

# Water Quality Standards



## 2011-2013 Triennial Review

<http://www.state.ak.us/dec/water/wqsar/trireview/trireview.htm>

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## Triennial Review Process

As required by the federal Clean Water Act (CWA), every three years the Department of Environmental Conservation (DEC) conducts a comprehensive review of the Water Quality Standards (WQS) in 18 AAC 70 (the “Triennial Review”). This review helps to keep the pollution limits for Alaska's waters current by integrating the latest science, technology, policy, and federal requirements into how the State regulates and protects water quality. Each Triennial Review follows these steps:

**1. Public notice of Triennial Review start-up.** DEC asks for public comment on high priority WQS issues (including specific pollutants) that may need review.

**2. Select and Schedule Triennial Review Issues.** There could be more issues than can be fully addressed in this three-year review period, so the Department may need to prioritize and schedule the review of water quality issues based on potential risk to human health and the environment as informed by the public input we receive.

**3. Research and Review Issues.** For each issue selected for full review in this current three-year term, DEC will research available information and science, consider different options, and evaluate how implementation may affect water quality, water users, and regulated industries. DEC will review each issue separately, so that each can move at its own speed and one issue will not hold up other WQS changes that are ready for public notice or adoption. DEC will review a few issues at a time. An issue review may include one or more of the following:

- DEC staff review,
- public workshops,
- independent contractor reports,
- technical workgroup of recognized experts,
- stakeholder advisory group for issues with significant public interest, and/or

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- other stakeholder feedback (email list, fax, teleconference, survey).

**4. Prepare WQS revisions.** Based on the research and review of recent science, DEC will prepare proposed regulation revisions if necessary to address issues from the issue review. Recommendations on an issue may also include changes to policy or implementation procedures.

**5. Public notice of proposed WQS revisions.** There will be multiple WQS revision packages proposed during the Triennial Review. DEC will public notice all proposed changes to the WQS regulations. A single regulation package may include revisions for multiple issues. State and federal law also requires DEC to hold a public hearing during the public comment period when revising the WQS.

**6. Amend and adopt new WQS.** Adoption of WQS revisions must follow the requirements of the Administrative Procedures Act under AS 44.62. Following the public comment period, DEC will review comments and prepare the final regulations. The regulations are adopted by the Commissioner and the Lt. Governor and go into effect 30 days later. Adopted WQS are sent to the EPA for approval for use under the Clean Water Act for wastewater discharge permits and waterbody recovery plans for polluted waters.

**7. Begin next priority issue(s) review.** As each issue review is completed, DEC will begin work on new issues according to their priority. At any given time, there are always multiple issues undergoing regulatory review and revision.

**8. Nominations of Waters for Tier 3 Status.** The CWA provides for states to designate water bodies for different levels of protection for water quality. The highest level of protection is given to “tier 3” waters – high quality waters that constitute an outstanding national resource, such as a water of a national or state park or wildlife refuge or a water of exceptional recreational or ecological significance. DEC is considering options on what process might be used to nominate and consider water bodies in the state for designation as tier 3 waters. Some states, like Idaho, require legislative approval of any tier 3 designations. As the state of Alaska considers the process it may want to use in the future for nomination and consideration of waters for tier 3 status, DEC will, concurrent with the Triennial Review Process described above, accept nominations of waters for consideration for tier 3 status. Consideration of any nominations will not likely occur until after it is determined what tier 3 process the state will use going forward.

For more information on the 2011-2013 Triennial Review, please visit our website at <http://www.dec.state.ak.us/water/wqsar/trireview/index.htm>.