

# Triennial Review Process

## Fact Sheet

State Water Quality Standards (WQS) set the overall policy for management of surface water quality in accordance with the state and federal Clean Water Act (CWA) authorized programs. They designate the different uses that will be protected, establish narrative and numeric criteria, and identify measures necessary to maintain the chemical, physical, and biological integrity of Alaska's waters.

In accordance with Section 303(c)(1) of the CWA, the Alaska Department of Environmental Conservation (DEC) conducts a comprehensive review of the state WQS in regulation at 18 AAC 70 every three years ("Triennial Review"). The Triennial Review evaluates the need to update or revise the pollution limits set for Alaska's waters by integrating the latest science, technology, policy, and federal requirements into the regulatory process. The adoption of revised WQS is a potential outcome of this process. WQS are subject to approval by the U.S. Environmental Protection Agency (EPA). The Triennial Review uses the following approach:

- 1. Public notice of Triennial Review.** DEC solicits public comment on WQS issues (including specific pollutants) that DEC has identified as being of interest to the state and general public.
- 2. Select and Schedule Triennial Review Issues.** Following public comment, DEC will 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 it receives. Prioritization is necessary because there may be more issues than can be addressed during the three-year review period.
- 3. Research and Review Issues.** For each issue selected for the 2018-2020 cycle, DEC will research available information and science, assess potential impact to the human health and the environment, 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 revisions to WQS that are ready for public notice or adoption. DEC may review several issues concurrently. 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
  - other forms of stakeholder feedback (email list, fax, teleconference, survey).

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**4. Prepare WQS Rulemaking.** Based on the research and review of recent science, DEC will present its findings and prepare proposed rulemaking language and supporting documentation for public review and comment.

**5. Public notice of proposed WQS rulemaking.** DEC will public notice all proposed changes to the WQS regulations.

**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 for adoption into state regulation. Adopted WQS must receive EPA approval prior to use in wastewater discharge permits, waterbody recovery plans for polluted waters, and similar actions approved under the CWA.

**7. Begin next priority issue(s) review.** At any given time, DEC may be working to address multiple WQS issues. As each issue is completed in accordance to their respective workplans, DEC will begin work on new projects according to their priority.