



ADMINISTRATIVE RULES OF MONTANA

17.30.1388 DEVELOPMENT OF AN ADAPTIVE MANAGEMENT PROGRAM IMPLEMENTING NARRATIVE NUTRIENT STANDARDS

- (1) The department will adopt rules, in consultation with the Nutrient Work Group, for:
 - (a) the development of the Adaptive Management Program under which point source dischargers whose discharges include total phosphorus and/or nitrogen may apply for Individual Montana Pollutant Discharge Elimination System Permits (MPDES).
 - (i) Applications for MPDES Permits from these point source dischargers must include an Adaptive Management Plan. The Adaptive Management Plan must include a Watershed Monitoring Plan and may include an Implementation Plan.
 - (ii) The Watershed Monitoring Plan must:
 - (A) quantify nutrient loading from both point and non-point sources within watersheds;
 - (B) evaluate impacts of nutrients on beneficial uses of surface water bodies by requiring monitoring of appropriate response variables and any associated impact thresholds; and
 - (C) consider impairment status when identifying monitoring objectives.
 - (iii) If an Implementation Plan is required, the Implementation Plan:
 - (A) must establish a process for identifying nutrient loading reductions and other actions needed to achieve the narrative nutrient standards and protect beneficial uses. This process will prioritize phosphorus, considering site specific conditions; and
 - (B) may include flexibility for point sources to identify a variety of specific actions to reduce nutrient loading within the watershed. These actions must be based on results from the Watershed Monitoring Plan or department assessments.
 - (b) the establishment of a process for incorporating the Watershed Monitoring Plan requirements and any Implementation Plan into MPDES permits;
 - (c) the establishment of a process for developing nutrient loading reductions and other actions that can be incorporated into MPDES permits as enforceable conditions; and
 - (d) the development of an Incentive Program to incentivize additional nutrient reductions and other actions using methods that improve water quality beyond minimum requirements.

Authorizing statute(s): 75-5-201, 75-5-401, MCA

Implementing statute(s): 75-5-321, 75-5-401, MCA

History: NEW, 2022 MAR p. 327, Eff. 3/12/22.