

Recreational Water Quality Criteria/Clean Water Act: U.S. Environmental Protection Agency Releases Second Five-Year Report



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The United States Environmental Protection Agency (“EPA”) issued a May 2023 document titled: *Report on the Second Five-Year Review of EPA’s Recreational Water Quality Criteria (“Report”)*

EPA states that the *Report* constitutes its second five-year review of the agency’s current Recreational Water Quality Criteria (“RWQC”).

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 consists of three parts:

1. The designated uses of the waterbody;
2. The water quality criteria (“WQC”) 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 uses in high quality water.

WQC are ambient water quality conditions deemed protective for the use established for a waterbody. They must specify maximum concentrations of pollutants that may be present in the water without impairing its suitability for certain uses.

The WQC represents a judgment as to what levels, concentrations, or conditions can support a desired use for a waterbody. States can develop their own WQC if justified by technical data. However, EPA also undertakes this task pursuant to Section 304(d) of the Clean Water Act. As a result, EPA WQC are frequently used by the states in establishing or revising their WQS.

EPA notes that every five years it undertakes an assessment of the new science since its previous review of the RWQC. The stated goal is to determine whether revisions to its current recommended RWQC are necessary. This second five-year *Report* states that EPA has determined that there is a need to revise its recommended RWQC.

By way of background, the RWQC obviously are intended to support recreational activities in waterbodies. The goal of RWQC is to determine what constitutes problematic levels of certain microorganisms such as

various bacteria and viruses, and toxins associated with such organisms in a waterbody that will be used for recreational activities.

The three recommendations EPA is making in the *Report* include:

1. Develop new qPCR-based RWQC that better protect the health of young children (referenced as the most sensitive age group to the risks of swimming in contaminated waters);
2. Expand its recommended RWQC, which are currently limited to bacteria and their toxins, by developing RWQC to also protect people from exposure to viruses; and
3. Explore new methods to more precisely determine whether a waterbody is contaminated with human feces (this type of contamination presents the greatest risk of illness in recreational waters)

EPA states that it will undertake:

- A plan to implement the three recommendations
- Is considering the research needs described in the five-year review report as it prioritizes future agency research

A copy of the *Report* can be downloaded [here](#).