



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

303(d)/Clean Water Act: Arkansas Department of Energy and Environment - Division of Environmental Quality Public Notices Draft 2020 Impaired Waterbodies List

08/19/2021

The Arkansas Department of Energy and Environment - Division of Environmental Quality (“DEQ”) public noticed the draft Clean Water Act 2020 Arkansas Impaired Waterbodies.

This document is often referenced as the “303(d)” list.

Section 303(d) of the Clean Water Act requires that each state develop water quality standards (“WQS”) for jurisdictional waters of the United States within their border.

WQS serve a dual purpose.

They establish the 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 dischargers. The particular WQS deemed applicable to a waterbody can therefore be an important determinant of the effluent limits a discharging facility will need to attain.

A WQS consists of three parts:

- Designated uses of a waterbody
- The water quality criteria (“WQC”) that are necessary to protect existing uses and to attain the beneficial uses designated by the state
- An anti-degradation statement or policy to protect existing uses in high quality water

WQS may be expressed either as a numeric concentration level or a narrative standard.

States must adopt uses consistent with CWA objectives and WQC sufficient to protect the chosen uses. However, the United States Environmental Protection Agency is required to ensure that a state WQS, along with any changes, meet the minimum requirements of the CWA.

Section 303(d) of the CWA requires that the states assess water quality monitoring data from various locations. The state is then required to utilize an assessment methodology to determine which waters are not meeting their designated uses or WQS. Arkansas’s WQS are found in Arkansas Pollution Control and Ecology Commission Regulation No. 2.

DEQ has issued a notice that it will hold a public hearing on September 20th to receive comments on the proposed 2020 Impaired Waterbodies List.

A link to the public notice can be found [here](#) and the draft 303(d) list [here](#).