Attachment 1
Triennial Review Process

State Water Quality Standards (WQS) at 18 AAC 70 set the overall policy for management of surface water quality in accordance with the state and federal clean water programs. WQS define the different uses that will be protected and measures necessary to maintain the chemical, physical, and biological integrity of Alaska's waters.

In accordance with Section 303(c)(1) of the federal Clean Water Act, the Alaska Department of Environmental Conservation (DEC) conducts a comprehensive review of state WQS every three years ("Triennial Review" (TR)). The TR 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. The WQS are subject to approval by the U.S. Environmental Protection Agency (EPA) under the Clean Water Act. DEC uses the following approach for conducting the TR:

STATE OF ALASKA

Department of Environmental Conservation

Division of Water Standards Section
410 Willoughby Ave
Suite 303
Juneau, Alaska 99801
Phone: (907) 465-5185
Fax: (907) 465-5274

DEC Triennial Review Website:
http://www.dec.state.ak.us/water/wqsar/trireview/index.htm

1. Public notice of Triennial Review. DEC solicits public comment on potential WQS issues (including specific pollutants) that warrant consideration during the 2021-2024 TR cycle.

2. Select and Schedule Triennial Review Issues. There may be more issues than can be addressed in this three-year review period, so the DEC may 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.

3. Research and Review Issues. For each issue proposed for consideration during the 2021-2024 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).

Fact Sheet

4. Prepare WQS revisions. Based on the research and review of recent science, DEC will present its findings and prepare proposed regulation revisions for public review and comment. Recommendations on an issue may also include changes to policy or implementation procedures.

5. Public notice of proposed WQS revisions. 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 proposing WQS revisions.

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 will be sent to the EPA for approval prior to use in wastewater discharge permits, waterbody recovery plans for polluted waters, and similar actions under the Clean Water Act.

7. Begin work on the 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 may be multiple issues undergoing regulatory review and revision.