



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

Impaired Waters/TMDLs: U.S. Environmental Protection Agency Releases 2022-2032 Division for the Clean Water Act Section 303(d) Program

09/19/2022

The United States Environmental Protection Agency (“EPA”) released a September 15th memorandum titled:

2022-2032 Vision for the Clean Water Act Section 303(d) Program (“Memorandum”)

The *Memorandum* is transmitted from EPA’s Assistant Administrator for Water Radhika Fox to the Regional Administrators.

EPA describes the *Memorandum* as being designed to:

- Identify opportunities to manage effectively Clean Water Act Section 303(d) program activities
- Coordinate and focus efforts to advance the effectiveness of the Section 303(d) program implementation
- Build on experience gained from implementing the 2003 Vision that had been previously issued
- Encourage flexible and innovative approaches for states, territories, and authorize tribes to implement Section 303
- Identify ways to use limited resources to lead to restoration and protection, to leverage partnerships
- Encourage development of solutions to emerging and difficult water quality issues

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 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.

A WQS consists of three parts:

1. Designated uses 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
3. An antidegradation statement or policy to protect uses in high quality water

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 state WQS, along with any changes, meet the minimum requirements of the Clean Water Act.

Section 303(d) of the Clean Water Act requires that 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.

The September 15th *Memorandum* addresses:

- 2022 vision development process
- Relationship to EPA performance metrics for the Clean Water Act Section 303(d) program
- Goals
- Planning and prioritization goal
- Restoration goal
- Protection goal
- Data analysis goal
- Partnership goal
- Programmatic coordination
- Stakeholder involvement and engagement
- Focus areas
- Environmental Justice
- Climate change
- Tribal water quality program development
- Program capacity building

A copy of the *Memorandum* can be downloaded [here](#) and the 2022-2032 Vision for the Clean Water Act Section 303(d) Program [here](#).