

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.
 - Three status categories: validated, ongoing, and practicable.
- 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 Key Findings

1) Multiple (26) ALC in state surface water quality regulations do not have current 304(a) criteria recommendations and are not in compliance with the 1985 Guidelines.

- Several of these parameters are for common substances, such as benzene, ethylbenzene, and trichloroethylene.
- If EPA does not support them, then the state needs to consider the necessity of maintaining them in regulation.

2024 Triennial Review Key Findings

2) The necessity of maintaining organoleptic effects criteria in regulation.

- Criteria do not follow a scientific methodology.
- In 2000, EPA has stated, “(they) will not be a significant part of the water quality criteria program. USEPA encourages the development of organoleptic criteria, **when States believe that are needed.**”
- These criteria appear to be more appropriate for finished drinking water, not untreated surface water.

2024 Triennial Review Key Findings (con't)

- 3) The necessity of maintaining HHC based on MCLs in regulation.
- MCLs are specifically protective for finished drinking water, not untreated surface water.
 - In 2000, EPA has stated, “(it) does not believe that national water quality criteria for protection of drinking water uses only are particularly useful for two reasons. First, State standards for human health are set to protect Section 101(a) uses (e.g., “fishable, swimmable uses”) under the CWA. Second, most waters have multiple designated uses.”
 - According to state and federal data, no Louisianans use untreated surface water as their primary drinking water source.

2024 Triennial Review Key Findings (con't)

4) Multiple Integrated Report impairments without supporting data were identified.

- The TR can function as a paper trail for assessment purposes.
- Section 106 grant funds can be used to verify such impairments.
- Three such impairments were delisted from the 2022 IR because of the TR process.

2024 Triennial Review Timeline

- **March 2024:** The initiation of the triennial review process.
- **October 2025:** The report of findings document was finalized; 18-months of the initiation of triennial review process is the target.
- **January 2026:** Rulemaking initiated; it should be initiated one-year prior to the end of the triennial review cycle.
- **April/May 2026:** Rulemaking finalized; the certification package will be sent to EPA R6 for approval.
- **March 2027:** The initiation of the next cycle of triennial review.

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