

Nutrient Standards in Montana: A brief History

- 1980s: P-detergent bans in Flathead, Clark Fork basins
- 1990s: Clark Fork River criteria derived; voluntary compliance (VNRP signed in 1998)
- 2001-2008: DEQ develops criteria for most flowing waters; Clark Fork River criteria adopted by BER; large river criteria projects begun
- 2009, 2011: Legislature adopts SB-95, SB-367: allow variances from nutrient standards. Nutrient Work Group (NWG) created.
- 2011-2013: DEQ & NWG address nutrient standards implementation details
- 2014: Statewide standards & variances adopted by BER & DEQ (Circulars DEQ-12A, -12B); rules include non-severability clauses
- 2015: Montana's nutrient standards & variances approved by EPA (February); EPA publishes new variance regulations at 40 CFR 131.14 in August
- 2017-18: 1st triennial review of 12B; EPA approves. 1st individual variance adopted in 12B; EPA approves.
- 2019-2021: Federal court decisions on variances leads DEQ to revise 12B; EPA disapproves revisions and approves 2014 non-severability clauses. Further court actions lead to additional revisions of 12B (rulemaking stayed).
- 2021: Montana legislature adopts SB-358, repealing Circular DEQ-12B (variances), requiring rulemaking to eliminated 12A from rule, and requiring narrative standards to be applied in permits for nutrients.