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LAND USE MANAGEMENT

Proposed Amendment to Statewide Water Quality Management Plan

Requests for Comments on the Proposed 2004 Integrated List of Waterbodies (303(d) List)

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed 2004 Integrated List of Waterbodies (which includes the 303(d) List of Impaired Waterbodies). This list is intended to satisfy New Jersey's requirement under Section 303(d) of the Federal Clean Water Act (33 U.S.C. §1313(d)). The Integrated List of Waterbodies incorporates, as appropriate, information received in response to the Department's February 3, 2003 notice soliciting water quality related data. (See 35 N.J.R. 891(b)).

The proposed 2004 Integrated List of Waterbodies is available for review from Land Use Management, Water Quality Standards and Assessment, PO Box 409, 401 East State Street, Trenton, New Jersey 08625, from the Department's website at http://www.state.nj.us/dep/wmm/sgwqt/wat/integratedlist/integratedlist2004.html or by calling (609) 777-1753.

The State is required to biennially prepare and submit to USEPA a report addressing the overall water quality of the State's waters in accordance with Section 305(b) of the Federal Clean Water Act (33 U.S.C. §1315(b)). This report is commonly referred to as the 305(b) Report or the Water Quality Inventory Report. The Federal Clean Water Act under Section 303(d)(1)(A) also requires the State to issue a list of water quality limited waters. This list has been known as the 303(d) List.

In November 2001, USEPA issued guidance that encourages states to integrate the 305(b) Report and the 303(d) List into one report. Following USEPA's guidance, the Department chose to develop an Integrated Report for New Jersey in 2002. The USEPA issued guidance that requires states to submit an Integrated Report for 2004. Following USEPA's guidance, New Jersey's proposed 2004 Integrated List of Waterbodies is based upon five sublists and identifies water quality limited surface waters in accordance with N.J.A.C. 7:15-6 and Section 303(d) of the Federal Clean Water Act (33 U.S.C. §1313(d)). Sublist 5 of this list replaces what is commonly referred to as the 303(d) List. Water quality limited surface waters are waters that do not meet, or are not expected to meet applicable surface water quality standards after the implementation of technology based effluent limits. The State is required to establish total maximum daily loads (TMDLs) for water quality limited surface waters in accordance with a priority ranking. A TMDL establishes wasteload allocations for point sources such as wastewater discharges from treatment plants or industrial facilities; load allocations for nonpoint sources such as stormwater runoff or snow melt, and includes a margin of safety and, if appropriate, a reserve capacity. The TMDL process is set forth at N.J.A.C. 7:15-7. The purpose of the TMDL is to establish a management strategy to ensure the waterbody meets the applicable surface water quality standards. Waterbodies with approved TMDLs are placed on Sublist 4A.

The proposed Sublist 4A of the 2004 Integrated List includes only those waterbodies with TMDLs approved by USEPA prior to the publication date of this notice. The Department has submitted additional TMDLs to the USEPA for approval. These waterbodies will be delisted from Sublist 5 and placed on Sublist 4A without additional public notice, if the USEPA approves the TMDLs before the 2004 Integrated List is adopted. A list of proposed TMDLs can be found at http://www.nj.gov/dep/watershedmgt/publications.htm.

The Department is working with DRBC to complete its assessment of the shared waters of the Delaware River. The Department intends to publish a separate notice on the assessment of the shared waters of the Delaware River.

The 2004 Integrated List of Waterbodies is the third phase in the development of the 2004 Integrated Water Quality Monitoring and Assessment Report. The first phase began with the solicitation of water quality related data to support the development of the Integrated List. The Department provided notice in the New Jersey Register (35 N.J.R. 891(b)) and the Department's website on February 3, 2003. Data collected as of December 31, 2002 was accepted up to August 2, 2003. Any data received after that date will be used for subsequent assessments as outlined in the February 2003 notice.

During the second phase, the Department updated the 2002 Integrated Water Quality Monitoring and Assessment Methods Document. The goal of this methods document is to provide an objective and scientifically sound waterbody assessment methodology. This document includes a description of the quality assurance requirements as well as methods used to evaluate water quality data and assess water quality standards attainment. It additionally includes the rationale for the placement of waterbodies in Sublists 1 through 5. The methods the Department used to develop the 2004 Integrated List of Waterbodies are described in detail in the 2004 Integrated Water Quality Monitoring and Assessment Methods Document. On June 2, 2003, the Department invited the public to comment on the draft 2004 Integrated Water Quality Monitoring and Assessment Methods Document. (See 35 N.J.R. 2530(b)). A 30-day comment period was provided. After review and consideration of comments received on the proposed 2004 Integrated Water Quality Monitoring and Assessment Methods Document, the Department finalized the Integrated Water Quality Monitoring and Assessment Methods Document and prepared the proposed 2004 Integrated List of Waterbodies. The Data Solicitation Notice, the 2004 Methods Document, and the Response to Comments on the Draft 2004 Methods Document are available on the Department's website at http://www.state.nj.us/dep/wmm/sgwqt/wat/integratedlist/integratedlist2004.htm.

The proposed Integrated List of Waters is a proposed amendment to the Statewide Water Quality Management Plan as part of the Department's continuing planning process pursuant to the Water Quality Planning Act at N.J.S.A. 58:11A-7. After review and consideration of comments received on the proposed 2004 Integrated List of Waterbodies, the Department will prepare the 2004 Integrated Water Quality Monitoring and Assessment Report which will include the finalized Integrated List and the Methods Document as well as the 305(b) components such as use attainment, source and cause and program information.

Interested persons should submit written comments on the Integrated List to Debra Hammond, Bureau of Water Quality Standards and Assessment, PO Box 409, 401 East State Street, Trenton, New Jersey 08625. All comments must be submitted by December 4, 2003.

A **public hearing** on the List will be held on Wednesday, November 26, 2003 at 10:30 A.M. and lasting until the close of testimony or 1:00 P.M. whichever comes first, in:

Public Hearing Room (First Floor)
New Jersey Department of Environmental Protection
401 East State Street
Trenton, New Jersey 08625