



Sept. 1, 2020

Department of Environmental Quality (DEQ)

Proposed agency legislation

Nutrient legislation—DEQ worked with stakeholders to establish numeric nutrient standards and nutrient variances. The numeric nutrient standards contained non-severability language in case the nutrient variances were denied or disapproved by EPA or the Courts. EPA disapproved Montana's nutrient variance rules in February 2020. As a result, numeric nutrient standards were eliminated based on the non-severability clause. This proposed legislation would eliminate the nutrient variance statute since it is no longer applicable. Additionally, during the 2019 session, alternative water quality variance statutory language was adopted under 75-5-320 that takes the place of the nutrient specific variance statute.