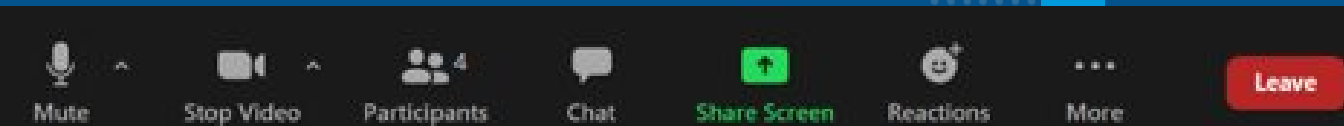
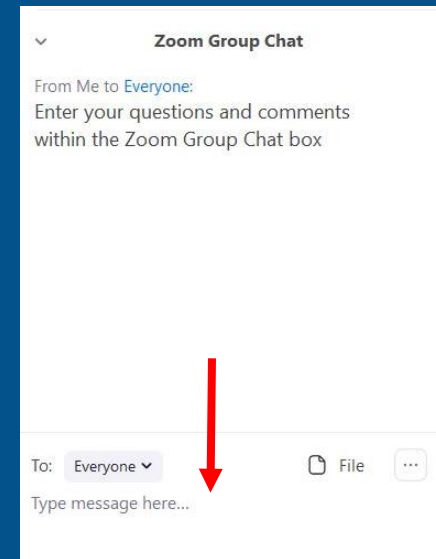
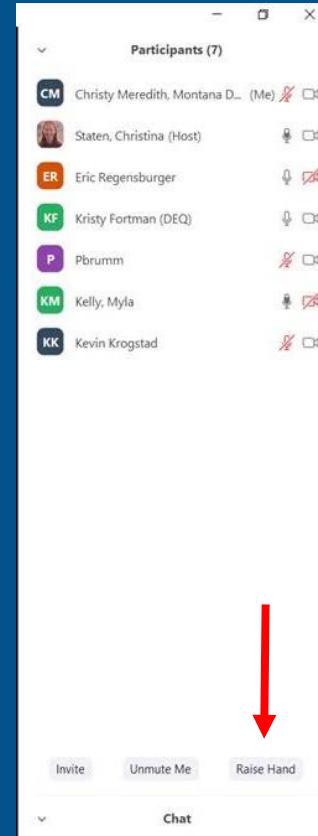
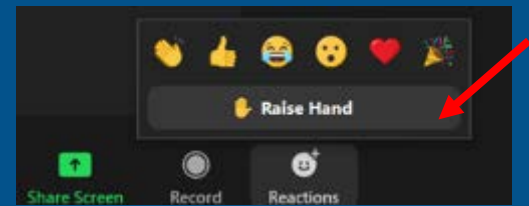
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December 8, 2021



# 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: Complete discussion of how to move forward with working out the details of the comprehensive rule package

## Preliminaries

- Nutrient Work Group Roll Call

## Meeting Focus Discussion

- Comprehensive Rulemaking Package Work Plan
- Schedule for Future Nutrient Work Group Meetings

## Public Comment & Close of Meeting

- Public Comment

# Introductions

## Nutrient Work Group Members

Interest Group	Representative	Substitute
Point Source Discharger: Large Municipal Systems (>1 MGD)	Susie Turner	
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	
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	



# Proposed Work Plan

# Next Meetings

Second and fourth Wednesday of each month  
9 – 11 a.m.

- January 12
- January 26
- February 9
- February 23
- March 9
- March 23
- April 13
- April 27
- May 11
- May 25

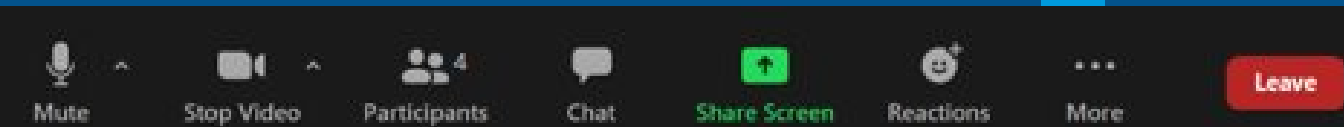
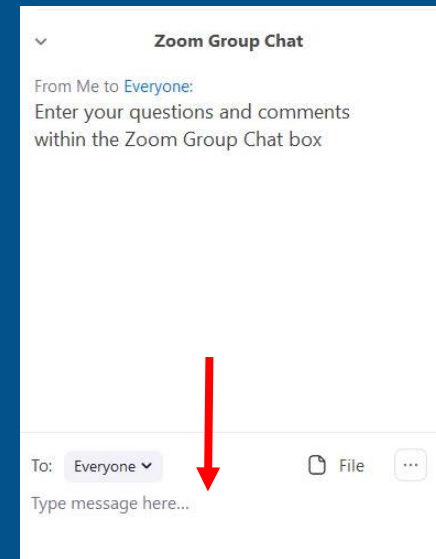
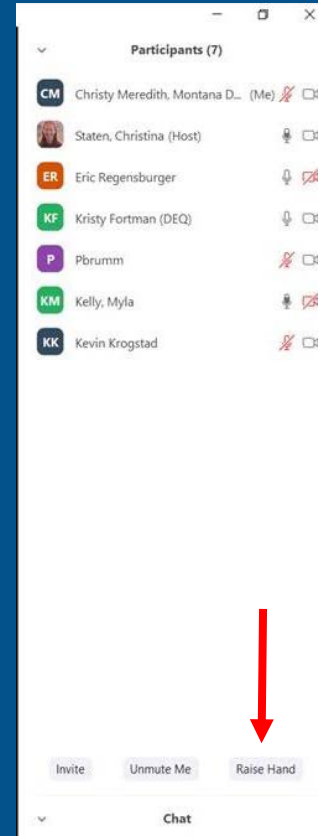
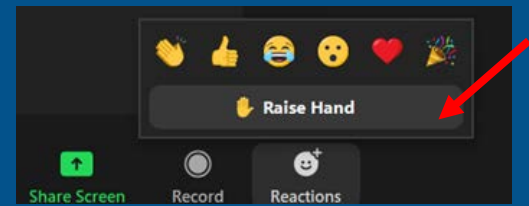




# Public Comment

# 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](mailto:CStaten@mt.gov)

To submit comments or questions



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

