



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

# Arkansas Department of Environmental Quality Regulation No. 2 and 303(d) List: Sarah Clem (Arkansas Department of Environmental Quality) Arkansas Water Works and Water Environmental Association Presentation

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Sarah Clem undertook a presentation at the Arkansas Water Works and Water Environment Association conference titled:

*Arkansas Department of Environmental Quality Regulation No. 2 and 303(d) List ("Presentation")*

Ms. Clem is the Planning Branch Manager in the Arkansas Department of Environmental Quality ("ADEQ") Office of Water.

The *Presentation* addressed a number of issues related to the Clean Water Act ("CWA") such as:

- Water Quality Standards
- Designated Uses
- Water Quality Criteria
- Triennial Review
- Assessment of States Waters
- 303(d) Listing
- Updates

Section 303 of the CWA requires that each state develop water quality standards ("WQS") for jurisdictional waters of the United States within their borders. WQS serve 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 waterbody can therefore be an important determinant of the effluent limits a discharging facility will need to attain.

A WQS consists of three parts:

- The Designated Use of a Waterbody

- The Water Quality Criteria (“WQC”) that are necessary to protect existing uses and to attain the beneficial uses designated by the uses in high quality water
- An Antidegradation Statement of Policy to protect existing uses in high quality water

Section 303(c) of the CWA specifies that the adoption of WQS is primarily the responsibility of the states. The states must adopt uses consistent with CWA objectives and WQCs sufficient to protect the chosen uses.

WQC are ambient water quality conditions that are deemed protective of the uses established for a waterbody. States are required to adopt WQC protective of the designated uses. The WQC must specify the maximum concentration 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, concentration or conditions can support a desired use.

Ms. Clem’s *Presentation* included a diagram addressing the relevant CWA requirements and a schematic reviewing the WQCs (including their implementations).

Ms. Clem noted that WQS define the goals for waterbodies in the state by designating uses for waterbodies, such as:

- Agricultural Water Supply
- Extraordinary Resource Water

Other designated uses referenced were:

- Primary Contact Recreation
- Fisheries
- Domestic Water Supply
- Industrial Water Supply
- Secondary Contact Recreation

Ms. Clem further noted that Arkansas’s WQS are found in Arkansas Pollution Control and Ecology Commission Regulation No. 2. The ADEQ Water Division Planning Branch maintains this regulation. This regulation includes “designated uses and the criteria to protect those uses for surface waters of the state of Arkansas.” Further, such criteria are numeric and/or narrative.

WQS are noted to include both numerical and narrative criteria that protect Arkansas’s waters and include:

- Minerals
- Bacteria
- Temperature
- Nutrients
- Toxic Substances
- pH

The *Presentation* noted that state WQS must be reviewed every three years in terms of:

- Inventory
- No changes
- Update existing standards
- Add appropriate new standards
- Revise standards that are difficult to interpret
- Correct grammatical and typographical errors

ADEQ’s CWA-driven triennial review process was examined which includes a number of steps in the process.

The *Presentation* noted “remaining issues with EPA” as:

- Minerals – EPA requesting a State strategy to develop minerals criteria that are explicitly protective of aquatic life
- Turbidity – renaming “All-flow” criteria to “Storm-flow” or revised to include seasons for criteria
- Lakes standards – “applicable at 1 meter” – revise to “apply for assessment purposes only”

The *Presentation* also addressed inventory of the quality of all waters of the state noting:

- Water Quality Monitoring Networks
- Best Professional Judgment
- Routine Analyses
- Watershed Monitoring Networks
- Lakes and Reservoirs
- Stakeholder Process

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