MITCHELL WILLIAMS

Little Rock Rogers Jonesboro Austin **MitchellWilliamsLaw.com**

Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.



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

Adopting Water Quality Criteria for Secondary Contact Recreation: U.S. Environmental Protection Agency Publishes User Guide

08/12/2024

The United States Environmental Protection Agency ("EPA") has issued a document titled: *Adopting Water Quality Criteria for Secondary Contact Recreation: A User Guide. ("Guide").* See EPA 820-B-24-001.

The Guide was published by the following EPA offices:

- Office of Science and Technology.
- Office of Water.

Section 303 of the Clean Water Act requires that each states develop Water Quality Standards ("WQS") for jurisdictional water of the united states within their borders.

WQS consists of three parts:

- 1. The designated use of the water body;
- 2. The Water Quality Criteria ("WQC") that are necessary to protect existing uses and to attain the beneficial uses designated by the states; and,
- 3. An antidegradation statement or policy to protect uses and high-quality water.

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

The WQC represent a judgment as to what levels, concentrations, or conditions can support a desired use for a water body. 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 states and establishing or revising their WQS.

The state of Arkansas' WQS are found in the Arkansas Pollution Control and Ecology Rule No. 2.

Secondary Contact Criteria are obviously intended to support recreational activities in water bodies. The goal of recreational WQC is to determine what constitutes problematic levels of certain microorganisms

such as various bacteria, viruses, and toxins associated with such organisms in a water body that will be used for recreational activity.

The key components of EPA's Guide include:

- Background and introduction.
- Secondary Contact Recreational Designated Uses.
- Calculating criteria values to protect Secondary Contact Recreation.
- Example calculations.

A copy of the Guide can be downloaded <u>here</u>.