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# Arkansas Water Quality Standards: Arkansas Department of Energy and Environment - Division of Environmental Quality Releases Draft Regulation No. 2 Triennial

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The Arkansas Department of Energy and Environmental – Division of Environmental Quality (“DEQ”) has issued its latest draft of the 2020 Arkansas Pollution Control and Ecology Regulation No. 2 Triennial Water Quality Standard Review (“Draft”).

DEQ notes that the Draft has not been adopted by the Arkansas Pollution Control and Ecology Commission nor approved by the United States Environmental Protection Agency (“EPA”).

The Clean Water Act requires states and authorized tribes to periodically review and, as appropriate, adopt new or revised water quality standards (“WQS”) to meet the requirement of the Clean Water Act. They must submit any new or revised WQS resulting from such a review to the EPA for review and approval or disapproval under Clean Water Act Section 303(c). This process is known as the triennial review. It must be undertaken with public notice and comment opportunities.

Section 303 of the Clean Water Act requires that each state develop WQS for jurisdictional waters of the United States within their borders. They establish the water quality goals for a specific waterbody and also serve as a regulatory basis for the development of water-quality based effluent limits and strategies for individual point source discharges. WQS consists of three parts:

1. The designated use of a waterbody;
2. the water quality criteria that are necessary to protect existing uses and to attain the beneficial uses designated by the state; and
3. an antidegradation statement or policy to protect existing uses in high quality water.

Section 303 specifies the adoption of WQS as primarily the responsibility of the states and tribes. The states must adopt uses consistent with Clean Water Act objectives and water quality criteria sufficient to protect the chosen uses. However, EPA is required to ensure that the state WQS meet the minimum requirements of the Clean Water Act. Therefore, the Clean Water Act regulations provide for EPA review of any state WQS changes.

The Arkansas WQS are found in Arkansas Pollution Control and Ecology Regulation No. 2.

A link to the DEQ Draft can be found [here](#).