



April 26, 2024

Dear Interested Party,

On April 26, 2024, the Montana Department of Environmental Quality (department) initiated rulemaking on proposed NEW RULE I, NEW RULE II, Department Circular DEQ-15, and rule amendments and repeals. This action will implement statute at 75-5-321, MCA, and Senate Bill 358 which was adopted by the 2021 Regular Session of the Montana Legislature.

The statute at 75-5-321, MCA requires the department to adopt rules related to narrative nutrient standards and an Adaptive Management Program. The rules provide for an incremental watershed approach for protecting and maintaining water quality while reasonably balancing all factors impacting a water body, prioritize the minimization of phosphorus, and identify appropriate response variables affected by nutrients and associated impact thresholds in accordance with the beneficial uses of the water body. Senate Bill 358 also requires that the department amend rules to delete all references to Department Circular DEQ-12A, Department Circular DEQ-12B, base numeric nutrient standards, and nutrient standards variances.

NEW RULE I (Translation of Narrative Nutrient Standards) describes how narrative nutrient standards will be translated to determine whether water quality standards are met in state surface waters. NEW RULE II (Implementation of the Adaptive Management Program for Narrative Nutrient Standards) describes the implementation of an Adaptive Management Program within the Montana Pollutant Discharge Elimination System (MPDES) permitting program. Department Circular DEQ-15 (March 2024 edition) provides procedures and requirements related to both new rules.

As noted, the proposed rulemaking amends rules to delete references to Department Circular DEQ-12A, Department Circular DEQ-12B, base numeric nutrient standards, and nutrient standards variances. This action also incorporates permit fees related to the new Adaptive Management Program, amends related nondegradation rules, and improves clarity. In addition, the proposed rulemaking repeals the framework rule ARM 17.30.1388, which is rendered unnecessary and redundant with the adoption of the new rules, and repeals ARM 17.30.660, an administrative update to remove a rule which was directly repealed by Senate Bill 358.

On June 10, 2024, at 10:00 a.m., a public hearing will be held in room 111 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider rule adoption, amendment, and repeal as proposed in MAR 17-434 in the Montana Administrative Register. You may also join the hearing virtually via Zoom. More information is available on the department's website, including a copy of the notice of public hearing on proposed adoption, amendment, and repeal, and instructions on how to attend remotely, at <https://deq.mt.gov/public/water-public>. The department will make reasonable accommodation for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice (see the MAR notice on the website for details). Copies of Department Circular DEQ-15 may be obtained from the Department of Environmental Quality, P.O. Box 200901, Helena, MT 59620-0901, or on the department's website at <https://deq.mt.gov/public/water-public>.

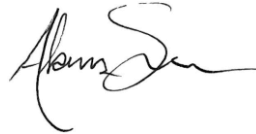
You are invited to submit data, views, or arguments concerning the proposed action either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Department of Environmental Quality, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; or e-mailed to DEQMAR17-434@mt.gov and must be received no later than 5:00 p.m. on June 10, 2024. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

We thank you for your interest in Montana's water quality.

Sincerely,



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