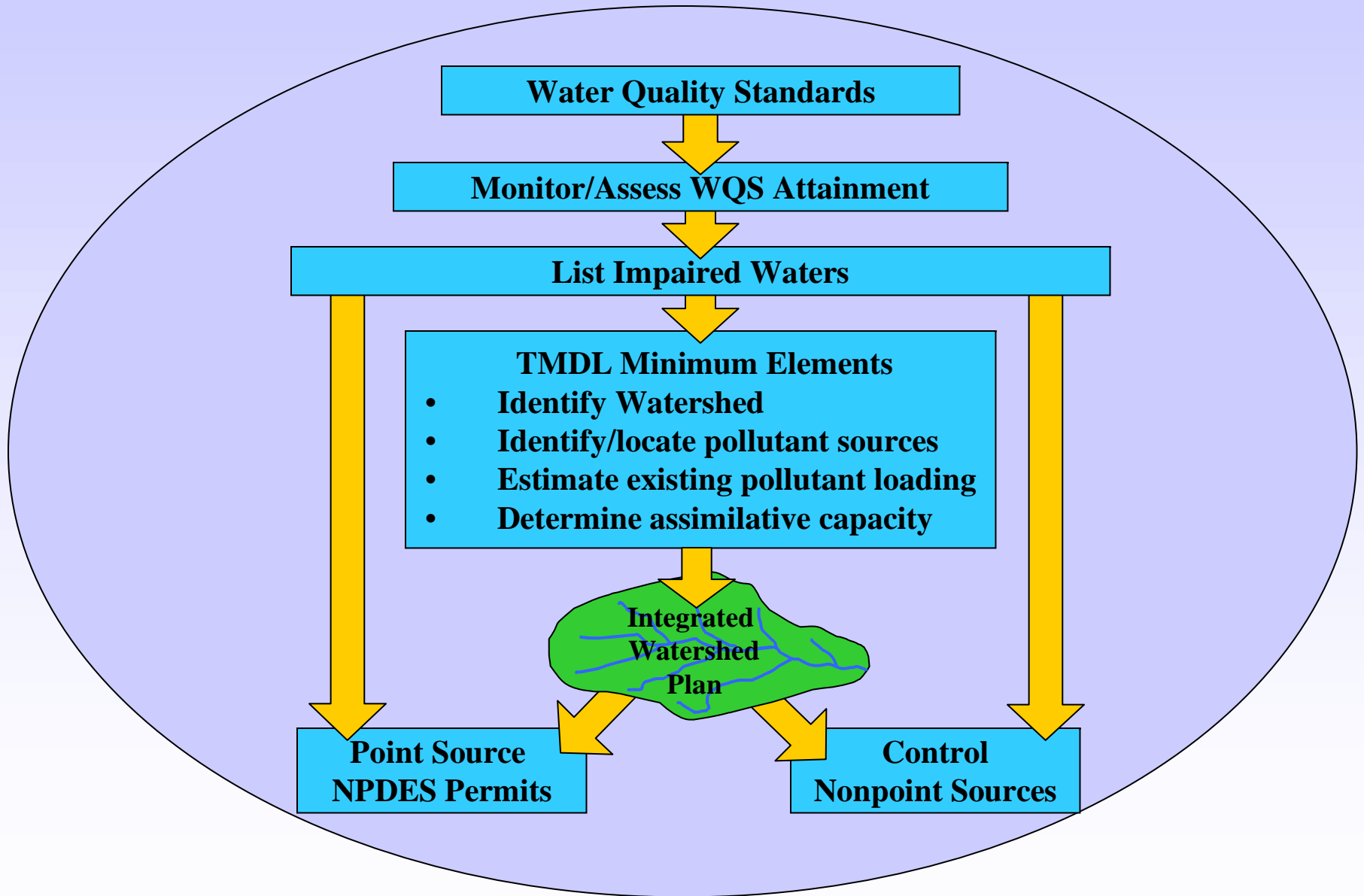


Overview of the Clean Water Act

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USEPA, Region 6



Clean Water Act Framework



1992 Regulations

- ❖ **Scope of State 303(d) lists**
 - ◆ Includes waters impaired or threatened by pollutants
 - ◆ List composed of waters needing TMDLs
 - ◆ Waters remain on the list until the TMDL is approved, or when water quality standards have been attained

1992 Regulations (cont)

❖ 2-year listing cycle

- ◆ Submitted to EPA on April 1 in every even numbered year
- ◆ EPA suspended requirement for 2000 list by regulation

1992 Regulations (cont)

- ❖ **Methodology used to develop list**
 - ◆ States use “all existing and readily available water quality-related information”
 - ◆ Methodology submitted at the same time as the list
 - ◆ If EPA asks, States must provide “good cause” for not including a water on the list.

1992 Regulations (cont)

❖ What is a TMDL?

- ◆ The amount of a pollutant that a waterbody can receive and still meet water quality standards

❖ Components of a TMDL

- ◆ Sum of allowable loads to meet water quality standards
 - Wasteload allocations from point sources
 - Load allocations from nonpoint sources and natural background
- ◆ Margin of safety

1992 Regulations (cont)

- ❖ **Priorities/Schedule for TMDL development**
 - ◆ List must include priority ranking based on severity of pollution and uses to be made of the water
 - ◆ Identify pollutant of concern
 - ◆ State must identify waters targeted for TMDL development within the next 2 years

1992 Regulations (cont)

❖ Public review

- ◆ State calculations to establish TMDLs must be subject to public review

1992 Regulations (cont)

❖ EPA actions on lists

- ◆ EPA has 30 days to approve/disapprove State lists, priority ranking and targeting
- ◆ If EPA disapproves, it has 30 days to establish list and must seek public comment

1992 Regulations (cont)

❖ EPA actions on TMDLs

- ◆ Approve or disapprove State TMDL submissions, and if disapproved, to act in lieu of State

1992 Regulations (cont)

- ❖ **Interpretive guidance issued in 1997**
 - ◆ **States should develop schedules for establishing TMDLs expeditiously, generally within 8-13 years of being listed**


1992 Regulations (cont)

- ❖ **Interpretative Guidance Issued in 2002**
 - ◆ **Integrated list of all State waters categorized according to**
 - water quality standards attainment status
 - need for a TMDL, and
 - availability of data and information to make attainment determinations
 - ◆ **Summary of public comments and how addressed**

2002 Integrated Report Guidance Listing Categories

**305 (b)
Report**

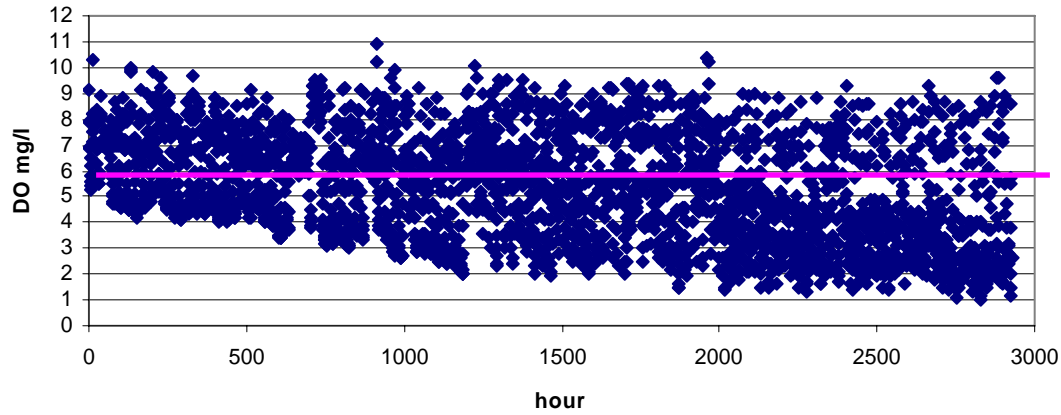
1. Attaining standards for all designated uses
2. Attaining some designated uses, and insufficient or no data and information to determine if remaining uses are attained
3. Insufficient or no data and information to determine if any designated use is attained
4. Impaired or threatened for one or more designated uses but not needing a TMDL
 - a. TMDL has been completed
 - b. Other required control measures are expected to result in attainment of standards in a reasonable time
 - c. Not impaired by a pollutant
5. Impaired or threatened by pollutant(s) for one or more designated uses and requiring a TMDL

} **303(d)
List**


Arkansas 2004 303(d) List

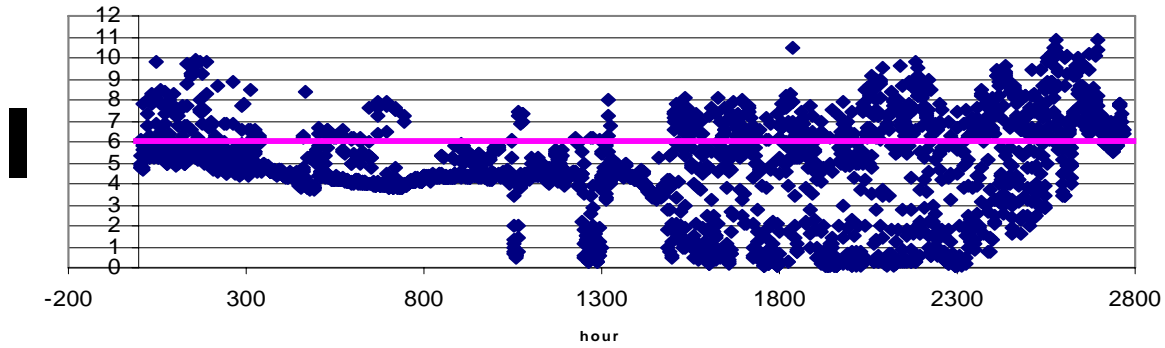
- ❖ **Tailwater listings for low dissolved oxygen**
 - ◆ White River below Bull Shoals Reservoir
 - ◆ Norfolk River below Norfolk Reservoir
- ❖ **Aquatic life use impaired**
- ❖ **6 mg/l DO standard for trout waters not met**
- ❖ **Hydropower generation listed as cause of impairment**

Norfolk River @ base of dam
Aug - Nov 2001



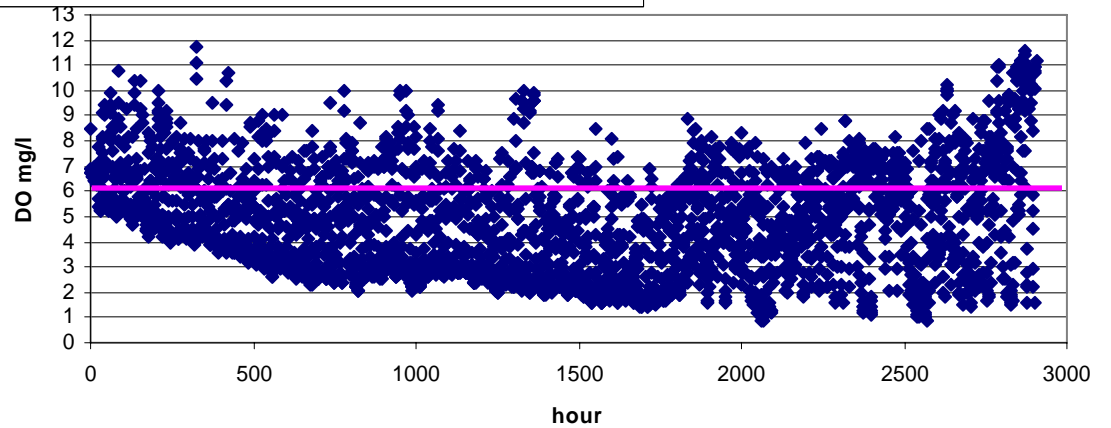
Aug-Nov 2001

Aug-Nov 2002



of dam

Aug-Nov 2003



Options for Delisting

- ❖ TMDL development
- ❖ Change in water quality standards
- ❖ Category 4b: Other enforceable mechanism in place
 - ◆ Implement strategy to raise dissolved oxygen levels to meet water quality standards within a reasonable period of time

For More Information

- ❖ **TMDL homepage -**
<http://www.epa.gov/owow/tmdl>
 - ◆ **EPA guidance and documents**
 - ◆ **Maps and information on impaired waters**
 - ◆ **Links to other TMDL websites, including States**
 - ◆ **Regulations**