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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING, STANDARDS, AND PESTICIDE CONTROL

Request for Comments on the Proposed 2022 303(d) List of Water Quality Limited Waters Proposed Amendment to the Atlantic County, Cape May County, Lower Delaware, Lower Raritan/Middlesex County, Mercer County, Monmouth County, Northeast, Ocean County, Sussex County, Tri-County, Upper Delaware, and Upper Raritan Water Quality Management Plans

Take notice that pursuant to the Section 303(d) of the Federal Clean Water Act (CWA) at 33 U.S.C. § 1313(d) and its implementing regulations at 40 CFR 130.7(b), the New Jersey Water Quality Planning Act, at N.J.S.A. 58:11A-7, and the Water Quality Management Planning (WQMP) rules, at N.J.A.C. 7:15-5.2 and 5.4, the New Jersey Department of Environmental Protection (Department) is seeking public comment on the proposed 2022 303(d) List of Water Quality Limited Waters (303(d) List). This list is posted on the Department's website at <http://www.state.nj.us/dep/wms/bears/assessment.htm> under the Statewide Assessments header.

Section 305(b) of the CWA (33 U.S.C. § 1315(b)), requires all states to biennially prepare and submit to the United States Environmental Protection Agency (USEPA), a report describing the health of the State's waters by determining whether these waters (the "Integrated List of

Waters” or “Integrated List”), are meeting surface water quality standards and supporting uses, (any existing and potential uses that surface waters are assigned such as drinking water, recreation, aquatic life, fish consumption, and shellfish). States are also required to develop a list of waters that currently do not meet, or are not expected to meet, applicable water quality standards after the implementation of technology-based controls. This list is known as the 303(d) List of Water Quality Limited Waters or “303(d) List.” The 303(d) List includes a priority ranking for a state’s development of Total Maximum Daily Loads (TMDLs), which are pollution reduction targets from point and nonpoint sources calculated to attain applicable water quality standards for these waters. Based on the proposed 303(d) List, and in accordance with 40 CFR 130.7(b)4, the Department also prepares a two-year schedule of impaired waters identified for the development of TMDLs to address impairments in water quality limited waters. The 303(d) List and two-year schedule, along with strategies to maintain and improve water quality and other pertinent information, comprise the Integrated Water Quality Assessment Report (Integrated Report).

The Integrated Report identifies where regulatory and other actions have been successful in restoring water quality, where water quality improvement is needed, where high quality waters are threatened, and where further study is needed to address unresolved water quality issues, such as nutrient impacts on aquatic life uses. These results provide a sound scientific foundation to inform and prioritize the State’s water regulatory and management programs. The USEPA compiles this water quality information from all states and tribes, as required by the CWA, into a national assessment of water quality.

The scientific protocols and methods used by the Department to assess data and develop New Jersey’s proposed 2022 Integrated Report are explained in the Department’s 2016 New Jersey Integrated Water Quality Assessment Methods (Methods Document) (see 48 N.J.R. 337(c)). A

summary of the comments received, and agency responses is included as an Appendix in the final Methods Document, which is published on the Department's website at <http://www.state.nj.us/dep/wms/bears/assessment.htm>. The proposed 2022 303(d) List was developed using the Methods Document and all readily available data submitted in response to the Department's notice of solicitation published on July 2, 2018 (see 50 N.J.R. 1507(b)).

In accordance with N.J.A.C. 7:15-5.4, the Department is seeking public comment on the proposed 2022 303(d) List, including priority ranking for development of TMDLs within the next two years, prior to requesting approval from the USEPA. Interested persons may submit written comments on the proposed 2022 303(d) List to the Department through email to NJIntegratedReport@dep.nj.gov or by regular mail to:

Frank Klapinski, Environmental Scientist 4
New Jersey Department of Environmental Protection
Division of Water Monitoring, Standards, and Pesticide Control
Bureau of Environmental Analysis, Restoration and Standards
PO Box 420 (Mail Code 401-04I)
401 East State Street
Trenton, New Jersey 08625-0420

All comments must be submitted within 30 days of publication of this notice. A hard copy of the proposed 2022 303(d) List may be requested by contacting the Bureau of Environmental Analysis, Restoration, and Standards at (609) 633-1441.

Interested persons may request, in writing, that the Department hold a public hearing on the proposed 2022 303(d) List or extend the public comment period specified in this notice. Such

requests must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined at N.J.A.C. 7:1D-5.2(d). The request must be submitted within 30 days of the date of this notice to the Department address cited above. Should the Department decide to hold a public hearing, additional notice will be provided at least 30 days prior to the public hearing and published in a future New Jersey Register. The comment period will remain open until 15 days after the public hearing date. All comments submitted prior to the close of the comment period shall be considered by the Department. Beginning with the previous reporting cycle for the 2018/2020 combined Integrated Reports, the Department transitioned from a document format to an online web-based format. The 2022 Integrated Report may be viewed at <http://www.state.nj.us/dep/wms/bears/assessment.htm> under the Statewide Assessments header.

After review and careful consideration of comments received, the Department will make any necessary non-substantive changes, finalize the 2022 303(d) List and submit it to the USEPA for approval. Upon receipt of approval from the USEPA, the Department will adopt the 303(d) List as an amendment to areawide water quality management plans, and publish the final 2022 303(d) List, along with the 2022 Integrated Report and supporting documents, on the Department's website at <http://www.state.nj.us/dep/wms/bears/assessment.htm>. A public notice announcing adoption of the final 2022 303(d) List will be published in a subsequent New Jersey Register.