

Water Quality Standards Triennial Review Redesign

Division: EAO

Problem description

The MPCA has been unable to keep pace with the federally required triennial review of WQS.

- ▶ Public comments on the need for changes to WQS had been delayed
- ▶ MPCA's WQS work was not sufficiently transparent

Background

Under the Federal Clean Water Act, public review of Minnesota's Water Quality Standards (WQS) is required at least once every three years. This is known as the Triennial Standards Review (TSR).

Historically, the TSR process has preceded development and promulgation of new WQS. The linear process required completion of all WQS rule-making prior to the start of the next TSR.

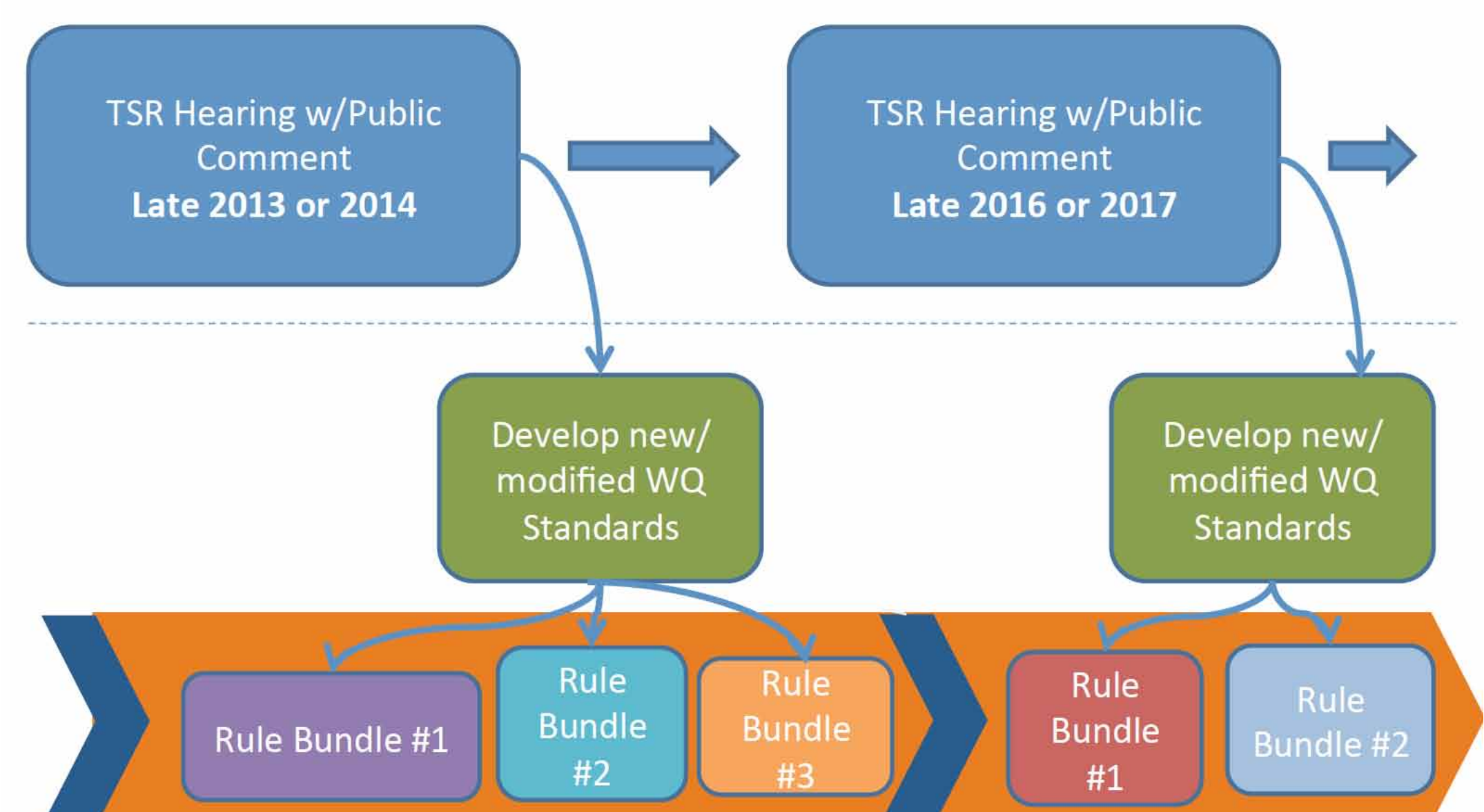


Delays related to WQS technical development or rule adoption can hold up rulemaking and the next TSR can't begin; the result is that recently TSRs have been 4 to 5 years apart. A number of factors contribute to the delays:

- ▶ Technical complexity of the standards being developed
- ▶ Changes to technical information mid-way through standards development
- ▶ Heightened interest in and challenges to the standards development process
- ▶ Complexity of Minnesota's administrative rulemaking process
- ▶ Large rulemaking creating a cumbersome workload

Progress Made

The MPCA will return to the three year TSR schedule by separating rule-making from the TSR process



Additional benefits of separating the two processes include:

- ▶ Standards can proceed through the rulemaking process when ready.
- ▶ More reasonably sized rulemaking "bundles," which facilitates review by interested parties.
- ▶ Citizens and other stakeholders can count on a public review and discussion of Minnesota's WQS every three years.
- ▶ The MPCA will prepare an inventory and schedule of WQS amendment projects that will be updated between TSRs.

Results

The re-designed Triennial Review is currently being implemented.

A State Register notice was published on November 12, 2013 announcing the Triennial Review and the opportunity to provide comment on Minnesota's WQS continues through January 15, 2013.

