



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

Water Quality Standards/Arkansas Pollution Control and Ecology Rule 2: Arkansas Department of Energy and Environment - Division of Environmental Quality Announces Initiation of Rulemaking

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") published a public notice on December 9th stating that the Arkansas Pollution Control and Ecology Commission ("APC&EC") initiated rulemaking for:

RULE 2, RULE ESTABLISHING WATER QUALITY STANDARDS FOR SURFACE WATERS OF THE STATE OF ARKANSAS.

The Arkansas' Water Quality Standards ("WQS") are found in APC&EC Rule 2.

Section 303 of the Clean Water Act requires that each state develop 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 discharges. The particular WQS deemed applicable to a water body can therefore be an important determinant of the effluent limits a discharge facility will need to attain.

A WQS consists of three parts:

1. The Designated Uses of a Water Body.
2. The Water Quality Criteria that are Necessary to Protect Existing Uses and to Attain the Beneficial Uses Designated by the State.
3. An Anti-Degradation Statement or Policy to Protect Existing Uses in High-Quality Water.

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

Section 303(c) of the Clean Water Act specifies that the adoption of WQS is primarily the responsibility of the states. However, a state must adopt uses consistent with Clean Water Act objectives and water quality criteria sufficient to meet the chosen uses. Further, EPA is required to ensure that state WQS, along with any revisions, meet the minimum requirements of the Clean Water Act.

EPA will assess whether the WQS protects state criteria and/or designated uses have taken into account the water's use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, navigation, and other purposes. As a result, EPA must review and approve any state WQS revisions.

The Clean Water Act requires states to review the applicable WQS at least once every three years to determine whether any modifications are appropriate.

DEQ is public noticing its proposed review of the applicable WQS. The rulemaking is also indicated to:

- Clarify several provisions.
- Add certain new criteria.
- Revise certain criteria.
- Remove certain criteria.
- Make stylistic and formatting corrections throughout the rule.
- Update the rule to be consistent with the Code of Arkansas Rules which changes Rule 2 to 8CAR Part 21.

The public comment period began December 7th with publication of notice in the Arkansas Democrat-Gazette. Public comment period ends at 4:30 on January 21st.

DEQ states that a public hearing will be held on June 6, 2025, beginning at 2:00 P.M. in the Commission Room at the Department of Energy and Environment in North Little Rock, Arkansas.

The following documents are attached:

- [Notice of Proposed Rule Change, Public Hearing, and Comment Period.](#)
- [Summary of Rule Amendments.](#)