

Triennial Review and Water Quality Standards Rulemaking Process

Fact Sheet

Water Quality Standards at 18 AAC 70 define the different uses of water that will be protected and measures necessary to maintain the chemical, physical, and biological integrity of Alaska's waters. States adopt water quality standards to protect public health or welfare, enhance the quality of water, and serve the purposes of the Clean Water Act (Act).

In accordance with Section 303(c)(1) of the 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 into the regulatory process. The adoption of revised WQS is a potential outcome of the TR public engagement process. WQS are subject to approval by the U.S. Environmental Protection Agency (EPA) under the Act. DEC uses the following approach for conducting the TR and any potential formal WQS rulemaking as a result:

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

2. Select and Prioritize Triennial Review Issues. As there may be more water quality issues than can be addressed in this three-year review period, DEC prioritizes its work based on potential risk to human health and the environment. DEC assigns issues one of three "tiers" for action during a TR cycle:

- High Priority Issues for Potential Rulemaking
 - May be subject to steps 3-6
- Information Gathering and Analysis
 - May be subject to step 3
- Tracking and Monitoring
 - May be subject to step 3

3. Research *High Priority* Issues. For each "High Priority" issue selected for consideration during the TR cycle, DEC will research current 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. Pre-rulemaking efforts may include one or more of the following:

- Development of DEC policy briefs
- Hold public workshops;

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>

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- Solicit independent contractor reports;
- Host technical workgroups of recognized experts;
- Solicit stakeholder advisory group for issues with significant public interest; and/or
- Solicit other forms of stakeholder feedback (email list, fax, teleconference, survey).

4. Prepare WQS rulemaking. Based on the results of DEC research and review, the department may prepare draft regulations for public review and comment. Adoption of WQS revisions must follow the requirements of the Alaska Administrative Procedures Act (AS 44.62), policies established by the department and Governor's Office, and outlined in federal regulations.

5. Public notice of proposed WQS rulemaking. DEC issues public notices and holds a public hearing for all proposed changes to the WQS regulations.

6. Amend and adopt new WQS. Following the public comment period, DEC will review comments, develop a Comment Summary, and prepare the final regulations for adoption into state regulations. The regulations are adopted by the Commissioner and the Lt. Governor and go into effect 30 days later. All state-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 Act.