NUTRIENT WORK GROUP MEETING SUMMARY
MAY 27, 2021

9:00 a.m.
Zoom Meeting

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
Scott Buecker AE2S	Wastewater Engineering Firms
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
Tammy Johnson Montana Mining Association	Mining
John Youngberg Montana Farm Bureau	Farming-Oriented Agriculture
Not Present	Livestock-Oriented Agriculture
Jessica Olson Gallatin River Task Force	Conservation Organization: Local
Sarah Zuzulock Zuzulock Environmental Services	Conservation Organization: Regional
David Brooks Montana Trout Unlimited	Conservation Organization: Statewide
Guy Alsentzer Upper Missouri Waterkeeper	Environmental Advocacy Organization
Wade Fellin Big Hole Lodge	Water or Fishing-Based Recreation
Andy Efta U.S. Forest Service, Northern Region	Federal Land Management Agencies
Tina Laidlaw U.S. Environmental Protection Agency	Federal Regulatory Agencies
Mark Bostrom MT Dept. of Natural Resources and Conservation	State Land Management Agencies

Representative & Affiliation	Representing
Rebecca Boslough Montana Association of Conservation Districts	Soil and Water Conservation Districts – East & West of the Continental Divide

ATTENDANCE: OTHER PARTICIPANTS

A. Carlson
Aaron Losing, City of Kalispell
Abigail St. Lawrence, Montana Building Industry Association
Adam Sigler, Montana State University Extension
Alex Leone, Clark Fork Coalition
Amanda McInnis, Consultant
Amelia Flanery, DEQ, Surface Water Discharge Permitting
Amy Deitchler, Great West Engineering
Amy Steinmetz, DEQ, Water Quality Division Administrator
Andrew Gorder, Clark Fork Coalition
Billy Schweiger, National Park Service
Brian Heaston, City of Bozeman
Brian Sugden, American Forest Management, Inc.
Christina Staten, DEQ, Watershed Protection Section
Christopher Dorrington, DEQ, Director
Christine Weaver, DEQ, Surface Water Discharge Permitting
Christy Meredith, DEQ, Watershed Protection Section
Coralynn Revis, HDR
Cori Hach, Montana Legislative Services Division
Darrin Kron, DEQ, Monitoring and Assessment Section Supervisor
Dave Galt, Montana Petroleum Association
David Clark, HDR
Eric Trum, DEQ, Watershed Protection Section
Erik Makus, U.S. Environmental Protection Agency
Erin Wall, Montana Rural Water Systems
Galen Steffens, DEQ, Water Quality Planning Bureau Chief
Hannah Riedl, DEQ, Watershed Protection Section
Heather Henry, DEQ, Surface Water Discharge Permitting
Janet Fulmer
Jason Mohr
Jeff Blend, DEQ, Energy
Jeff May, DEQ, Surface Water Discharge Permitting
Jeff Schmalenberg, MT Dept. of Natural Resources and Conservation
Jim Dunnigan, MT Fish, Wildlife & Parks / Montana Chapter American Fisheries Society
Joanna McLaughlin, DEQ, Surface Water Discharge Permitting
John Esp, Montana State Senator
Jordan Tollefson, Northwestern Energy
Josh Viall, DEQ, Wastewater Training and Technical Assistance
Julia Altemus, Montana Wood Products Association
Karen Sanchez, The Cadmus Group
Kate Wilson, MT Dept. of Natural Resources and Conservation
Kayla Desroches, Yellowstone Public Radio

Kayla Glossner, DEQ, Surface Water Discharge Permitting
Kristy Fortman, DEQ, Watershed Protection Section Supervisor
Kurt Moser, DEQ, Legal Counsel
Logan McInnis, City of Missoula
Louis Engels, City of Billings
Lynn Mass, Friends of Lake Mary Ronan
Mace Mangold, WGM Group
Mark Ockey, DEQ, Watershed Protection Section
Matt Wolfe, Sibanye Stiillwater
Maya Rao, DEQ, Surface Water Discharge Permitting
Melinda Horne, DEQ, Surface Water Discharge Permitting
Michel Ryan-Aylward
Michelle Pond – WGM Group
Mike Koopal, Whitefish Lake Institute
Mike Suplee, DEQ, Water Quality Standards and Modeling Section
Mikindra Morin – Northern Plains Resource Council
Moira Davin, DEQ, Public Information Officer
Monica Plecker, City of Billings and Yellowstone County Planning Division
Nathan Ward, Kennedy Jenks Consultants
Nick Banish, Gallatin Local Water Quality District
Paula Capece
Peggy Trenk, Treasure State Resources Association
Rachel Cone
Rainie DeVaney, DEQ, Surface Water Discharge Permitting Section Supervisor
Rickey Schultz, HDR
Ron Edwards, Big Sky County Water and Sewer District
Ross Mollenhauer, City of Missoula
Ryan Leland, City of Helena
Ryan Sudbury, City of Missoula
Stephen Coe, Water & Environmental Technologies
Steve Carpenedo, DEQ, Watershed Protection Section
Tim Burton, Montana League of Cities and Towns
Tonya Fish, U.S. Environmental Protection Agency
Tom Radcliffe, City of Bozeman
Trent Freeman, City of Deer Lodge
Trevor Selch, MT Fish, Wildlife & Parks
Vicki Watson

MEETING INITIATION

Amy Steinmetz, DEQ's Water Quality Division Administrator, welcomed everyone to the meeting just after 9:00 a.m. and thanked everyone for their time and participation. Christina Staten with DEQ then gave an overview of Zoom controls and went over meeting logistics. Next, Christopher Dorrington, DEQ Director, and Deputy Director George Mathieus kicked-off the meeting with statements regarding the goals of the Nutrient Work Group in implementing Senate Bill 358 and working toward clean water in Montana. George emphasized that this will not be a consensus-based decision-making process.

Amy then reviewed the meeting agenda and handed the meeting over to Galen Steffens, Bureau Chief of DEQ's Water Quality Planning Bureau, to review key DEQ staff that will be working with the Nutrient Work Group (see the presentation slides in **Attachment A**). Galen then conducted a rollcall of Nutrient Work Group members in attendance via Zoom.

NUTRIENT WORK GROUP CHARTER OVERVIEW

Galen Steffens reviewed the structure of the Nutrient Work, how representatives were chosen, and key points of the Nutrient Work Group Charter (the Charter can be found in the "Meeting Materials" section of the Nutrient Work Group website at http://deq.mt.gov/Water/Resources/nutrientworkgroup). See **Attachment A** for the presentation slides.

The Nutrient Work Group interest groups were structured similarly to other DEQ advisory groups, such as the Statewide TMDL Advisory Group (STAG) and the Water Pollution Control Advisory Council (WPCAC), while also being unique to the needs of the Nutrient Work Group to implement the rulemaking process for SB358. It is DEQ's goal to ensure that the narrative nutrient standards are protective of state waters and water quality, while also implementable by Montana communities and businesses.

After reviewing the Charter, Galen noted that Nutrient Work Group meetings are scheduled for two hours, however, meetings may be extended in 15-minute increments if the majority of the Nutrient Work Group members agree to a time extension, with meetings not to exceed three hours. Regarding agenda topics, if Nutrient Work Group members have items to add to the agenda, DEQ requests that members coordinate with DEQ ahead of time so that DEQ can allow adequate time on the agenda and understand the content to be discussed or presented and whether a separate meeting will be required to cover the information.

Discussion

It was asked how Nutrient Work Group members were identified versus how all other entities were notified of the meeting. Galen responded that the Nutrient Work Group interest groups were modeled after the STAG and WPCAC advisory groups, but DEQ tried to focus on those entities that will be directly affected by the rulemaking process and implementation of the narrative nutrient standards. You can find the list of STAG and WPCAC interest groups on DEQ's website at: http://deq.mt.gov/water/resources/Partners#stakeholderPartners. DEQ also conducted additional outreach via its various water quality email listservs to notify people of this rulemaking process and encourage those that were interested to sign-up directly for the Nutrient Work Group (NWG) email listserv. Meeting notices and agendas are sent out to the NWG email listserv and also posted on the NWG website.

RULEMAKING FRAMEWORK

Mike Suplee with DEQ's Water Quality Standards and Modeling Section provided an overview of the rulemaking process. See **Attachment A** for the presentation slides. For a more detailed overview, see the "Rulemaking Framework" document in the Meeting Materials section of the Nutrient Work Group website (http://deq.mt.gov/Water/Resources/nutrientworkgroup). Mike noted that the focus of this rulemaking will be the development of an Adaptive Management Program for watersheds with point sources. Under this umbrella program, Adaptive Management Plans (AMPs) will be developed according

to waterbody size – they will be different for large rivers versus wadeable streams. The subcommittee meetings will be used to flesh out the details of this program and the contents of the plans.

MEETING FOCUS DISCUSSION: ESSENTIAL COMPONENTS OF ADAPTIVE MANAGEMENT PLANS

Amy Steinmetz set-up the main discussion for the meeting with a few statements about knowns. She stated that DEQ has a regulatory obligation to protect beneficial uses of surface water, and the narrative nutrient criteria will protect those beneficial uses. She further stated that standards that can't be implemented aren't helpful to anyone, and we know that the best implementation comes about through the participation of stakeholders. Amy said that DEQ is committed to listening to all stakeholders and taking into consideration all perspectives. She then provided an overview of the essential components of AMPs (**Attachment A**) and asked two questions of the Nutrient Work Group members:

Question 1: What do you consider to be the top three priorities or considerations for an adaptive management program for you and your represented interest group?

Susie Turner with the City of Kalispell representing Point Source Dischargers: Large Municipal Systems (>1 MGD):

> Developing a practicable and achievable set of regulatory tools that considers nutrients and water quality on a basin scale, which when implemented results in measurable improvements and protection of water quality and beneficial uses; creating an adaptive management permitting process that understands nutrients as a necessary part of a waterbody's ecosystem and provides the ability to determine site-specific circumstances necessary to achieve the receiving waterbody water quality objectives; and to have the adaptive management program support discharge permits in a way that receiving water quality objectives are met with the greatest flexibility that can be provided to mitigate those processes. As such, non-treatment mitigation strategies are an integral part of an adaptive management program – it's important to avoid unnecessary restrictive effluent discharge conditions that result in minor additional water quality protection but consume excessive amounts of energy and chemicals that can result in other damaging environmental impacts.

Shannon Holmes with the City of Livingston representing Point Source Dischargers: Middle-Sized Mechanical Systems (<1 MGD):

> Shannon posed several questions: How are we going to assess affordability of nutrient removal projects on rate payers, as we're seeing a huge escalation in construction costs; how are we going to balance impacts of point source discharges with nonpoint source discharges; and how are we going to measure compliance with a narrative limit? Shannon also expressed concern over the ability of middle-sized communities to pay for and manage contracts to develop AMPs.

Rika Lashley with Morrison-Maeirle representing Point Source Dischargers: Small Municipal Systems with Lagoons:

> This group feels the focus should be on reducing eutrophication as opposed to reducing nutrients. However, their three priorities are: affordability, to provide guidance on how to include farmers and ranchers because nonpoint source dischargers to small streams can be

quite large, and the framework must allow for reasonable timeframes of the management plans (planning schedules, funding cycles, time needed for design and construction, etc.).

Alan Olson with Montana Petroleum Association representing Point Source Dischargers: Non-POTWs:
Alan stated that he does not have anything to add.

Kelly Lynch with Montana League of Cities and Towns representing Municipalities:
Kelly stated that the point source discharger representatives have spoken to what they would see as the priorities.

Pete Schade with Lewis and Clark County Water Quality Protection District representing County Water Quality Districts or Planning Departments:
Ensuring that through this process there is a level of predictability, certainty, and flexibility with permitters in addressing AMPs and any additional limits that may be instituted based on this process, so people know what to expect in both the near and long-term.

Tammy Johnson with Montana Mining Association representing Mining:
Tammy agrees with most of the priorities that have been brough up. As to the backsliding issue, the mining industry has never contemplating going backwards, but only moving forward in a different manner from the numeric water quality standards, but still one that protects water quality. They also agree with regular monitoring, having good background data, and processes for checking and improving along the way.

John Youngberg with Montana Farm Bureau representing Farming-Oriented Agriculture:
Any AMP has to reflect best management practices for nonpoint sources, and we need to take into consideration background levels of nutrients, as we have unique water chemistry in Montana.

Jessica Olson with Gallatin River Task Force representing Local Conservation Organizations:
Jessica agreed with most of what's been said, and emphasized following the best science and practices, as well as data collection.

Sarah Zuzulock with Zuzulock Environmental Services representing Regional Conservation Organizations:
Having a robust dataset for the local watershed and an understanding of the hydrology, establishing action triggers and response variables that encourage improvement of water quality (reduction of both point and nonpoint source loading rates), and support implementation of best available technology, with funding and support provided as needed.

David Brooks with Montana Trout Unlimited representing Statewide Conservation Organizations:
Rulemaking and AMPs cannot create or incentivize backsliding, creating worse local water quality or degrading existing uses - AMPs should help meet the goals of TMDLs, including eliminating impairments to water and actually improving water quality where that is possible; throughout this rulemaking process, we should be making the effort to draw on the best available science; and AMPs should include robust and regular monitoring – not just setting out what the plan should look like, but also follow-up monitoring to make sure they're working.

Guy Alsentzer with Upper Missouri Riverkeeper representing Environmental Advocacy Organizations:

Guy stated that we need to ensure this rulemaking is grounded in the federal Clean Water Act and the mandates of the Montana Water Quality Act, and that we're doing this in a science-based, accountable manner. This group's three priorities are: the rulemaking should not be incentivizing or creating any type of backsliding in permit decisions; to ensure that existing, designated uses are protected, including potentially looking at case-by-case reasonable potential analyses within those specific watersheds included in the adaptive management program; and how are we going to balance point and nonpoint sources?

Tina Laidlaw with the U.S. Environmental Protection Agency representing Federal Regulatory Agencies:

EPA will be looking at whether the adaptive management program and AMPs comply with applicable regulatory requirements.

Mark Bostrom with Montana Department of Natural Resources and Conservation representing State Land Management Agencies:

Mark stated that he agrees with the statements made by Sarah Zuzulock, representing regional conservation organizations.

Rebecca Boslough with Montana Association of Conservation Districts representing Soil and Water Conservation Districts both East and West of the Continental Divide:

Rebecca wanted to echo the comments made by Sarah Zuzulock and Jessica Olson.

Scott Buecker with Applied Engineering and Environmental Services representing Wastewater Engineering Firms:

Clarity: rules that can be explained to clients, client's governing boards, and to the citizens of Montana that have to pay for this; equity between point and nonpoint sources; and affordability.

Question 2: Describe your goal for your role in the Nutrient Work Group or what you hope to accomplish through the process.

Susie Turner with the City of Kalispell representing Point Source Dischargers: Large Municipal Systems (>1 MGD):

Susie's goal is to help shape policy and regulations to achieve the priorities of the large municipalities, including ensuring that the adaptive management process is a cost effective, environmentally sound approach that incorporates flexibility and achievable practices for all dischargers for site-specific water quality objectives.

Shannon Holmes with the City of Livingston representing Point Source Dischargers: Middle-Sized Mechanical Systems (<1 MGD):

Shannon wants to do his best to represent the <1 MGD communities in Montana and obtain their input, to help shape the policy for future generations, and to find that balance between what rate payers can afford and ensuring the best water quality with that funding mechanism.

Rika Lashley with Morrison-Maeirle representing Point Source Dischargers: Small Municipal Systems with Lagoons:

In support of the priorities she stated above, Rika sees her role as an ambassador of the small communities in Montana, connecting with those communities and collecting their thoughts and input to bring to the group.

Alan Olson with Montana Petroleum Association representing Point Source Dischargers: Non-POTWs:
Alan is hoping that the outcome of this process is achievable rules that are applied equally across the board.

Pete Schade with Lewis and Clark County Water Quality Protection District representing County Water Quality Districts or Planning Departments:
Pete stated he would like to focus on a sound, science-based process that acknowledges and accommodates watershed system variability and limitations, and a watershed-wide approach that looks at point and nonpoint sources together in terms of controlling nutrients – perhaps much like the TMDL process is done in Montana. In summary: a sound science that looks at and evaluates all the sources, and lookd at the flexibility that the new rule allows, as well as site-specific considerations for managing nutrients.

Tammy Johnson with Montana Mining Association representing Mining:
Tammy stated her role is to represent the membership of the Montana Mining Association, which they believe is important to Montana's economic fabric. They will remain focused to work with current and future dischargers to make sure we have something that is possible, predictable, and sustainable, and ensures water quality and beneficial uses are protected, while remaining within the realm of what is possible.

John Youngberg with Montana Farm Bureau representing Farming-Oriented Agriculture:
John stated his job is to represent agriculture, which is entirely a nonpoint source, and therefore to make sure what happens is fair to nonpoint sources through rules that are achievable.

Jessica Olson with Gallatin River Task Force representing Local Conservation Organizations:
Jessica stated their goal is to see measurable differences and have standards that improve water quality.

Sarah Zuzulock with Zuzulock Environmental Services representing Regional Conservation Organizations:
Sarah's goal is to be a productive member representing regional conservation groups in developing a rule that is protective of water quality and balances the efficacy and affordability of implementation for all stakeholders, to find common ground among stakeholders, and to use her experience in development and implementation of adaptive management plans in the state that do account for point and nonpoint source discharges.

David Brooks with Montana Trout Unlimited representing Statewide Conservation Organizations:
David stated multiple goals: to represent membership of statewide conservation organizations and to ensure that water quality standards protect ecological and human health and all underlying values; to ensure the results of this work group meet or exceed the intentions and legal requirements of the Clean Water Act; and to use proper metrics to define river or waterbody size (small versus large rivers) and make sure we're accounting for seasonality and seasonal flow changes, as well as ecological health.

Guy Alsentzer with Upper Missouri Riverkeeper representing Environmental Advocacy Organizations:

Guy stated that Environmental Advocacy Groups are really focused on ensuring that any rulemaking complies with the mandates of the federal Clean Water Act and the promises of our state constitution enunciated through the Montana Water Quality Act; that this is not an exercise in practicability, but an exercise in accountability, and that accountability framework has to be grounded in, and reflect the scientific understanding of, what is necessary to protect beneficial uses of our waters.

Tina Laidlaw with the U.S. Environmental Protection Agency representing Federal Regulatory Agencies:

Tina stated that EPA's role is to review and either approve or disapprove new or revised water quality standards that are consistent with the Clean Water Act and EPA's water quality standards regulations, and they will provide input throughout the process regarding these regulatory requirements and can also provide technical assistance as needed.

Mark Bostrom with Montana Department of Natural Resources and Conservation representing State Land Management Agencies:

Mark's goal would be to keep a perspective on the price tag. He also stated that he agrees with Sarah Zuzulock that Montana is a state that is poor in data and information at the watershed scale, and the amount of information that needs to be collected in order to make sound decision-making is going to require a lot of collaborators and they will require the means to do so; therefore, there is a huge cost burden. He stated another hole in the boat is overall financing for nonpoint sources, as there is a lot of work to be done. Mark also stated this process has to be grounded and rooted in science, but also needs the ability to get there over time.

Rebecca Boslough with Montana Association of Conservation Districts (MACD) representing Soil and Water Conservation Districts both East and West of the Continental Divide:

Rebecca wanted to echo what Mark Bostrom said in terms of gathering data and collaboration and the role that conservation districts could play in that, given they have a statewide reach. In terms of goals, MACD is thinking about how this process can inform conservation district work with landowners on conservation and water quality issues, as well as having a good flow of information between the Nutrient Work Group and conservation districts.

Scott Buecker with Applied Engineering and Environmental Services representing Wastewater Engineering Firms:

This group's goal is a clear regulation that is logical and results in buildable projects that are affordable to the state's ratepayers.

NEXT STEPS, TECHNICAL SUBCOMMITTEE, AND LISTENING SESSIONS

Amy Steinmetz stated that our next steps will be defining the details of the adaptive management plans, including procedural aspects, rolling review, and adaptation. DEQ will be working on this over the next few weeks and will be scheduling a technical subcommittee meeting to begin working through these details. Each Nutrient Work Group (NWG) member may nominate a single representative to serve on the technical subcommittee. Technical subcommittee meetings will also be open to the public and notices of meetings will be distributed via the NWG email listserv and posted on the NWG website (http://deq.mt.gov/Water/Resources/nutrientworkgroup).

Galen Steffens then announced that DEQ will be holding a listening session on June 9, 2021 from 1 to 3 p.m. via Zoom to take comment and answer questions. If you would like to submit questions for the

listening session ahead of time, please do so on the NWG website, under "Submit Comments or Questions." You may also use this feature on the website to submit comments or questions about this rulemaking process at any time.

PUBLIC COMMENT

Public comment was taken at the end of the meeting.

The City of Billings stated that they want to ensure that in this process we don't create additional environmental harm, as treating the sewage for the City of Billings requires a tremendous amount of energy and chemicals which ultimately translates to large amounts of greenhouse gases. The City further stated that science has shown that further purification of treated effluent will result in two to three times additional energy and greenhouse gas emissions and would like the NWG to keep this in mind.

It was asked if there will be time at the end of each Nutrient Work Group meeting for the public to ask questions. Moira Davin with DEQ responded that there will be however, DEQ is also holding the listening session on June 9 just to hear comments and answer questions that the public or Nutrient Work Group members may have. Additional information about the listening session will be posted on the NWG website (http://deq.mt.gov/Water/Resources/nutrientworkgroup).

It was asked if all those that participated in this meeting will continue to receive notices of future meetings. Galen responded that the best way to receive notices of future meetings is to sign up for the Nutrient Work Group email listserv on the NWG website, using the "Sign Up" link: http://deq.mt.gov/Water/Resources/nutrientworkgroup

Vicki Watson commented that the technology of land application, or irrigation, should be thought about by the group and that appropriately treated effluent should be thought about as a resource rather than a waste. Vicki further stated that Montana needs a lot of water and we often add fertilizers, therefore, treated municipal effluent is resource-rich water. If we focus on making it safe for land application, it would become a valuable resource instead of being seen as a liability. She would like to see this be part of the discussion, as the best way to remove nitrogen and phosphorus is to apply it to the land to grow plants.

It was asked if a representative from watershed groups could be invited to participate on the Nutrient Work Group to represent nonpoint sources. Galen responded that all the watershed groups in Montana were solicited for membership on the NWG, and Kristin Gardener with the Gallatin River Task Force was the selected representative. If you would like to work with any of the NWG members, their contact information can be found on the NWG website (http://deq.mt.gov/Water/Resources/nutrientworkgroup).

Montana State University Extension Office commented that they appreciate this collective and collaborative approach to shaping the policy. Also, that measuring nutrient concentrations in water is reasonably straight forward; however, measuring response variables to nutrient enrichment, like nuisance algae growth and DO minimums, can be more challenging. They hope we can continue to refine best practices for collecting data to track conditions and trends of eutrophication over time to identify solutions.

The City of Kalispell stated that it would be helpful to hear about the pros and cons of adaptive management plan development from other state agencies or dischargers that have an AMP program in place. Has DEQ considered this as part of this process? Mike Suplee responded that DEQ has looked at examples of AMPs from other states, which can be found on the NWG website under the meeting materials for the March 25, 2021 meeting (http://deq.mt.gov/Water/Resources/nutrientworkgroup). Mike also noted that the Water and Environmental Research Foundation document (WERF Nutrient Permitting Framework found at the same location) lays out the basic concepts that could be used to help build an adaptive management plan. However, DEQ has not looked at the details of the pros and cons of this approach from other states but has looked at how they are built and some of the major components. Mike emphasized that Montana's AMPs may not look exactly like other state's AMPs because our new law is asking several things, one of which is going back to narrative standards. Whereas Wisconsin for example has a phosphorus-only standard in place as well as a variance process. However, variances were removed as part of SB358. Therefore, Mike stated that it is difficult to use a one-to-one correspondence with what other states have done. However, we can definitely take the best pieces and parts from other states to apply to Montana's process.

It was asked if the technical subcommittee was already built or if additional people are sought. Galen responded that Nutrient Work Group members will each be nominating a representative to serve on the technical subcommittee to represent their interest group.

Chris Dorrington, DEQ Director, gave closing comments and the meeting was ended just before 11 a.m.

ATTACHMENT A: MAY 27, 2021 NUTRIENT WORK GROUP MEETING PRESENTATION SLIDES

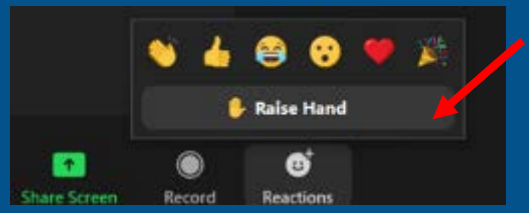
Nutrient Work Group Session 1

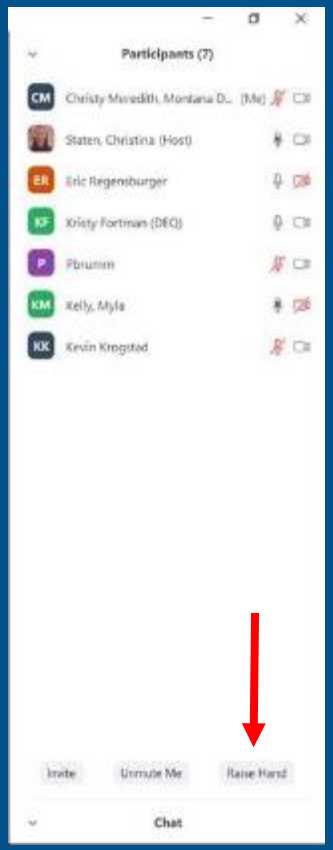
May 27, 2021

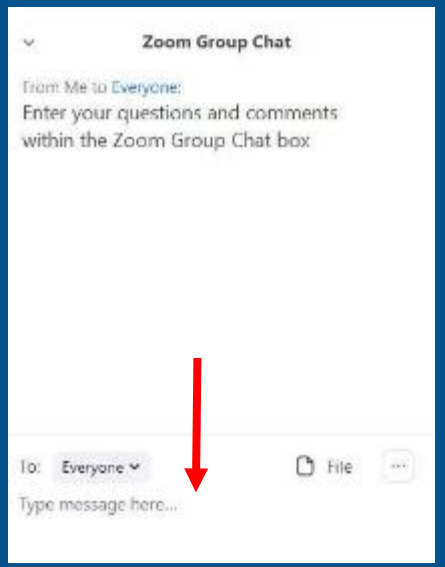
DEQ MONTANA

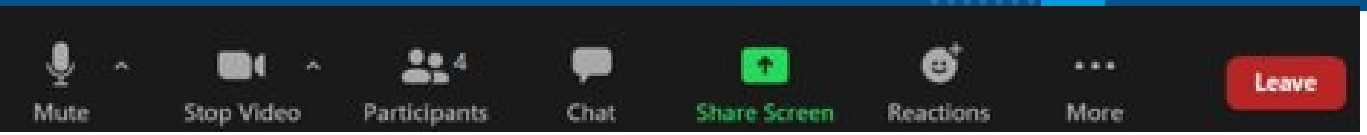
Welcome!

- Please keep your microphone muted
- Only NWG Members may participate during discussions
- *6 unmutes your phone
- State your name and affiliation before providing your comment
- Enter questions in the chat box at any time
- Turning off your video feed provides better bandwidth
- Please sign-in to the chat box with name and affiliation









DEQ MONTANA

Agenda

Nutrient Work Group Meeting

- Introductions and Roll Call
- Nutrient Work Group Charter Overview
- Rulemaking Framework Overview
- Focus of Today's Discussion:
  - Essential Components of Adaptive Management Plans
  - Sections of the Rulemaking Framework
- Close of Meeting
  - Future Listening Sessions
  - Next Meeting Topics
  - Open Public Discussion and Q&A

DEQ MONTANA

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

DEQ MONTANA

Introductions

Nutrient Work Group Members

Interest Group	Representative	Affiliation
Point Source Discharger: Large Municipal Systems (>1 MGD)	Susie Turner	City of Kalispell
Point Source Discharger: Middle-Sized Mechanical Systems (<1 MGD)	Shannon Holmes	City of Livingston
Point Source Discharger: Small Municipal Systems with Lagoons	Rika Lashley	Morrison-Maeirle
Point Source Discharger: Non-POTW	Alan Olson	Montana Petroleum Association
Municipalities	Kelly Lynch	Montana League of Cities and Towns
Mining	Tammy Johnson	Montana Mining Association
Farming-Oriented Agriculture	John Youngberg	Montana Farm Bureau
Livestock-Oriented Agriculture	Jay Bodner	Montana Stockgrowers Association
Conservation Organization - Local	Kristin Gardner	Gallatin River Task Force
Conservation Organization – Regional	Sarah Zuzulock	Zuzulock Environmental Services
Conservation Organization – Statewide	David Brooks	Montana Trout Unlimited
Environmental Advocacy Organization	Guy Alsentzer	Upper Missouri Waterkeeper
Water or Fishing-Based Recreation	Wade Fellin	Big Hole Lodge
Federal Land Management Agencies	Andy Efta	U.S. Forest Service
Federal Regulatory Agencies	Tina Laidlaw	U.S. Environmental Protection Agency
State Land Management Agencies	Mark Bostrom*	*Substitute: DNRC
Water Quality Districts / County Planning Departments	Pete Schade	Lewis & Clark County Water Quality Protection District
Soil & Water Conservation Districts – West of the CD	Rebecca Boslough*	*Substitute: Montana Association of Conservation Districts
Soil & Water Conservation Districts – East of the CD		
Wastewater Engineering Firms	Vacant	

Nutrient Work Group

Charter Overview

Pillars

The following guiding principles will serve as the foundation for the rulemaking process.

1. DEQ will utilize the existing science of nutrient impacts to Montana's beneficial uses—it is not the intent of these meetings to revisit the science.
2. DEQ will adhere to permitting requirements of anti-backsliding.
3. All water quality standards changes will be submitted to EPA for approval under the Clean Water Act.
4. DEQ will actively engage with the Nutrient Work Group as an advisory body.
5. DEQ's developed and vetted nutrient assessment method will remain in place, with minor changes.

DEQ MONTANA

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.

DEQ MONTANA

DEQ Roles & Responsibilities

- Provide NWG members the opportunity to collaborate with other agencies and groups on making recommendations for the project;
- Keep Nutrient Work Group partners informed of progress;
- Provide documentation to support recommendations;
- Provide technical expertise;
- Provide early notification of Nutrient Work Group meetings and make every effort to provide two weeks to review and comment on technical reports and other documents;
- Manage logistics for meetings;

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DEQ Roles & Responsibilities

- Explain the reasons when deviations are taken from Nutrient Work Group recommendations.
- After the rules are drafted, work with interest groups to brief local decision makers and produce briefing materials and reports; and
- After the rules are drafted, conduct public meetings as necessary to inform and engage the public, regulated community, all other stakeholders.

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Deliverables

Deliverables will be based on issues addressed by the NWG.

Most immediate deliverables:

- Rules to implement narrative nutrient standards
- Develop the Adaptive Management Program and Adaptive Management Plans
  - Requirements
  - Content
  - Review Process
  - Implementation

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Technical Subcommittee

NWG meetings and related technical subcommittee meetings (described below) will be open to members of the public:

- Nutrient Work Group Interest Groups may each assign one member to the Technical Subcommittee (TSC).
- The TSC will meet on an as needed basis to discuss specific scientific technical aspects of the rulemaking.
- Examples of issues that the TSC will address are provided in the SB358 Rulemaking Framework.

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Additional Items of Note

- Meeting time extension
- Agenda items
- Time limits will be applied at different times
- Questions

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Rulemaking Framework

Overview

Framework Overview

- Focus on development of an Adaptive Management Program for watersheds with point sources

- Adaptive Management Plans (AMPs) under the program to be developed at different scales according to waterbody size

- AMPs to consider all sources impacting a waterbody, prioritize phosphorus minimization unless unfitting for the situation

- Identify water quality indicators (response variables) related to nutrient pollution and how (at what threshold) they impact beneficial uses

- AMPs should use information in existing water quality studies/plans (TMDLs) when available, and inform future TMDLs when starting from scratch

- AMPs implemented in Permitting on an incremental schedule, considering operational costs, requiring ongoing monitoring to track progress, etc.; may result in future pollutant reductions if limits not succeeding

Activities

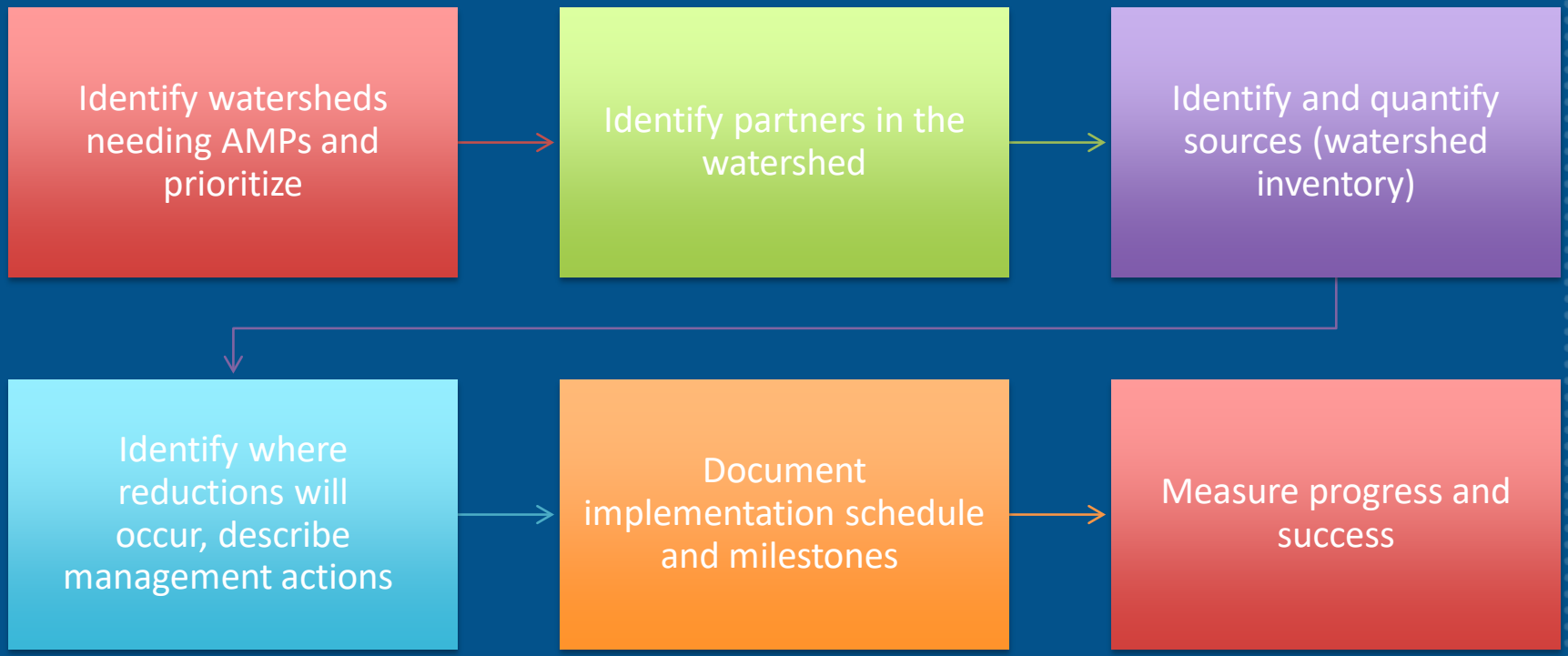
Summary of principal activities needing completion prior to rulemaking

Activity	Main Nutrient Work Group	Sub-committee	Complete By (6 NWG meetings planned)	Date (2021)
Discuss Key Components of Adaptive Management Program	X		Meeting 1	5/27
Work on details of Adaptive Management Program and Plans, including procedural aspects, rolling review, adaptation		X	Prior to Meeting 2	TBD
Define overall Adaptive Management Program. Initial discussion of watershed-scale framework	X		Meeting 2	6/23
Work on details of watershed-scale framework; address approach for complex watersheds containing multiple point sources or which drain to lakes		X	Prior to Meeting 3	TBD
Adaptive Management Program scale framed. Initial discussion of response variables and harm-to-use thresholds.	X		Meeting 3	7/28
Work of details of response variables, harm-to-beneficial use thresholds, where measured, how often, etc.		X	Prior to Meeting 4	TBD
Complete response variable discussion. Initial discussion of process for identifying point source long-term nutrient targets, accounting for all factors impacting waterbody.	X		Meeting 4	8/25
Work on details for identifying point source long-term nutrient targets		X	Prior to Meeting 5	TBD
Complete discussion of point source long-term nutrient targets. Initial discussion of AMP-TMDL relationship.	X		Meeting 5	9/22
Work on details of AMP-TMDL integration		X	Prior to Meeting 6	TBD
Complete discussion of AMP-TMDL relationship. Complete discussion of outstanding issues prior to rulemaking.	X		Meeting 6	10/27

Today's Discussion

Essential Components of Adaptive Management Plans

AMP Essential Components



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Question 1

What do you consider to be the top three priorities or considerations for an adaptive management program for you and your represented interest group?

Question 2

Describe your goal for your role in the NWG or what you hope to accomplish through the process.

Next Steps & Technical Subcommittee

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Open Discussion

- Listening Session
  - June 9th 1-3PM
  - Please submit questions for that meeting
  - Summary of themes and common questions provided to NWG
- NWG Website question submittal button
- General Questions

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Questions for the Listening Session

- Type questions into the chat
- If calling by phone, please unmute yourself and state your question
- Please state your first and last name
- Joining by phone?
  - Press *6 to unmute

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Next Meeting

- Wednesday, June 23 from 9-11 AM
- Next meeting topics
  - Any wrap-up from today's meeting?
  - Outstanding questions
  - Operating Scale of Adaptive Management Program
- Technical Subcommittee meeting
  - Details and date forthcoming

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Thanks for Joining Us

Contact:
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Galen.Steffens2@mt.gov

To submit comments or questions

Submit Comments or Questions

http://deq.mt.gov/water/resources/nutrientworkgroup

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