

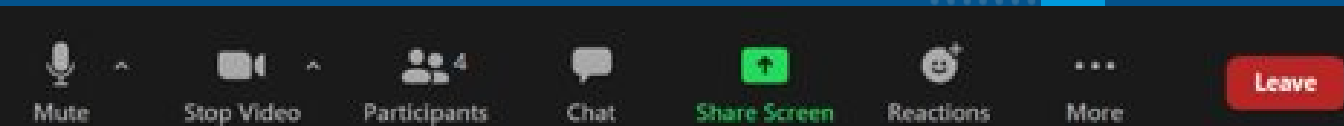
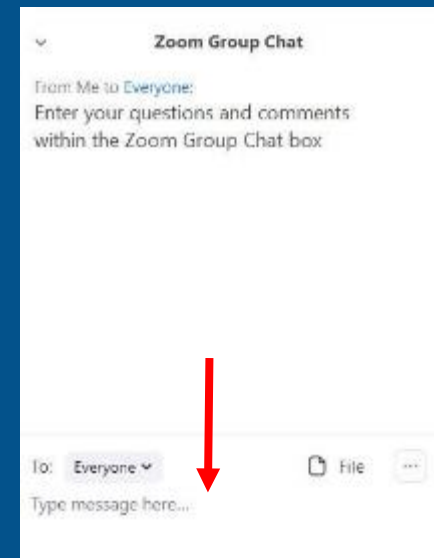
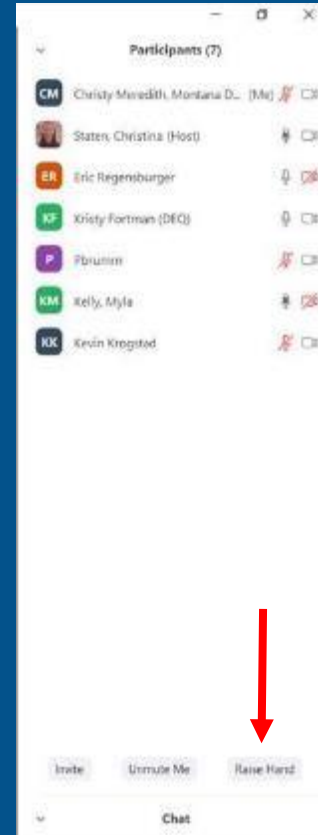
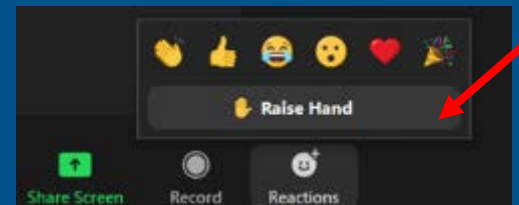


Nutrient Work Group Technical Subcommittee Session Four

July 16, 2021

Welcome!

- Please keep your microphone muted until called on
- TSC 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 at any time
- Turning off your video feed provides better bandwidth
- Please sign-in to the chat box with name and affiliation



Agenda

Meeting Goal: Finalize defining AMP watershed extents

9:35 a.m. Welcome

9:40 a.m. Introductions (Ted Barber, Facilitator)

9:45 a.m. Review MT State Law vs MT Administrative Rule vs Policy (Mike Suplee)

10:05 a.m. Watersheds with Multiple Sources (Rainie DeVaney)

- Discussion and feedback

10:25 p.m. Outstanding Topics (Rainie DeVaney and Mike Suplee)

- AMP definition and AMP flowchart
- Roles and Responsibilities
- Confirm medium rivers category
- TEAMS platform feedback

11:00 pm Open Public Discussion & Close of Meeting

- Discussion of next meeting topics and next subcommittee meeting
- Meeting close

Introductions

Facilitator

- Ted Barber

DEQ Staff

- Michael Suplee, Water Quality Science Specialist
- Rainie DeVaney, Discharge Permitting Section Supervisor
- Amy Steinmetz, Water Quality Division Administrator
- Jon Kenning, Water Protection Bureau Chief
- 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

Introductions

Nutrient Work Group Technical Subcommittee Members

Interest Group	Representative	Substitute
Point Source Discharger: Large Municipal Systems (>1 MGD)	Dave Clark	
Point Source Discharger: Middle-Sized Mechanical Systems (<1 MGD)	Vacant	
Point Source Discharger: Small Municipal Systems with Lagoons	Rika Lashley	
Point Source Discharger: Non-POTW	Shane Lacasse	
Municipalities	Amanda McInnis	Louis Engels
Mining	Matt Wolfe	
Farming-Oriented Agriculture	John Youngberg	
Livestock-Oriented Agriculture	Jay Bodner	
Conservation Organization - Local	Kristin Gardner	
Conservation Organization – Regional	Sarah Zuzulock	
Conservation Organization – Statewide	Sarah Zuzulock	
Environmental Advocacy Organization	Guy Alsentzer or Sarah Zuzulock	
Water or Fishing-Based Recreation	Guy Alsentzer or Sarah Zuzulock	
Federal Land Management Agencies	Andy Efta	Thor Burbach
Federal Regulatory Agencies	Tina Laidlaw or Erik Makus	
State Land Management Agencies	Jeff Schmalenberg	
Water Quality Districts / County Planning Departments	Pete Schade	None
Soil & Water Conservation Districts – West of the CD	Samantha Tappenbeck	
Soil & Water Conservation Districts – East of the CD	Dan Rostad	
Wastewater Engineering Firms	Coralynn Revis	
Timber Industry	Julia Altemus	

Ground Rules

- Speak one at a time—refrain from interrupting others.
- Wait to be recognized by the facilitator before speaking.
- Facilitator will call on people who have not yet spoken before calling on someone a second time for a given subject.
- Share the oxygen—ensure that all members who wish to have an opportunity to speak are afforded a chance to do so.
- Be respectful towards all participants.
- Listen to other points of view and try to understand other interests.
- Share information openly, promptly and respectfully.
- If requested to do so, hold questions to the end of each presentation.
- Remain flexible and open-minded, and actively participate in meetings.



Department Rules: Where do they fit in?

The Three Coequal Branches of State Government

Legislative—makes the laws; MT legislature meets every two years, January-May

Executive—executes and administers the laws; DEQ is an executive branch agency, director serves at the pleasure of the Governor

Judicial—interprets the laws, particularly when there is disagreement about meaning and application of state statutes and administrative rules

Department Rules: Where do they fit in?

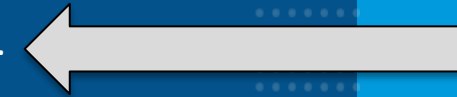
The Hierarchy of State Law (in order of rank)

None of the components should be in opposition/inconsistent with those above it

State Constitution

State Law (passed by Legislature, signed by Governor); in the Montana Code Annotated (MCA)

Administrative Rules (Department; ARMs). Have the force of law once adopted.



Written Policy (Department memos, Technical Guidance Documents, etc.)

Work Unit Policy (written or understood)

Department Rules: Where do they fit in?

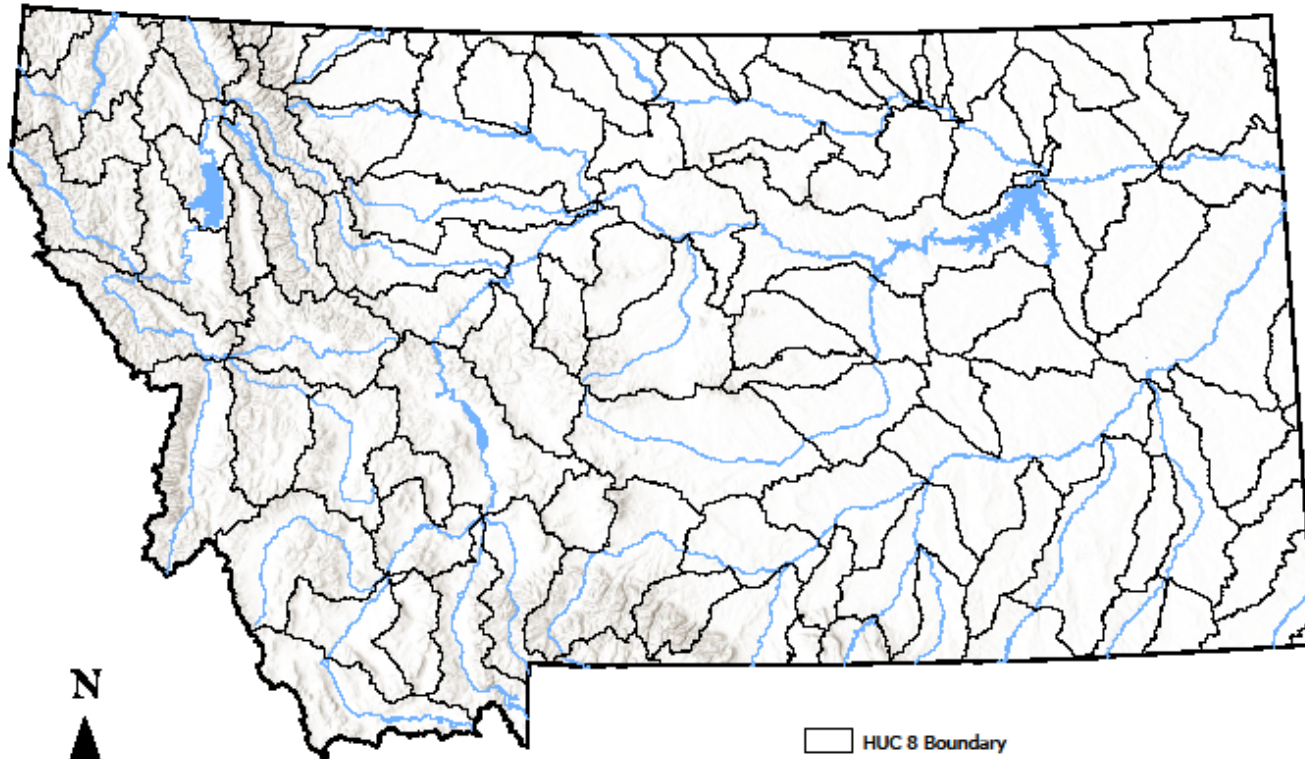
Federal Clean Water Act (CWA)

Sets minimum bar for water quality protection nationally





Cooperative Federalism Montana interacts cooperatively with the federal government to solve common problems. EPA is our main federal counterpart. Many water quality standards rules we adopt must receive EPA review and only become applicable for CWA purposes after EPA approval

Federally delegated Montana holds primacy to implement some Clean Water Act programs. Montana must implement these federally delegated programs consistent with applicable federal regulations.

HUC 8 Boundaries in Montana

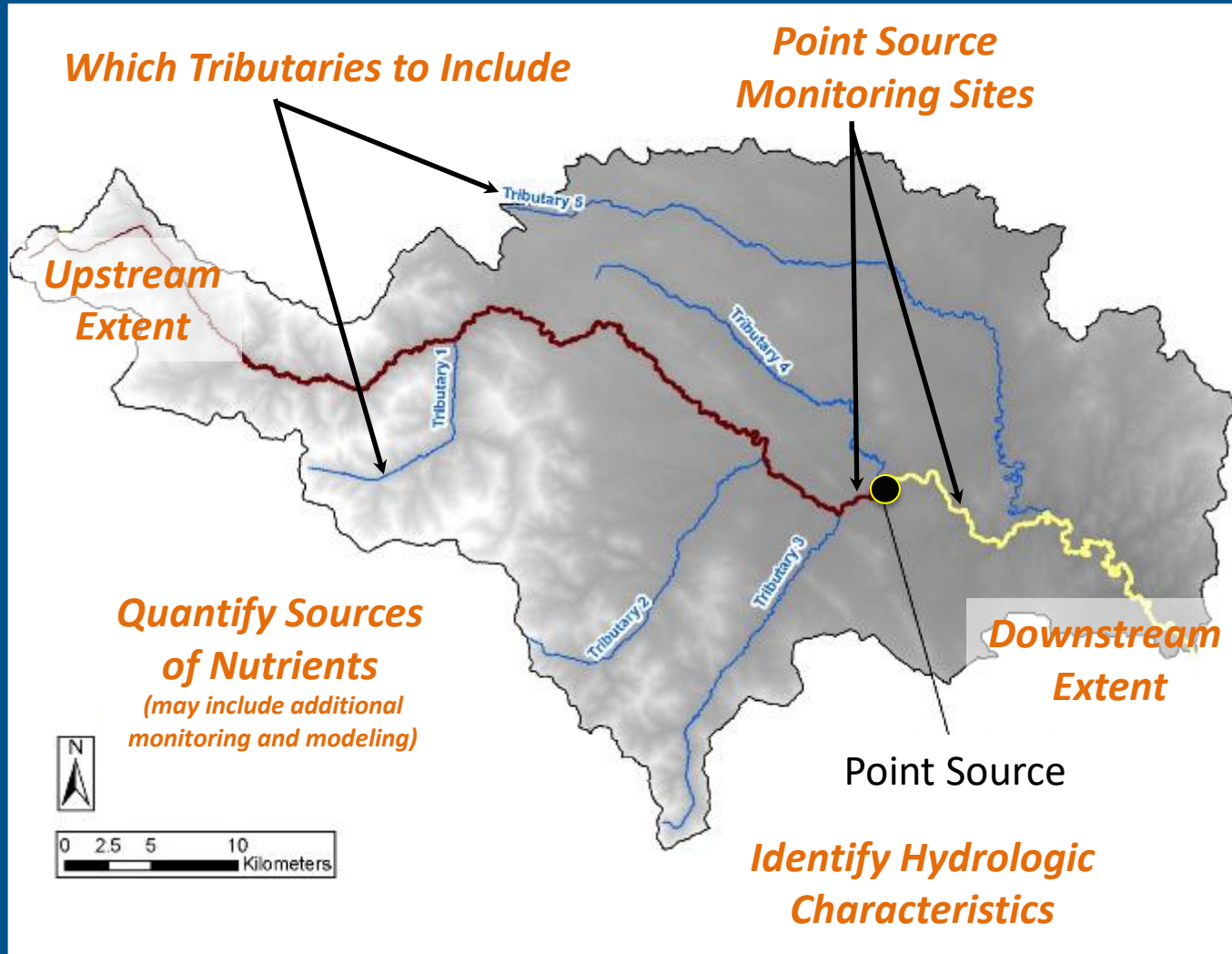


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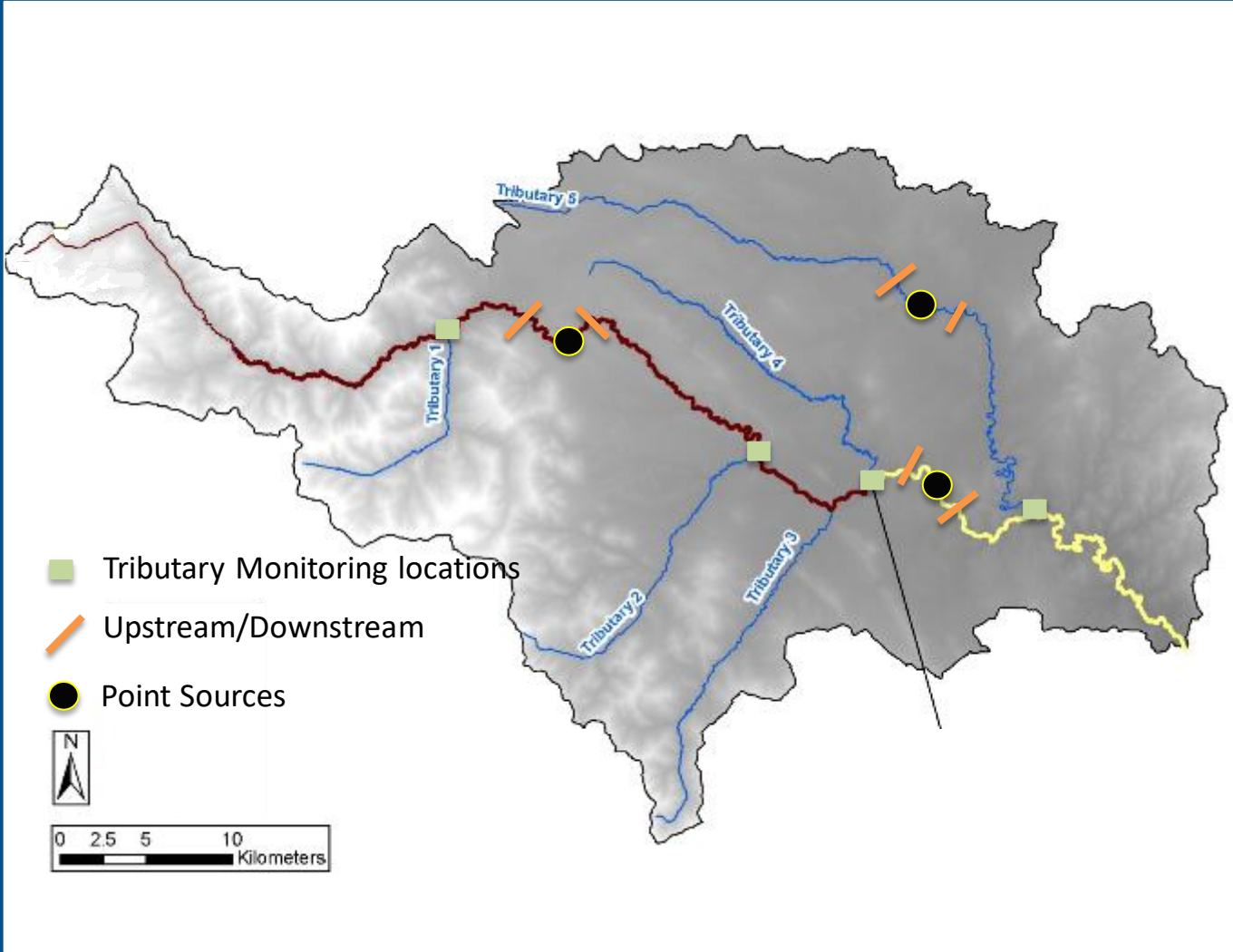
-  HUC 8 Boundary
-  Major Rivers
-  Major Lakes
-  MT State Boundary

Esri, USGS

Key Considerations When Defining an AMP Watershed



Watersheds with Multiple MPDES Permittees



Watersheds with Multiple MPDES Permittees

- DEQ will identify each watershed (likely Hydrologic Unit Code 8) that requires a watershed monitoring plan
- DEQ will notify point sources in the watershed and may provide a preliminary watershed inventory of sources based on DEQ records
- DEQ will provide a deadline for submission of the watershed monitoring plan

Draft Approach for Determining Watershed

- Under an adaptive management plan the watershed must be defined, at a minimum, by its upstream extent, its downstream extent, the principal tributaries included, and the main sampling locations to be monitored for purposes of assessing sources and the direct effects of the point source
- Proposed watersheds will be reviewed by the department. The department will (a) approve the watershed as described, or (b) make recommendations for an alternative layout. The department will have final review and approval on all AMP watersheds
- For purposes of monitoring and assessment, the point source receiving waterbody will be identified as a wadable stream, *medium river?* or large river



Technical Subcommittee Discussion and Feedback

Outstanding Topics

- AMP definition and AMP flowchart
- Roles and Responsibilities
- Confirm medium rivers category
- How is TEAMS working for the group?

AMP Details Document

Draft Definition

Adaptive Management Program means a watershed-scale system that protects water quality from ~~point and nonpoint sources~~ the impacts of nutrients sources by: (a) prioritizing phosphorus reduction while accounting for site specific conditions, (b) allowing for nutrient sources to be addressed incrementally over time by incorporating flexible decision-making which can be adjusted as management actions and other factors become better understood, (c) reasonably balancing evaluating all factors impacting a waterbody while considering the relative monetary and environmental cost of treatment options, their feasibility, and their expected water quality improvement, (d) ~~documenting~~ identifying specific nutrient reduction requirements, and (e) setting as its goal the protection and achievement of beneficial uses of the waterbody.

Outstanding Topics

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Technical Subcommittee Discussion and Feedback



Public Comment & Close of Meeting

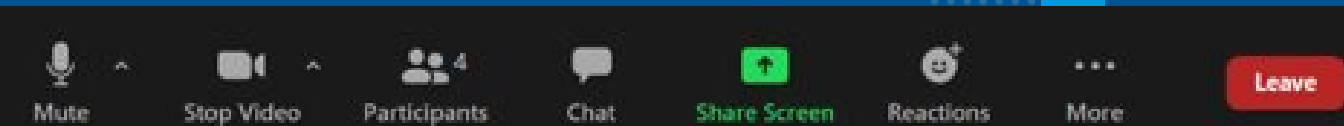
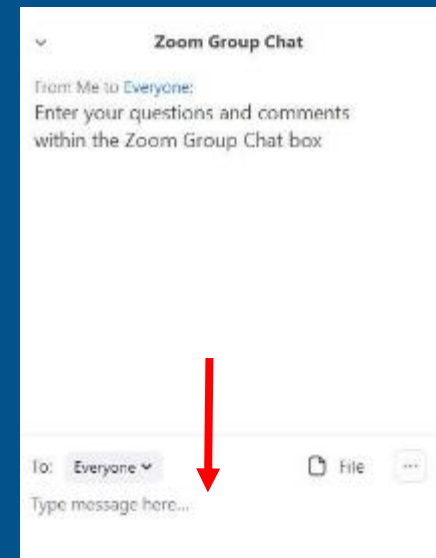
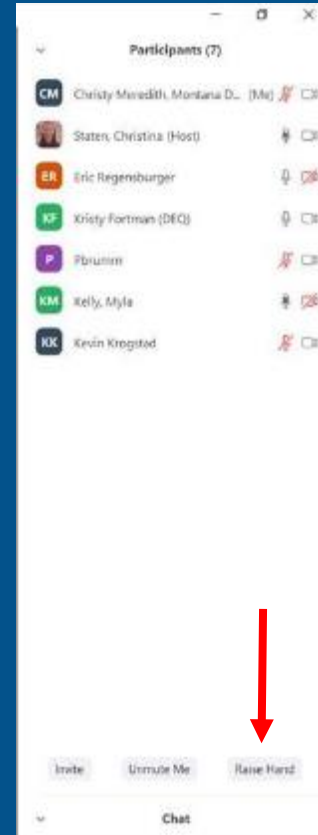
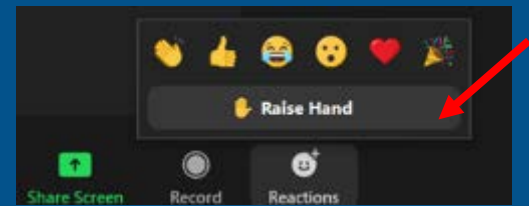
Next Meetings

- Nutrient Work Group Session 3
July 28, 2021, 9-11 AM
- Technical Subcommittee
Aug. 3, 2021, 1:30 – 3:30 PM
Topic: Response variables and thresholds



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:

Mike Suplee, MSuplee@mt.gov

Rainie Devaney, RDevaney@mt.gov

To submit comments or questions



» Submit Comments or Questions

<http://deq.mt.gov/water/resources>