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Water Quality Standards/Clean Water Act: Arkansas Department of Environmental Quality Issues Draft 2016 Impaired Waters List (Update)

Arkansas Environmental, Energy, and Water Law Blog

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As noted in a previous post <http://www.mitchellwilliamslaw.com/water-quality-standards/clean-water-act-arkansas-department-of-environmental-quality-issues-draft-2016-impaired-waters-list>, the Arkansas Department of Environmental Quality ("ADEQ") has issued the draft 2016 Impaired Waterbodies List ("List").

ADEQ recently announced two developments in regards to the draft List:

- The public comment period has been extended through March 16th.
- Director Becky Keogh has directed staff to undertake an internal review of the available data and assessments used for developing the list.

ADEQ notes in regards to this data integrity review that its purpose is to ensure the use of appropriate data. Dr. Robert Blanz, the agency's Chief Technical Officer, is stated to be spearheading the review. The agency also states:

The review will be completed prior to the end of the comment period, and ADEQ will incorporate the results in its April 1, 2016 submission of the 303(d) List to EPA.

ADEQ develops the 303(d) List every two years as required by Section 303(d) of the Clean Water Act ("CWA").

Section 303 of the Clean Water Act requires that each state develop water quality standards ("WQS") for jurisdictional waters of the United States within their borders. WQS serve a dual purpose. They establish water quality goals for a specific body of water and also serve as the regulatory basis for the development of water-quality based effluent limits and strategies for individual point source discharges.

A WQS consists of three parts:

- The designated uses of a waterbody
- The water quality criteria that are necessary to protect existing uses and attain the beneficial uses designated by the state
- Anti-degradation statement or policy to protect existing uses in high quality water

Arkansas Pollution Control and Ecology Commission Regulation No. 2 contains Arkansas WQS.

Section 303 of the CWA requires each state to identify those waters within its borders for which the technology-based effluent limitations required by the CWA as defined by United States Environmental Protection Agency (“EPA”) are not stringent enough to attain the applicable WQS. Waters so designated are known as “water quality limited segments” or “impaired water”. Each state is required to submit this List of waters to EPA bi-annually or April 1st of every even number of year (accompanied by listing determination).

A link to the ADEQ website regarding the update information can be found here
http://www2.adeg.state.ar.us/water/branch_planning/303d/303d.htm.