2022 Triennial Review/Arkansas Water Quality Standards: U.S. Environmental Protection Agency March 27th Letter Approving 2022 Section 303(d) List



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

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The Region 6 Office of the United States Environmental Protection Agency ("EPA") sent a March 27th letter to Stacie Wassell, Associate Director for the Office of Water Quality at the Arkansas Department of Energy and Environment – Division of Environmental Quality ("DEQ") stating that it has:

…reviewed the 2022 State of Arkansas Clean Water Act (CWA) § 303(d)/§ 305(b) Integrated Water Quality Monitoring and Assessment Report, which contains Arkansas's Section 303(d) list of water quality limited segments, transmitted March 10, 2025.

EPA states that it is taking action to approve all waterbodies identified by Arkansas as impaired on the Section 303(d) list.

The Clean Water Act requires states and authorized tribes to periodically review and, as appropriate, adopt new or revised water quality standards ("WQS") to meet the requirement of the Clean Water Act. They must submit any new or revised WQS resulting from such a review to EPA for review and approval or disapproval under Clean Water Act Section 303(c). This process is known as the Triennial Review. It must be undertaken with public notice and comment opportunities.

Section 303 of the Clean Water Act requires that each state develop WQS for jurisdictional Waters of the United States within their borders. They establish the water quality goals for a specific waterbody and also serve as a regulatory basis for the development of water-quality based effluent limits and strategies for individual point source discharges.

WQS consists of three parts:

1. The designated use 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; and,
3. An antidegradation statement of policy to protect existing uses in high quality water.

Section 303 specifies the adoption of WQS as primarily the responsibility of the states and tribes. The 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 the state WQS meet the minimum

requirements of the Clean Water Act. Therefore, the Clean Water Act regulations provide for EPA review of any state WQS changes.

EPA's March 27th letter also noted:

- No action is being taken, and additional information is being requested from Arkansas regarding the development and application of WQS on the State's waterbodies subject to minerals Ecoregional Reference values.
- No action is being taken, and additional information is being requested on a small number of waterbodies/parameter combinations regarding the impairment status of Lake Poinsett and a segment of Bayou Meto for Turbidity-Base Flows.
- Clarification is requested regarding the appropriate application of WQS and assessment methodology to assess Lake Ouachita for mercury
- Noting DEQ's 2022 submission included sampling data for seven water segments in the Illinois River Watershed not considered by the EPA in its review of the 2020 list and determines that total phosphorus concentrations in the seven waterbodies do not warrant including such waters on the 2022 list.

A copy of the letter can be downloaded here.