

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

2026 Draft 303(d) List/Clean Water Act: Arkansas Department of Energy and Environment, Division of Environmental Quality Draft List of Impaired Waters

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The Arkansas Department of Energy and Environment, Division of Environmental Quality (“ADEQ”) issued a public notice for the draft 2026 303(d) List of Impaired Waters.

The announcement also provides information regarding acceptance of public comments and a February 25th public hearing.

The Clean Water Act requires states and authorizes tribes to periodically review and, as appropriate, adopt new or revised Water Quality Standards (“WQS”) to meet the requirements of the Clean Water Act. They must submit any new or revised WQS resulting from such a review to the United States Environmental Protection Agency 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 sources.

WQS consist of three parts:

1. Designated use 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 states; and,
3. An antidegradation statement or 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. In addition, Section 303(d) requires the state on a triennial basis identify waters that are deemed impaired.

A copy of the [public notice](#) along with the [attached documents](#) can be found here.

