

1. Introduction

This document sets forth the U.S. Environmental Protection Agency’s (EPA) reasoning for approving, with further action pending, Arkansas’s 2024 and 2026 Clean Water Act (CWA) Section 303(d) lists (303(d) lists). The EPA received Arkansas’s 2024 303(d) list on July 31, 2025, and received Arkansas’s 2026 303(d) list on April 1, 2026. The 2024 303(d) list was submitted to the EPA through the EPA’s Assessment, Total Maximum Daily Load (TMDL) Tracking and implementation System (ATTAINS), which is the EPA’s electronic system for receiving and tracking 303(d) submissions.¹ The 2026 303(d) list was submitted to the EPA via email.

The EPA has conducted a complete review of the state’s 2024 and 2026 303(d) lists and supporting documentation and information, including changes from previous 303(d) lists. Based on this review, the EPA has determined that the state’s 303(d) lists of water quality-limited segments (WQLSs)² still requiring TMDLs (i.e., Category 5 of the state’s Integrated Report (IR)) satisfy the requirements of Section 303(d) of the CWA and the EPA’s implementing regulations. Therefore, the EPA hereby approves, with further action pending, Arkansas’s 2024 and 2026 303(d) lists. There are waterbodies for which EPA action is pending further analysis and discussion with the state. These waterbodies are identified in section 2.D.ii. (Deferral for further investigation/discussion) of this document.

2. The EPA’s Analysis of Arkansas’s Submissions

Section 303(d)(1) of the CWA and the EPA’s implementing regulations at 40 CFR 130.7 require states, territories, and authorized Tribes (herein referred to as “states”) to identify waters for which effluent limitations required by CWA Section 301(b)(1)(A) and (B) are not stringent enough to implement any applicable water quality standard (WQS). States need not identify on their lists waters where the following controls are adequate to implement applicable standards: 1) technology-based effluent limitations required by the Act, 2) more stringent effluent limitations required by state or local authority, and 3) other pollution control requirements required by state, local, or federal authority. 40 CFR 130.7(b)(1) and (2). CWA 303(d) lists must identify WQLSs still requiring TMDLs. 40 CFR 130.7(b). The definition of “water quality limited segment” in 40 CFR 130.2(j) includes any segment where it is known that water quality does not meet applicable WQSs (referred to as “impaired waters”), and any segment that is not expected to meet applicable WQSs (referred to as “threatened waters”), “even after the application of the technology-based effluent limitations required by” the Act. The term “applicable WQSs” refers to those WQSs established under Section 303 of the Act. 40 CFR 130.7(b)(3). An impaired or threatened water must be on the 303(d) list and requires a TMDL unless the state can demonstrate that no pollutant(s) causes or contributes to the impairment³ or one or more of the three types of requirements described earlier in this paragraph become stringent enough to implement applicable WQSs. In addition, in developing their CWA 303(d) lists, states must meet several procedural, submission, and content requirements as described in this decision document.

¹ ATTAINS data is publicly accessible via the EPA’s How’s My Waterway online tool and ATTAINS web and geospatial services. For more information, see <https://www.epa.gov/waterdata/get-data-access-public-attains-data>.

² The EPA uses the term, WQLS, to reflect the combination of a water segment and an applicable WQS that is not attained or is threatened. For example, if a segment is not meeting three applicable WQSs then there are three WQLSs for that segment.

³ See CWA Sections 303(d)(1)(A) and 303(d)(1)(C); 40 CFR 130.7(b)(4); 2006 Integrated Reporting Memorandum, page 60; 2024 Integrated Reporting Memorandum, pages 18-19. EPA Integrated Reporting Memoranda may be found at <https://www.epa.gov/tmdl/integrated-reporting-guidance-under-cwa-sections-303d-305b-and-314>.

States must submit their 303(d) lists to the EPA on April 1 of every even-numbered year. 40 CFR 130.7(d)(1). The EPA must approve or disapprove the 303(d) list not later than 30 days after submission. The EPA approves a list only if it meets the requirements of 40 CFR 130.7(b). 40 CFR 130.7(d)(2). If the EPA approves the listing(s), the state must incorporate the listing(s) into its current Water Quality Management (WQM) plan. If the EPA disapproves a listing decision(s), the EPA must, not later than 30 days after the date of such disapproval, identify waters for inclusion on the 303(d) list. The EPA then must promptly issue a public notice seeking comment on the listing(s). After considering public comment and making any revisions the EPA deems appropriate, the EPA must transmit the listing(s) to the state, and the state must incorporate the listing(s) into its WQM plan. Id.

The statutory and regulatory requirements, and the EPA's review of the state's compliance with the requirements, are described in detail in this document. To the extent that any EPA-approved listing decisions are unchanged from prior approved 303(d) list actions, the EPA incorporates the reasoning of those previous list actions unless otherwise noted.

A. Supporting documentation for making listing determinations

EPA regulations at 40 CFR 130.7(b)(6) require states to include, as part of their submissions to the EPA, documentation to support the state's determination to include or not include waters on its 303(d) list. Such documentation must include, at a minimum, the information discussed in the subsections below.

i. Description of the methodology used to develop the 303(d) list. 40 CFR 130.7(b)(6)(i).

EPA regulations at 40 CFR 130.7(b)(6) require states to include a description of the methodology used to develop the 303(d) list.⁴ The EPA does not approve or disapprove assessment methodologies. Instead, in acting on CWA 303(d) lists, the EPA evaluates whether the state, territory, or authorized tribe met listing requirements in determining whether applicable WQs are met and included waters requiring TMDLs on its 303(d) list. 2024 Integrated Reporting Memorandum (IR Memo) at 15.

The EPA finds that Arkansas has provided a description of its methodologies used for determining whether its waters are achieving the state's WQs, satisfying the regulatory requirement to provide a "description of the methodology used to develop the list." 40 CFR 130.7(b)(6)(i). The EPA has considered the state's methodologies as part of its review of the state's 303(d) lists.

ii. Description of the data and information used to identify waters. 40 CFR 130.7(b)(6)(ii).

EPA regulations at 40 CFR 130.7(b)(6)(ii) require states to provide a description of the data and information used to identify waters, including a description of the data and information used by the state as required by 40 CFR 130.7(b)(5). The EPA finds that Arkansas has provided a description of the data and information that it assembled and evaluated. 40 CFR 130.7(b)(6)(ii). The EPA has considered the state's description as part of its review of the state's 303(d) lists.

⁴ The EPA's Integrated Reporting Memoranda provide more information on assessment methods. See 2006 Integrated Reporting Memorandum at 29.

- iii. A rationale for any decision to not use any existing and readily available data and information for any one of the categories of waters as described in 40 CFR 130.7(b)(5). 40 CFR 130.7(b)(6)(iii).

EPA regulations at 40 CFR 130.7(b)(6)(iii) require states to provide a rationale for any decision to not use any existing and readily available data and information for any one of the categories of waters as described in 40 CFR 130.7(b)(5). 40 CFR 130.7(b)(6)(iii). The EPA evaluates whether a state provides a technical, science-based rationale for decisions not to use data or information in developing the list.⁵ The EPA finds Arkansas provided a rationale where it did not use data or information it assembled and evaluated to develop its lists. 40 CFR 130.7(b)(6)(iii). The EPA has considered the state's rationale as part of its review of the state's 303(d) lists.

B. Public participation

EPA regulations require states to provide for public participation in the development of their 303(d) lists, including describing their process for involving the public and other stakeholders in their Continuing Planning Processes (CPPs). 40 CFR 130.7(a). States are expected to demonstrate how they considered public comments in their final decisions. The EPA considers the public comments and state responses as appropriate in its actions on 303(d) lists in determining whether a state has provided reasoned support for its submission. See 2006 IR Memo at 25-26.

The state's 2024 and 2026 303(d) list submissions to the EPA included a summary of public comments and the state's responses to comments. The public comment periods for the 2024 and 2026 draft lists were open for 45 days each. Public comments were accepted on the state's 2024 draft list from February 16, 2025, through April 4, 2025, and public comments were accepted on the state's 2026 draft list from January 18, 2026, through March 4, 2026. The public notice periods for the 2024 and 2026 lists were published online and in a state-wide newspaper. The 2024 and 2026 lists also included calls for data from potential data providers.

The EPA concludes Arkansas provided an opportunity for public comment on its 303(d) lists consistent with 40 CFR 130.7(a). In addition, the state demonstrated how it considered public comments in its final decisions. The state's responses to public comments on the 2024 and 2026 lists will be made available in How's My Waterway⁶ and on the DEQ website⁷.

C. Assembling, evaluating, and using data and information

i. Assemble and evaluate data and information

States must assemble and evaluate all existing and readily available water quality-related data and information to develop the CWA 303(d) list. 40 CFR 130.7(b)(5). In reviewing a state's 303(d) list submission, the EPA considers whether the state has satisfied the requirements under 40 CFR 130.7(b)(5) to assemble and evaluate all existing and readily available water quality-related data and information when developing their CWA 303(d) list. This includes, at a minimum, all existing and readily available data and information about the following categories of waters: (1) waters identified as

⁵ 2024 IR Memo at FN 15 (citing court cases); 2006 IR Memo at 37 (EPA evaluates whether there is a "reasonable technical rationale").

⁶ <https://mywaterway.epa.gov/state/AR/water-quality-overview>

⁷ <https://www.adeg.state.ar.us/water/planning/integrated/303d/list.aspx#collapse2026>

partially meeting or not meeting designated uses, or as threatened, in the state's most recent CWA Section 305(b) report; (2) waters for which dilution calculations or predictive modeling indicate non-attainment of applicable WQs; (3) waters for which water quality problems have been reported by local, state, and federal agencies; members of the public; and academic institutions (these organizations and groups should be actively solicited for research they may be conducting or reporting); and (4) waters identified as impaired or threatened in any CWA Section 319 nonpoint source assessment submitted to the EPA. In addition to these minimum categories, states are required to assemble and evaluate any other water quality-related data and information that is existing and readily available. 40 CFR 130.7(b)(5).

The EPA has reviewed the state's submissions, including the state's description of the data and information that it assembled and evaluated and finds that the state satisfied the requirement to assemble and evaluate all existing and readily available water quality-related data and information to develop its lists under 40 CFR 130.7(b)(5). The 2024 list call for data opened on May 3, 2023, and closed on June 5, 2023. The 2026 list call for data opened on May 1, 2025, and closed June 6, 2025. DEQ conducted data solicitation via electronic and postal correspondence to potential data collectors in Arkansas and its neighboring states. The data provided to DEQ was submitted by state agencies, municipalities, universities and other entities. Table II-C in the 2024 and 2026 Integrated Reports includes the lists of entities with outside data submitted for the 2024 and 2026 periods of record.

ii. Use of data and information

States must use existing and readily available water quality-related data and information in developing the CWA 303(d) list, 40 CFR 130.7(b)(5), unless they provide a rationale not to use them, 40 CFR 130.7(b)(6)(iii). The EPA evaluates whether a state provides a technical, science-based rationale for decisions not to use data or information in developing the list.⁸

The EPA evaluated whether Arkansas provided a technical, science-based rationale for any decisions not to use existing and readily available water quality-related data or information to make a WQS attainment status determination and concluded the state provided such a rationale for the purposes of 40 CFR 130.7(b)(6)(iii). Data evaluated but not used by DEQ for the 2024 and 2026 assessment cycles and the reasons for exclusion of that data were described by DEQ in their submissions. DEQ addresses the specific data not used and the source of that data in detail in the "Data Not Used" sections of the 2024 and 2026 Integrated Reports. DEQ sufficiently addressed the technical reasons for not using these data and datasets in the 2024 and 2026 cycles.

D. Identification of waters for inclusion on the 303(d) list

As noted above, EPA regulations at 40 CFR 130.7(b)(6) require states to provide documentation to support the state's determination to include or not include its waters on the 303(d) list. The EPA has reviewed the state's submissions, including its assessment methodologies and additional supporting documentation for its listing determinations.

⁸ See FN 5.

i. Approval of identification of waters for inclusion on the 303(d) list

The EPA determined that the waters included on Arkansas’s 2024 and 2026 303(d) lists are listed consistent with the CWA 303(d) and 40 CFR 130.7 requirements, and the EPA is approving all waters the state included on the 303(d) lists. The EPA’s approval of each 303(d) list is based on the EPA’s review of the state’s submissions including the description of the data and information concerning individual waters, documentation to support decisions to rely or not rely on particular data and information, and a description of how data and information were applied to make WQS attainment status determinations. The EPA also considered applicable public comments and responses. The state’s 303(d) lists of WQLSs may be found in Tables XV-C and XVI-C of the 2024 and 2026 Integrated Reports.

ii. Deferral for further investigation/discussion

The EPA is deferring action on two waterbodies while the EPA works in the near term with the state on approaches for evaluating data and information regarding Poinsette Lake and Ouachita Lake and determining whether applicable WQSs are attained. The EPA has requested additional information from DEQ regarding attainment status of applicable WQS for Poinsette Lake, which is currently being sampled. Additionally, the EPA requested clarification from DEQ regarding the appropriate application of water quality standards and assessment methodology to determine attainment status of Ouachita Lake assessment units for mercury.

Additionally, the EPA is taking no action at this time and requesting an update regarding progress made towards the development and application of water quality standards on the State’s waterbodies subject to minerals Ecoregional Reference values. DEQ is working with the EPA to move forward with revising mineral criteria throughout the State. The EPA is also taking no action on waters subject to the site-specific minerals criteria that are not on the list based on those criteria. The EPA is seeking additional information from DEQ to ensure that DEQ’s assessment of these waters is reasonable, scientifically sound, and not inconsistent with the Federally-approved criteria.

Waters for which further action is pending by the EPA maintain the listing status under the previous 303(d) list approved by the EPA, until the EPA takes action on these waters.

E. Identification of pollutants causing or expected to cause a violation of applicable WQSs (40 CFR 130.7(b)(4))

As part of their CWA 303(d) lists, states are required to identify the pollutants causing or expected to cause violations of the applicable WQSs. 40 CFR 130.7(b)(4). This includes a pollutant that by itself or in combination with other pollutants causes or is expected to cause violations of applicable WQSs. States must identify on their 303(d) lists all pollutants that are known to be causing or are expected to cause violations of the applicable WQSs. 40 CFR 130.7(b)(4), see also, 2024 IR memo at 17-19. For listed waters, if the available data and information do not support identification of pollutants causing or expected to cause the exceedance, list submissions would identify the pollutant as “unknown.”

Consistent with 40 CFR 130.7(b)(4), Arkansas appropriately identified the pollutants that were causing or expected to cause a violation of the applicable WQS. Waters where the available data and information did not support identification of pollutants causing or expected to cause the exceedance, the state appropriately included the water on the 2024 and 2026 303(d) lists and identified the

pollutant as “unknown.” The EPA encourages the state to reassess and potentially refine that determination when additional data and information become available. See e.g., 2024 IR Memo.

F. Priority ranking and two-year TMDL development (40 CFR 130.7(b)(4))

The CWA and the EPA’s regulations require states to establish a priority ranking for the waters on their CWA 303(d) list “taking into account the severity of the pollution and the uses to be made of such waters.” CWA Section 303(d)(1)(A); 40 CFR 130.7(b)(4). The regulations at 40 CFR 130.7(b)(4) provide that this priority ranking must include “all listed water quality limited segments still requiring TMDLs” and further require that states submit their priority rankings to the EPA as a component of their biennial CWA 303(d) lists. Additionally, the regulations require that the priority ranking identify the waters targeted for TMDL development in the next two years. 40 CFR 130.7(b)(4).

Arkansas’s description of how all listed WQLSs are prioritized for TMDL development, including identification of waters targeted for TMDL development in the next two years, is included within the state’s 303(d) list submissions. In addition, Arkansas described how its priority ranking took into account the severity of pollution and the uses to be made of such waters. The EPA notes that a TMDL is required for all waters listed in category 5, regardless of the water’s priority ranking. 40 CFR 130.7(b)(4); see also 2026 IR Memo at 22-23.

The EPA’s review of Arkansas’s submissions finds that the state established a priority ranking for all waters on the CWA 303(d) lists, taking into account the severity of the pollution and the uses to be made of such waters.⁹ In addition, the state identified the waters targeted for TMDL development in the next two years.

3. Summary of the EPA’s decision on the 2024 and 2026 CWA 303(d) lists

After careful review of Arkansas’s final CWA 303(d) list submission packages, the EPA has determined that Arkansas’s 2024 and 2026 303(d) lists meet the requirements of Section 303(d) of the CWA and the EPA’s implementing regulations. Therefore, the EPA approves with further action pending Arkansas’s 2024 and 2026 303(d) lists.

⁹ In addition to these two statutory factors, states may also consider other factors when prioritizing TMDLs. See 57 Fed. Reg. 33040, 33,044-45 (July 24, 1992).