

# Triennial Review Process

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# Background

- The Clean Water Act (CWA) mandates states to conduct a triennial review of water quality standards (WQS); see Section 303(c).
- The Code of Federal Regulations (CFR) specifies requirements of a triennial review; see 40 CFR 131.20 to 131.22. At a minimum, states must include the following four items:
  - a public hearing for the purpose of reviewing all applicable WQS;
  - a review all new or updated federally recommended 304(a) criteria recommendations;
  - a review all designated uses (per subsegment); and
  - the submission to USEPA of a comprehensive report of the review effort.



# Four Steps of the Triennial Review Process

## 1) Public Participation

- Initiate the TR process with a public comment period and public hearing.

## 2) Data Compilation and Review

- Review methodologies for aquatic life and human health criteria.
- Review all applicable federal water quality criteria recommendations, including ancillary data.
- Review public input.
- Review all surface water quality standard regulations, including designated uses per subsegment.
- Draft the comprehensive report of the review effort; i.e., the **report of findings** document.

## 3) Rulemaking

- If rulemaking is not needed, submit the report of findings to EPA for certification/approval.
- If rulemaking is needed, initiate this process.

## 4) Certification

- Submit to EPA all documents related to the triennial review for approval; the TR process ends.



# Public Participation

- Input provided during the initial public comment period and public hearing are reviewed in context with the triennial review process.
  - Public input can be used to support the prioritization of WQS efforts and the development of future WQS projects.
  - Input can come internally from other sections at LDEQ.
  - Formal responses are made to all public comments. These responses comprise an appendix of the report of findings document.
- If rulemaking is needed, additional public participation activities are conducted on items related to proposed water quality standards revisions.



# Criteria Methodologies Review

- Reviews of aquatic life criteria (ALC) and human health criteria (HHC) methodologies are conducted.
  - These reviews comprise two appendices of the report of findings document.
- HHC methodology had updates in 2000 and 2015.
  - Because most HHC have criteria values lower than ALC and its methodology has many data inputs and assumptions, its methodology is typically given more attention during the review.
- Depending on the parameter, ALC methodology can be complex.
  - There is an ongoing effort to establish a state recalculation procedure that improves upon the federal version.



# Water Quality Criteria Review

- Applicable water quality criteria are reviewed, including:
  - all federal new or revised 304(a) criteria recommendations published after May 30, 2000\*; and
  - all existing state water quality criteria listed in Tables 1, 1A, and 3 of the Louisiana Surface Water Quality Standards (LAC 33:IX.Chapter 11).
    - \*EPA's ALC and HHC webpages are consulted for the listing of 304(a) criteria recommendations published after May 30, 2000.
- Ancillary data per criteria recommendation are researched and queried, including: water quality monitoring data, discharger data, integrated reports, and other relevant data sources.



# Surface Water Quality Standards Review

- A comprehensive review of LAC 33:IX.Chapter 11 is conducted.
- Chapter 11 is reviewed for typos, omissions, unclear verbiage, and discrepancies.
  - A large portion of this review focuses on Table 3 (Numeric Criteria and Designated Uses).
  - Water Quality Management Plan, Volume 4 (Basin and Subsegment Boundaries) is reviewed for agreement with Table 3.



# Report of Findings Document

- Data compiled from public participation and reviews of criteria methodologies, federal criteria recommendations, and state regulations are summarized to draft the body of the report of findings document.
  - Appendices provide extensive details.
- This document describes the *status* of all applicable WQS efforts.
  - Describing applicable them in terms of *priority* has led to confusion.
- In order to keep the TR cycle on schedule, complex WQS efforts should have their own rulemaking.
  - A legislative process is required for rulemaking, which includes economic analyses.



# 2024 Triennial Review Timeline

- **March 2024:** The initiation of the triennial review process.
- **September 2025:** The report of findings document should be finalized within 18-months of the initiation of triennial review process.
- **March 2026:** If rulemaking is necessary, it should be initiated one-year prior to the end of the triennial review cycle.
- **March 2027:** The certification of rulemaking effort must be finalized and initiation of the next cycle of triennial review process.



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