

2008

Integrated Water Quality Monitoring and Assessment Methods

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of the Federal Clean Water Act

State of New Jersey
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Water Monitoring and Standards

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2008 Integrated Water Quality Monitoring and Assessment Methods

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1.0 Introduction

1.1 Background

The federal Clean Water Act mandates that states submit biennial reports to the U.S. Environmental Protection Agency (USEPA) describing the quality of their waters. The biennial Statewide Water Quality Inventory Report or "305(b) Report" must include the status of principal waters in terms of overall water quality and support of designated uses, as well as strategies to maintain and improve water quality. The 305(b) reports are used by Congress and USEPA to establish program priorities and funding for federal and state water resource management programs. The biennial List of Water Quality Limited Waters or "303(d) List" identifies waters that are not attaining designated uses because they do not meet surface water quality standards despite the implementation of technology-based effluent limits. States must prioritize waters on the 303(d) List of Water Quality Limited Waters for Total Maximum Daily Load (TMDL) analyses and identify those high priority waters for which they anticipate establishing TMDLs in the next two years.

Since 2001, USEPA has recommended that states integrate their 305(b) reporting requirements with their Section 303(d) reporting requirements. New Jersey has complied with this recommendation through the development of an Integrated Water Quality Monitoring and Assessment Report (Integrated Report), which was first submitted to USEPA in 2002. The Integrated Report satisfies the reporting and public participation requirements of Sections 303(d), 305(b), and 314 of the federal Clean Water Act. The New Jersey Department of Environmental Protection's (Department) 2008 Integrated Report will continue to follow the integrated report format to provide an effective tool for maintaining high quality waters where designated uses are attained, and improving the quality of waters that do not attain their designated uses. T

The 2008 Integrated Report includes an "Integrated List of Waters" (Integrated List) that combines the reporting requirements of Sections 305(b) and 303(d) of the Act. The Integrated List identifies the status of all applicable designated uses for every assessment unit by labeling the results of each designated use assessment as one of the five sublists (see Section 7.1 for complete sublist descriptions). Sublists 1 through 4 satisfy the assessment and reporting requirements of Section 305(b), while Sublist 5 is used to satisfy Section 303(d).

Section 303(d) requires states to produce a list of waters that are not meeting surface water quality standards (SWQS) despite the implementation of technology-based effluent limits and thus require the development of total maximum daily loads (TMDLs). This list is referred to as the "List of Water Quality Limited Waters" or the "303(d) List". The 303(d) List is the only part of the Integrated Report that is subject to regulatory requirements, which include public participation and submission to USEPA for approval and adoption. The Department will be submitting the 2008 Integrated List to USEPA Region 2 via its Assessment Database (ADB). However, since the public will be afforded the opportunity to review and comment on the 303(d) List, the Department will also generate an Integrated List Table, which organizes assessment results by assessment unit, designated use, and sublist, and a separate List of Water Quality Limited Waters (303(d) List) that includes all assessment units identified as Sublist 5 (i.e., not attaining one or more designated uses), the

specific pollutants not meeting SWQS in each assessment unit, and the relative rank of the assessment unit/parameter combination for TMDL development.

The USEPA guidance for developing the 2008 Integrated Report is available on the USEPA Web site at http://www.epa.gov/owow/tmdl/2008_ir_memorandum.html. The USEPA Guidance continues to recommend placing the assessment results into one of five specific categories. The Department has chosen to use the term “sublist” rather than “category” when referring to the Integrated List, to avoid confusion between Category 1 of the Integrated List and Category One Waters designated under New Jersey’s SWQS at N.J.A.C. 7:9B. Prior to developing an Integrated List, states are required to publish, for USEPA and public review, the methods used to collect, analyze, and interpret data, and place assessment units on their respective sublists.

The Methods Document provides an objective and scientifically sound assessment methodology, including:

- A description of the data the Department will use to assess attainment of the designated uses;
- The quality assurance aspects of the data;
- A detailed description of the methods used to evaluate designated use attainment;
- The rationale for the placement of assessment units on one of the five sublists.

The Methods Document does not establish assessment methods for assessing raw data on the Delaware River mainstem, Estuary, and Bay, fish tissue data for fish consumption, or pathogen data for shellfish. The Department uses published fish consumption advisories and shellfish classifications established under N.J.A.C. 7:12 to assess fish consumption and shellfish harvest uses. The Methods Document does explain how the Department uses the fish consumption advisories and shellfish classifications to assess the fish consumption and shellfish harvest for consumption designated uses (see Sections 6.3 and 6.4). The water quality assessment for the Delaware River mainstem, Estuary, and Bay is conducted by the Delaware River Basin Commission (DRBC) and its assessment results are incorporated into New Jersey’s Integrated List. DRBC’s Integrated List Assessment Methodology is contained in the [2008 Delaware River and Bay Integrated List Water Quality Assessment Report](#) and is available on the DRBC Web site at <http://www.state.nj.us/drbc/08IntegratedList/index.htm>.

1.2 Summary of Major Changes from the 2006 Methods Document

Benthic Macroinvertebrate Data: New Jersey has been using biological metrics to evaluate biological conditions in freshwater streams since the early 1990s. Prior to the 2008 Integrated Report, macroinvertebrate data collected under New Jersey’s Rapid Bioassessment Protocol (RBP) were evaluated using the New Jersey Impairment Score (NJIS) system for all freshwater streams. Assessments were based upon family level taxonomy with three resulting assessment categories for the biological community: not impaired, moderately impaired, and severely impaired. If biological monitoring results indicated moderate or severe impairment, the assessment unit was assessed as not attaining the aquatic life use. If biological monitoring results indicated no impairment, the assessment unit was assessed as attaining the aquatic life use.

For the 2008 Integrated Report, the Department will use three new biological indices based upon genus level taxonomy that provide four assessment categories: excellent, good, fair, and poor. The three indices were developed for different physiographic regions of the State: the High

Gradient Macroinvertebrate Index (HGMI), which applies to the streams of northern ecoregions (Highlands, Ridge and Valley, and Piedmont); the Coastal Plain Macroinvertebrate Index (CPMI), which applies to the Coastal Plain (excluding waters considered Pinelands waters); and the Pinelands Macroinvertebrate Index (PMI), which applies to PL waters within the jurisdictional boundary of the Pinelands Area, as well as FW2 waters within five kilometers of the Pinelands Area boundary (see Figure 4.3). Table 4.3 lists the scores for each metric and their associated condition category. The Department will continue to accept the family level macroinvertebrate NJIS index in non-Pinelands waters; however, the new genus level metrics will be given more weight in the assessment process. The methodology for extending PMI to other FW2 waters is explained in Section 4.3 Biological Data.

Lakes

In 2006, the Department redefined the assessment units on which the Integrated Report is based as Hydrologic Unit Code 14 (HUC 14) subwatersheds but continued to list lakes separately. For the 2008 Integrated Report, the Department is integrating lakes into their corresponding HUC 14 subwatershed assessment units. Data from lake monitoring stations will be evaluated along with data from other monitoring stations associated with the assessment unit. The assessment results for a given HUC 14 subwatershed will thus reflect the water quality of all streams, rivers, and lakes located within it. Assessing lakes in conjunction with the rivers and streams in a given assessment unit will ensure a watershed-based approach to restoration and will avoid the “double counting” of pollutants that occurs when a lake and/or individual bathing beach and its subwatershed are both listed for the same pollutant. As a result, New Jersey will have one Integrated List with 970 total assessment units rather than two Lists - one for all waters except lakes (970 assessment units) and another for lakes (468 assessment units). A list of the lakes and their corresponding assessment unit will be provided in the Integrated Report. All data from surface waters within a given assessment unit will be evaluated together to determine designated use attainment, including fish consumption advisories for lakes, which will be applied to the fish consumption use assessment for the entire assessment unit (see Chapter 5: Evaluation of Data From Multiple Stations Within an Assessment Unit for further explanation).

Naturally low pH

New Jersey currently has two surface water quality criteria for pH, one criterion (generally 3.5-5.5) for the naturally acidic Pinelands waters, and another (6.5-8.5) for all other waters of the State. Pinelands waters (PL) were designated based on political boundaries that delineate the “Pinelands Area” of the State. The true extent of the low pH, low buffer capacity waters historically characteristic of the New Jersey Coastal Plain “Pinelands” lies well beyond this political boundary and is closely aligned with the underlying geology of the region. The Coastal Plain has hydrologic and geological conditions that are very similar to the Pinelands. The current pH criteria do not address the naturally acidic conditions of the Coastal Plain waters located outside of the Pinelands Area and the majority of water quality impairments attributed to pH in previous water quality assessments were for pH values lower than 6.5 in Coastal Plain waters, which suggests that that these waters were assessed as impaired solely because the pH criteria did not account for naturally-occurring acidic waters outside of the politically-derived PL classification.

In 2007, the Department initiated a study of Coastal Plain waters outside of the Pinelands Area to determine the natural water quality conditions and develop a more appropriate pH criterion and/or boundary for the PL classification. The study focused primarily on headwaters where little or no development has taken place, based on the assumption that such waters would reflect naturally-occurring pH levels. Water quality data demonstrates that surface water pH levels in the Coastal Plain are similar to that of PL waters due to similar soil types. Generally, these soils are strongly acidic with little or no buffering capacity, thus influencing surface waters running through them. When mapped out, it became apparent that these soils exist well beyond the political boundaries of the Pinelands Area and observed pH levels track the presence of these soils in the Coastal Plain. Studies have shown that other characteristics (flora and fauna) indicative of the Pinelands exist in the same areas of the Coastal Plain, beyond the Pinelands borders, as where the “pH-impaired” surface waters are located. Since surface water pH levels are locally influenced by soil type, and since soils do not follow a clear and concise pattern, New Jersey is currently developing a new pH criterion with a wider range (4.5-7.5) for the Coastal Plain waters located outside of the Pinelands Area boundary. The Department will be reevaluating impairments attributed to low pH in Coastal Plain waters where soil and vegetation are similar to Pinelands conditions, and will be delisting pH where low pH values reflect natural conditions (also see “Natural Conditions” in Section 3.2 Criteria and Policies).

Nomenclature: The 2008 303(d) List uses the individual names of the following chemical compounds, to be consistent with USEPA’s assessment database (ADB), rather than the collective term for groups of similar chemical compounds used in the 2006 303(d) List. Specific changes in nomenclature between the two lists are identified below:

2006 303(d) List	2008 303(d) List
Pathogens	“Fecal Coliform/ <i>E. coli</i> ”, “total coliform”, or “enterococci”
Pesticides	heptachlor epoxide or hexachlorobenzene
DDX	DDD, DDE, and DDT
Pollutant Unknown	“Cause Unknown”
PAH (polyaromatic hydrochlorides)	benzo(a)pyrene
PCE/TCE	Tetrachloroethylene (PCE) or trichloroethylene (TCE)

Recreation

The Department will no longer be assessing “Secondary Contact Recreation” in FW, SE1, or SC waters since there are no applicable surface water quality criteria with which to assess this use in these waters. The Department will continue to assess the more stringent Primary Contact Recreation use, based on the criteria established in the SWQS for primary contact recreation in freshwaters. The Department will also continue to assess secondary contact recreation in saline waters, based on the criteria established for SE2 and SE3 waters. The methodology for assessing attainment of the primary and secondary contact recreational uses is explained in Section 6.2 Recreational Use Assessment (also see Section 4.2: Pathogenic Indicators”). The assessment method for “Recreation Aesthetics” has been removed from the Methods Document since it is not a designated use in the SWQS and nutrient impacts previously associated with Recreation

Aesthetics will be identified through the Aquatic Life Use assessment. The Department will also be discontinuing the use of “beach closure data” for freshwater beaches until such data is collected under an approved Quality Assurance Project Plan (QAPP), as explained in Section 3.1 Data Quality under “Quality Assurance”.

Temperature

The Department adopted a new temperature criterion for trout production waters in October 2006 and clarified that the criteria should be implemented as a summer seasonal average. The methodology for assessing compliance with the temperature criterion is explained in Section 4.1 Physical and Chemical Data under “Continuous Monitoring – Temperature”.

2.0 Overview of the Assessment Process

The Department is required to collect, review and, when appropriate, use all existing and readily available data to assess water quality for the Integrated List. With data originating from a host of different entities with different monitoring and analytical capabilities, the Department must ensure that the data used for assessment purposes is reliable and of good quality. The Department must also determine how to use the diverse types of data it generates and receives in a consistent manner to ensure an accurate evaluation of water quality on a station level, which will then be used to determine designated use attainment at the assessment unit level. The overall assessment process used by the Department, beginning with the collection of raw data, through the assessment of designated uses, to the development of the Integrated List, is comprised of five steps, each of which is explained in detail in Chapters 3 through 7. Below is a brief summary of each chapter/step in the assessment process and an explanation of key terms (shown in bold type).

Chapter 3: Use and Interpretation of Data

The development of the Integrated List begins with collection and use of raw data. The Department reviews all existing and readily available data, as required, to ensure the use of high quality data. This includes a variety of data types, including physical/chemical data, biological community scores, beach closure days, shellfish harvest classifications, and fish consumption advisories. Some data types, such as physical/chemical data, are assessed in their raw form while other types of data, such as fish tissue concentrations and biological community scores, are evaluated by their respective programs using various methods and metrics, and only the evaluation results are used in the assessment process. All data sets are reviewed for compliance with applicable quality control and quality assurance requirements and only data that meet those requirements are used in the water quality assessment process. Chapter 3 outlines the requirements regarding quality assurance and quality control, monitoring design, age of data, accurate sampling location information, data documentation, and use of electronic data management that are taken into consideration when deciding if data are readily available and appropriate for use in generating the Integrated List. Chapter 3 also discusses the relevant policies established in the SWQS and how they relate to data interpretation.

Chapter 4: Evaluation of Data at the Station Level

Once the data is reviewed and deemed appropriate for use in generating the Integrated List, the data for each parameter sampled at a specific monitoring station are evaluated for compliance with the SWQS. Any samples that do not comply with the applicable numeric SWQS criteria are considered **excursions** and are reviewed to determine if the excursion is within the margin of error of the analytical method, or can be attributed to natural conditions, transient events, or flow conditions that do not represent design flows. Excursions that can be attributed to any of these conditions are not evaluated further. Excursions that cannot be attributed to one of these factors are further evaluated at the assessment unit level to determine if they collectively constitute an **exceedance** of the surface water quality criteria.

Data that cannot be evaluated based on compliance with numeric SWQS criteria, such as biological, consumption advisory, shellfish classification, and beach closure data, are assessed based on whether or not they cause water quality **impairment**, since such data serve as indicators rather than direct measures of water quality at a particular location. (Designated uses, which are assessed on an assessment unit level, are assessed as attained or not attained, as explained in Chapter 6.) Biological data are compared to established indices using a numeric scoring system representing the relative health of the biological community. The results are expressed as excellent, good, fair, or poor. Excellent and good results are assessed as not impaired; fair and poor results are assessed as impaired. Assessment of biological data at a station level is explained in more detail in Section 4.3. Similarly, the Department has established impairment thresholds for designated bathing beaches, based on the number of days a beach is closed; shellfish beds, based on classification of shellfish harvest waters; and fish consumption, based on fish consumption advisories.

Chapter 4 explains the many issues affecting the interpretation of chemical, physical, pathogenic, and biological data that the Department must take into consideration, such as sample size, frequency, magnitude, duration, outliers, censored data, and significant figures. This chapter also outlines the procedures for evaluating each parameter and making a determination as to whether or not the individual parameter complies with the applicable SWQS (including policies and narrative criteria) at each station.

Chapter 5: Evaluating Data from Multiple Stations within an Assessment Unit

Chapter 5 defines “assessment unit” and explains the process for identifying all stations associated with each assessment unit as well as what further evaluation of parameter-specific data is necessary when combined with other station data for the same parameter within the assessment unit. Policies for considering issues such as the spatial extent of beaches, transient phenomena, comparison of different biological metrics, use of modeling results, and grab sample versus continuous monitoring data are discussed. Assigning relative “weight” to data is necessary when evaluating numerous data sets that have different data collection and analysis methods, or temporal or spatial sampling variability. When data sets yield contradictory or ambiguous assessment results, a “weight of evidence” approach will be used to evaluate the different data sets in relation to one another. The Department will take into account the data sets’ age, robustness, and accuracy. Other factors, such as declining trends, may also influence the weight of a given data set.

Although initial data evaluation is conducted on a station level, the designated use assessments and the resultant Integrated List are based on evaluation of assessment units that may be represented by data collected from multiple stations within each assessment unit. Exceedances of applicable SWQS or biological indices identified at the parameter/station level are further evaluated collectively for each parameter sampled at all monitoring stations within the assessment unit. Where data from different data sets yield contradictory assessments, further review is conducted that considers the age of the data and the sophistication of sampling and analytical methods used to generate the data. In large data sets, the magnitude and frequency of the exceedances are evaluated. Where there are numerous beach or shellfish harvest closures within an assessment unit, the spatial coverage of these impairments are evaluated in assessing attainment of the recreation and shellfish consumption uses for the respective assessment units.

Chapter 6: Designated Use Assessment

Designated uses of New Jersey's surface waters include aquatic life, recreation, drinking water supply, agricultural water supply, industrial water supply, fish consumption, and shellfish harvest for consumption. Water quality assessments are conducted to determine if the designated uses are **attained**, or met, in a given assessment unit. In assessing use attainment, the Department considers all exceedances and impairments (explained above) identified for each assessment unit. Chapter 6 identifies the uses designated for each SWQS classification, the minimum suite of parameters needed to assess attainment of each designated use, and the process used to assess attainment based on data sampled from multiple locations and/or for multiple parameters. Appendix A lists all the parameters that the Department might use and identifies the designated uses associated with each parameter. From that list, the Department has identified a subset of parameters, referred to as the minimum suite of parameters (Table 6.0), for which sufficient data must be available to determine that a designated use is attained.

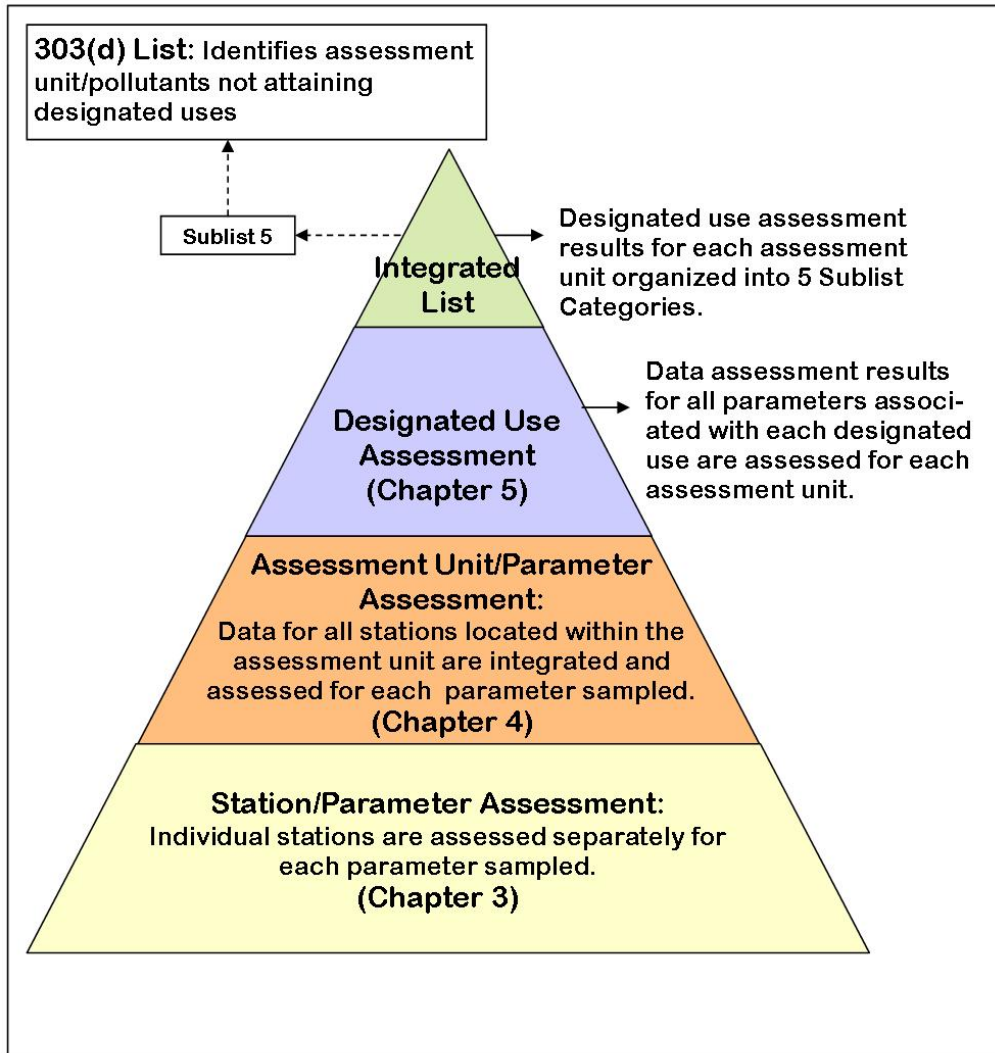
Chapter 7: Integrated Listing Guidance

Chapter 7 explains how assessment results for each assessment unit/designated use combination are depicted on the Integrated List and assigned to the appropriate sublist, taking into consideration the status of TMDLs. For each assessment unit/designated use identified as Sublist 5, the Department will identify the pollutant(s) causing the non-attainment of a designated use and place the assessment unit/pollutant combinations on the 303(d) List along with the assessment unit name and its priority ranking for TMDL development. Figure 2 on the following page illustrates the relationship between the different levels of data assessment explained in Chapters 4, 5, and 6 and used to generate the Integrated List.

Chapters 8, 9, and 10: Prioritizing, Monitoring, and Public Participation.

Chapter 8 describes the methods used to rank and prioritize waterbodies for TMDL development pursuant to the requirements of the federal Clean Water Act. Chapter 9 describes the State's approach to obtaining additional data to assess compliance with SWQS in all assessment units, and to support TMDL development. Chapter 10 outlines the public participation requirements and process, both regulatory and non-regulatory, employed in the development and finalization of the Integrated List. Among other things, Chapter 10 describes the data solicitation and the public notification processes.

Figure 2: Overview of Water Quality Assessment Process



3.0 Use and Interpretation of Data

The Department reviews all existing and readily available data. With data originating from many diverse entities, the Department must ensure that the data used for assessment purposes is reliable and of good quality. The Department must also determine how to use the diverse types of data in a consistent manner to ensure an accurate assessment of the water quality in each assessment unit. This process is outlined below. The Integrated Report will include a list all the sources of data received and identify which sources were used, as well as provide an explanation for any data not used, to develop the Integrated List.

3.1 Data Quality

Data Age

The Department will use the most recent five years of readily available data. Data received in response to the Department's solicitation that is more than five years old may be used on a case-by-case basis. For example, older data may be used if conditions in the assessment unit have not changed. Older data may also be used in conjunction with newer data to demonstrate water quality trends where appropriate analytical methods are used and results can easily be compared with more recent data. The Department may disregard data less than five years old if newer data was collected or analyzed using scientific methods that are more precise.

Electronic Data Management

In general, only electronic data are considered "readily available" due to the significant effort needed to computerize and analyze data submitted in hard copy. The Department uses electronic data from the USEPA Storage and Retrieval (STORET) system, the United States Geological Survey (USGS) National Water Information System (NWIS), and other special programs (e.g., the USEPA Helicopter Beach Monitoring Program and local monitoring programs). The Department prefers that all data be entered into USEPA's STORET database. Additional information on STORET is available on USEPA's Web site at <http://www.epa.gov/STORET>. Volunteer organizations may also utilize the Department's new data management system for volunteer monitoring data located on the Department's Web site at <http://www.state.nj.us/dep/wms/bfbm/vm/database.html>. The Department recognizes that USEPA is migrating from STORET to a new, more technologically advanced water quality data exchange system. The Department is currently developing Web-based tools that will be compatible with this new system and expects to have the enhanced data exchange process in place for the 2010 Integrated Report.

Locational Data

Accurate locational data are required to ensure comparison to appropriate SWQS, as well as confirming that sampling stations are located outside of regulatory mixing zones. Digital spatial data in the form of a Geographical Information System (GIS) shape file or Global Positioning System (GPS) coordinates, or latitude/longitude information, must be provided for all monitoring station locations, which must be accurate to within 200 feet. Only sampling stations that are spatially referenced will be used to develop the Integrated List.

Quality Assurance

The Department maintains a strong commitment to the collection and use of high quality data to support environmental decisions and regulatory programs. All data and information used to develop the Integrated Report must comply with the Department's Quality Assurance Guidelines, the Department's field sampling procedures, and be analyzed by a certified laboratory. Department policy mandates that all environmental data collection activities performed or for use by the Department comply with and be accompanied by an approved Quality Assurance Project Plan (QAPP). QAPPs describe the procedures used to collect and analyze samples and review and verify the results to assure high quality data. All data generated by the Department complies with the Department's QAPP, which has been approved by USEPA.

All data submitted to the Department in response to the data solicitation for the Integrated Report must comply with a Department-approved QAPP. The QAPP must be approved by the Department's Office of Quality Assurance prior to the start of any sampling and should comply with USEPA's QAPP guidance document, available on the USEPA Web site at http://www.epa.gov/region02/qa/qa_documents/air_h20_qapp04.pdf. The Department also provides guidance for developing QAPPs for volunteer monitoring data, available on the Department's Volunteer Monitoring Program Web site at http://www.state.nj.us/dep/wms/bfbm/vm/quality_assurance.html. Additional information about the Department's QAPP process is available on the Department's Web site at <http://www.nj.gov/dep/oqa/>.

The sampling protocol for data used in the Integrated Report must also comply with the procedures in the Department's Field Sampling Procedures Manual (NJDEP, 2005) or follow equivalent field procedures as determined by the Department's Office of Quality Assurance. The Department's Manual includes approved procedures for sample collection, field quality assurance, sample holding times, and other data considerations and is available for download from the Department's Web site at <http://www.state.nj.us/dep/srp/guidance/fspm/>). Samples must be analyzed at a laboratory certified by the Department's Office of Quality Assurance, or a federal laboratory (e.g., the USGS National Water Quality Laboratory in Denver) using analytical methods or their equivalents, as certified by the Department pursuant to N.J.A.C. 7:18, USEPA, or USGS.

Reference Reports

The Department requires "citable" hard copy reference reports for each data source. This requirement ensures that the entities responsible for generating the data used are also responsible for compiling the data, completing a detailed quality assurance review, and addressing questions regarding the data set. Citable reports offer those who review the Integrated List an opportunity to independently evaluate the underlying data. Written reports range from a brief description of the monitoring program and tables of raw data to very thorough, peer-reviewed reports. The availability of reports used in developing the Integrated List will be noted in the Integrated Report.

3.2 Criteria and Policies

Since water quality data are assessed for compliance with the Surface Water Quality Standards (SWQS), the SWQS provide the foundation for the Integrated List. The SWQS establish surface water classifications, the designated uses associated with the surface water classifications, and the criteria and policies established to protect, maintain, and restore the designated uses.

Antidegradation Policy: The SWQS contain an antidegradation policy that applies to all surface waters of the State. Antidegradation is a requirement under the federal Clean Water Act designed to prevent or limit future degradation of the nation's waters. Under this policy, existing uses shall be maintained and protected. Designated uses shall be maintained or, as soon as technically and economically feasible, be attained wherever these uses are not precluded by natural conditions. No irreversible changes may be made to existing water quality that would impair or preclude attainment of the designated use(s) of a waterway. No changes shall be allowed in waters that constitute an outstanding national or state resource or in waters that may affect these Outstanding National Resource Waters. The Department applies the antidegradation policy in tandem with the classification of the receiving waterbody in making decisions about proposed new or expanded discharges to surface waters, including stormwater permits, as well as certain land use permits. Additional information about the SWQS antidegradation policy is available on the Department's Web site at <http://www.state.nj.us/dep/wms/bwqsa/swqs.htm>.

Narrative Water Quality Criteria: Narrative water quality criteria are non-numeric descriptions of the conditions necessary for a waterbody to attain its designated uses. To implement narrative data, which is qualitative in nature, the Department has identified assessment approaches, also known as "translators", to quantitatively interpret narrative criteria. New Jersey's SWQS contain narrative criteria for toxics, nutrients, natural conditions, and antidegradation.

Toxics: The SWQS contain two narrative criteria for toxic substances:

1. None, either alone or in combination with other substances, in such concentrations as to affect humans or be detrimental to the natural aquatic biota, produce undesirable aquatic life, or which would render the waters unsuitable for the desired use; and
2. Toxic substances shall not be present in concentrations that cause acute or chronic toxicity to aquatic biota, or bioaccumulate within the organism to concentrations that exert a toxic effect on that organism or render it unfit for human consumption.

The Department uses several translators to assess compliance with the narrative toxic criteria. These translators include: fish consumption advisories (see Section 6.3, Fish Consumption Use Assessment); shellfish closure data (see Section 6.4, Shellfish Use Designated Use Assessment); source water information (see Section 6.5, Drinking Water Supply Use Assessment) with regard to human health; and biological data (see Section 6.1, Aquatic Life Use Assessment) with regard to aquatic life.

Nutrients: The SWQS include narrative nutrient policies at N.J.A.C. 7:9B-1.5(g) that apply to all freshwaters of the State, in addition to the applicable numeric criteria. The narrative nutrient policies prohibit nutrient concentrations that cause objectionable algal densities, nuisance aquatic vegetation, or render waters unsuitable for designated uses. Pursuant to the New Jersey Pollution Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A, the Department has developed a guidance manual for NJPDES-regulated facilities subject to water quality-based effluent limitations for total phosphorus entitled, “Technical Manual for Phosphorus Evaluations (N.J.A.C. 7:9B-1.14(c)) for NJPDES Discharge to Surface Water Permits.” This manual outlines the steps necessary to demonstrate compliance with the nutrient criteria and policy, and is available on the Department’s Web site at <http://www.state.nj.us/dep/dwq/techmans/phostcml.pdf>.

Natural Conditions: The SWQS at N.J.A.C 7:9B-1.5(c) state, “Natural water quality shall be used in place of the promulgated water quality criteria of N.J.A.C. 7:9B-1.14 for all water quality characteristics that do not meet the promulgated water quality criteria as a result of natural causes.” The concept of “natural causes” is applied when the Department can document that there are no anthropogenic sources or causes of a given characteristic or that the characteristic is clearly attributable to the natural conditions of the waterbody (e.g., pH in certain locations). Data that do not meet applicable SWQS criteria potentially due to natural conditions will be carefully evaluated. When the Department identifies a general area where natural conditions apply, it will discuss the assessment process in the Methods Document as it does earlier in Section 1.2 for low pH in the Coastal Plain area.

Numeric Water Quality Criteria: The surface water quality criteria established for each of the different surface water classifications in the SWQS are numeric estimates of constituent concentrations, including toxic pollutants, that are protective of the designated uses. Numeric surface water quality criteria have been established for conventional parameters (e.g., dissolved oxygen, pH, temperature), toxics (e.g., metals, organics, unionized ammonia), and sanitary quality (e.g., pathogens). Additional information about numeric water quality criteria is available on the Department’s Web site at <http://www.state.nj.us/dep/wms/bwqsa/swqs.htm>.

4.0 Evaluation of Data at the Station Level

4.1 Physical and Chemical Data

The Department assesses physical and chemical data for which criteria have been established in the SWQS. Conventional physical and chemical parameters include dissolved oxygen, pH, total phosphorus, total suspended solids, total dissolved solids, sulfate, temperature, chloride, and nitrate. Toxic parameters include un-ionized ammonia, metals, and organics. Un-ionized ammonia is calculated from total ammonia concentrations using pH and temperature at the time of sampling. Chemical parameters are assessed for conformance with the applicable numeric SWQS criteria. Where possible, total phosphorus is also assessed for conformance with the narrative SWQS nutrient criteria.

Once data is reviewed and deemed appropriate for use in generating the Integrated List (see Chapter 3), the data for each parameter sampled at a specific monitoring station are evaluated for compliance with the SWQS. Any samples that do not comply with the applicable numeric SWQS criteria are considered “excursions” and are reviewed to determine if the excursion is within the margin of error of the analytical method, or can be attributed to natural conditions, transient events, or flow conditions that do not represent design flows. Excursions that can be attributed to any of these conditions are not evaluated further. Excursions that cannot be attributed to one of these factors are further evaluated at the assessment unit level to determine if they collectively constitute an “exceedance” of the surface water quality criteria.

Analytical Precision and Accuracy: As explained above, the Department will take into consideration the precision and accuracy of the analytical method used to measure data when an ambient measurement is compared to a numeric SWQS criterion. Analytical precision and accuracy are determined by the methods used to sample, analyze, and report data.

The precision of the analytical method is determined by the margin of error expressed for the method used. The margin of error defines the range of values that are considered to represent valid results for a specific analytical method or instrument. For example, if the surface water quality criterion is 1.0 and the margin of error for the measurement is “(+) or (-) 0.2”, a reported value of 1.1 would be considered an excursion, not an exceedance.

Unlike precision, which is a function of the analytical method used, the accuracy of the data is determined by the number of decimal places used to express the surface water quality criterion. For example, when a parameter is measured in a concentration whose value is reported to three decimal places but the applicable criterion is represented by (i.e., accurate to) only two decimal places, the parameter concentration will be rounded to two decimal places to determine compliance with the criterion.

Continuous Monitoring: More and more frequently, instruments such as Datasondes are being deployed to continuously monitor the water. The parameters most commonly measured in this fashion are water temperature and dissolved oxygen (DO). The protocol for comparing these data to the SWQS criteria is as follows:

Dissolved Oxygen: The SWQS criteria for DO are expressed as either a minimum, “not less than...at any time” concentration over a 24-hour period or as a 24-hour average concentration. For the “not less than...at any time” criterion, the lowest value from each 24-hour period is compared to the criterion. An exceedance occurs when the DO criterion is not met for two or more sample intervals, each equaling at least one hour long during a 24-hour period. When comparing the data to a criterion expressed as a 24-hour average, all the individual subsamples for a 24-hour period are combined to determine the average concentration. An exceedance occurs when the 24-hour average violates the 24-hour average criterion.

When the data are combined into each assessment unit (see Chapter 5), the use is assessed as not attained when there are two exceedances of the minimum DO criterion on different days within the same data set or when two 24-hour average concentrations violate the 24-hour average criterion at the same station.

Temperature: As part of the adopted amendments to the SWQS (October 2006) the temperature criterion was changed to 20 degrees centigrade as a summer seasonal average (June 21 – September 21), to reflect recent trends in data collection such as continuous monitoring. Where continuous monitoring data is available for part of the season, the Department will calculate averages based on available datasets of 72 hours or more. In evaluating data collected over the entire summer season, the Department may consider shorter averaging periods (weekly average, 72-hour average) to ensure that averaging across an entire season does not mask elevated mid-summer temperatures.

Computations Using Censored Data: Censored data are data with concentrations that are less than the minimum reporting level of an analytical procedure. These data are usually labeled with a “<” symbol followed by the reporting limit in the data report received from the laboratory. When calculating averages, these values are set to one-half of the reporting limit. If the criterion and sample concentration are both below the minimum reporting level (i.e., non-detect), an exceedance of the criterion can not be established.

Design Flows: Design flows are specified in the SWQS at N.J.A.C. 7:9B-1.5(c). Samples should be collected when streams are at or above design flows, as specified for the applicable numeric SWQS criteria. Flow data will be reviewed when an exceedance of a criterion is observed to determine whether the data was collected under appropriate flow conditions. For regulatory purposes, numeric criteria apply only during the specified design flow; therefore, any data that are collected when stream flows are below “design flows” are not considered valid data for assessment (or enforcement) purposes.

Duration (Exposure Periods): The SWQS includes criteria-specific exposure periods (durations) that range from one hour to 70 years. In assessing compliance with the SWQS, the Department takes into consideration the specific duration applicable to the criterion for the parameter being assessed. For toxic substances, the Department uses the duration of chronic aquatic life and human health carcinogen criteria. For all other criteria, an individual datum is assumed to extend over the applicable duration, providing a more conservative assessment. For chronic aquatic life criteria, which have a four-day exposure period, data collected only under

high flow conditions lasting less than four days are not considered valid for assessment purposes because the duration specified in the SWQS has not been met. For human health carcinogen criteria, the Department calculates a long term average of all data available for the most recent five-year period for comparison to the criterion.

Frequency of Exceedance: The Department has determined that a minimum of two exceedances of a numeric SWQS criterion over a given five-year period is necessary to confirm noncompliance with the criterion for non-toxic parameters. The Department has determined that a second exceedance is necessary to ensure that the first exceedance was not a transient condition or a result of sampling or analytical error. For toxic substances, noncompliance with the applicable SWQS criteria is confirmed by a minimum of two exceedances of an aquatic life criterion over three years, or when the long-term average concentration (see Duration, above) exceeds a human health carcinogen criterion. The SWQS identify which toxic substances have aquatic life criteria and which have human health carcinogen criteria in the table of Surface Water Quality Criteria for Toxic Substances (see N.J.A.C. 7:9B-1.14(f)7). When the minimum exceedance is met but the dataset is very large (more than 30 data points), the Department will consider the relative frequency and magnitude of the exceedances within the dataset and use Best Professional Judgment to determine if they represent non-attainment of the designated use. The Integrated Report will include an explanation of any assessment which concludes that the use is attained because of relatively low magnitude or frequency of exceedances in a very large dataset.

Minimum Number of Samples: The minimum data set consists of eight samples. The Department prefers that the period over which the samples are collected is two years, with samples collected quarterly (to capture seasonal and flow variations). These recommendations are intended to ensure that existing water quality conditions are accurately portrayed by the data, that the data do not characterize transitional conditions, and that obsolete data are not used. If data submitted do not meet these recommendations, then the Department will consider the data set on a case-by-case basis to determine if the data adequately characterizes the water quality conditions. Summer-only sampling for nutrients, pathogenic quality, and temperature may be acceptable since summer generally represents the critical condition for these parameters. If the Department determines that the data does not adequately represent the water quality conditions, the data will not be used in for assessment purposes. If the Department determines that the data set does adequately represent water quality condition and there are at least two exceedances of the Surface Water Quality Standards, this limited data set will be used to determine that a use is not attained.

Metals: SWQS criteria for metals include human health (HH), acute aquatic life (AQLa), and chronic aquatic life (AQLc). HH criteria are based on the total recoverable (TR) form of the metal to protect human health from all forms of the metals. To the extent available, total recoverable (TR) and dissolved fraction (DF) data will be compared to the TR and DF criterion, respectively. When only TR data are available, in addition to comparing the TR concentration to the TR criterion, the Department will also compare the TR concentrations to the DF criterion. If the TR concentrations are below the DF criterion, the Department assumes the DF criterion is also met. TR concentrations above the DF criterion will trigger additional sampling for DF.

Outliers: Any data that is identified as an outlier in accordance with the corresponding QAPP is not considered a valid result and is not used in for assessment purposes.

Subsamples: When data are collected in a vertical or horizontal cross section, or at several locations in close proximity to each other, the data may be combined and assessed as one sample. The individual “subsamples” are assessed as follows: when comparing data to a “not to exceed at any time” criterion, the sample is represented by the worst case subsample. When comparing the data to a criterion based on an average, all of the individual samples are combined to determine the average.

Unusual Events: All samples indicating an exceedance of the SWQS will be reevaluated by the Department to determine if the results can be attributed to an unusual event such as a pipe break, spill, plant upset, or severe weather. The Department will exclude any sample results collected under a verified unusual event as not representative of the normal range of water quality.

4.2 Pathogenic Indicators

Waters classified as FW, SE1, and SC are designated for primary contact (“in the water”) recreation. All waters are designated for secondary (“on the water”) contact recreation. However, SWQS criteria for secondary recreation in FW, SE1, and SC waters have not been promulgated. These waters will be assessed only for the more stringent primary contact recreation designated use. Assessment for primary contact recreation compares the geometric mean (geomean) of the water quality data for pathogenic indicators to the appropriate SWQS criterion. At least five samples collected over a 30-day period are required to calculate the geomean; however, other sampling frequencies may be acceptable provided that the frequency supports the statistical method for calculating a geomean.

In addition to assessing primary contact recreation in all FW, SE1, and SC waters, a second more stringent assessment is conducted for “designated bathing beaches”. “Designated bathing beaches” include beaches that are heavily used for primary contact recreation such as swimming, bathing, and surfing during the recreational season pursuant to the New Jersey State Sanitary Code N.J.A.C. 8:26. Designated bathing beaches are assessed as attaining primary contact recreation if there are no beach closures lasting seven or more consecutive days in a given year, or the average number of beach closures is less than two per year over a five-year period. Beach closure procedures are established at N.J.A.C. 8:26-8.8, which is available on the U.S. Department of Health’s Web site at <http://www.state.nj.us/health/eoh/phss/recbathing.pdf>.

Designated bathing beaches must be sampled at least once a week to protect the public health, usually every Monday. Any sampling event that indicates noncompliance with the pathogen criterion results in a beach closure until a second sample is taken, usually the following Wednesday. In assessing designated bathing beaches the Department will review the beach closure data to determine if any closures were transient anomalies, laboratory error, or due to other than water quality issues, in which case the data would not be used in the assessment. Short term beach closures of less than a week (Monday through Wednesday) generally signify occasional excursions of the pathogen criterion, unless the short term closures occur chronically

over several (five or more) years, in which case the beach is assessed as impaired. A week-long beach closure signifies that noncompliance with the pathogen criterion occurred more than once within one week. One beach closure lasting seven or more consecutive days in a given year, or an average of two or more beach closures (of any duration) per year over a five-year period, is assessed as an impairment.

Recreational use assessment methods are explained in detail in Section 6.2.

4.3 Biological Data

The Department has developed biological indicators (benthic macroinvertebrates and fin fish) to serve as translators of the narrative nutrient criteria used to assess aquatic life use attainment.

Benthic Macroinvertebrate Data: New Jersey has been using biological metrics to evaluate biological conditions in freshwater streams since the early 1990s. Prior to the 2008 Integrated Report, macroinvertebrate data collected under New Jersey's Rapid Bioassessment Protocol (RBP) were evaluated using the New Jersey Impairment Score (NJIS) system for all freshwater streams. Assessments were based upon family level taxonomy with three condition categories: not impaired, moderately impaired, and severely impaired. Starting with the 2008 Integrated Report, the Department will use three new biological indices based upon genus level taxonomy. The three indices were developed for different physiographic regions of the State: the High Gradient Macroinvertebrate Index (HGMI), which applies to the streams of northern ecoregions (Highlands, Ridge and Valley, and Piedmont); the Coastal Plain Macroinvertebrate Index (CPMI), which applies to the Coastal Plain (excluding waters considered Pinelands waters); and the Pinelands Macroinvertebrate Index (PMI), which applies to PL waters contained within the jurisdictional boundary of the Pinelands as well as FW2 waters within five kilometers of the Pinelands Area boundary (see Figure 4.3).

Table 4.3 lists the scores for each metric and their associated condition category. The new indices have four condition categories: excellent, good, fair, and poor. Scores aligning with the "excellent" and "good" categories are assessed as not impaired while scores in the "fair" and "poor" categories are assessed as biologically impaired, with one exception. For the new PMI, scores in the fair category are assessed as impaired if the waters are classified as PL but are assessed as not impaired if the waters are classified as FW2. This is because the PMI was developed specifically to reflect the unique conditions of nondegradation PL waters. The Department will continue to accept NJIS family level assessments; however, genus level assessments will be used in lieu of family level assessments when both are available for the same location.

Fin Fish Data - Fish Index of Biotic Integrity (FIBI): Fin fish population data are assessed using the Fish Index of Biotic Integrity (FIBI). A more detailed description of the FIBI program, including sampling procedures, is available on the Department's Web site at <http://www.state.nj.us/dep/wms/bfbm/fishibi.html>. The current FIBI metric applies to high gradient streams above the fall line (Highlands, Ridge and Valley, and Piedmont physiographic provinces). This metric has four assessment result categories: excellent, good, fair, and poor. Scores in the "excellent", "good", and "fair" categories indicate that biology is not impaired

while scores in the “poor” category indicates that the biology is impaired. Work is continuing to evaluate impairment thresholds for FIBI data.

Figure 4.3: Spatial Extent of Application for Each of the Benthic Macroinvertebrate Indices Applied in New Jersey

Region Assessed by High Gradient Macroinvertebrate Index (HGMI)



Region Assessed by Pinelands Macroinvertebrate Index (PMI)



Region Assessed by NJ Impairment Score (NJIS)*



Region Assessed by Coastal Plain Macroinvertebrate Index (CPMI)



* NJIS is no longer used by the Department but may be used by other entities

Table 4.3: Descriptive and Regulatory Thresholds for Biological Metrics*

Macroinvertebrate Index for High Gradient Streams (HGMI Metric) (Highlands, Ridge and Valley, Piedmont Physiographic Provinces)		
Category	Metric Score	Assessment
Excellent	63 - 100	Not Impaired
Good	42 - < 63	Not Impaired
Fair	21 - < 42	Impaired
Poor	< 21	Impaired

**Macroinvertebrate Index for Low Gradient (CPMI Metric)
 Coastal Plain (Non Pinelands) Streams**

Category	Metric Score	Assessment
Excellent	22 - 30	Not Impaired
Good	12 - 20	Not Impaired
Fair	10 - 6	Impaired
Poor	< 6	Impaired

Macroinvertebrate Index for Pinelands Waters (PMI Metric)

Category	Metric Score	Assessment Result
Excellent	63 - 100	Not Impaired
Good	56 - < 63	Not Impaired
Fair	34 - < 56	PL waters: Impaired FW2 Waters: Not Impaired
Poor	< 34	Impaired

New Jersey Macroinvertebrate Index (NJIS)

Category	Metric Score	Assessment Result
Not Impaired	24 - 30	Not Impaired
Moderately Impaired	9 - 21	Impaired
Severely Impaired	0 - 6	Impaired

**Fish Index of Biotic Integrity (FIBI)
 (Highlands, Ridge and Valley, Piedmont Physiographic Provinces)**

Category	Metric Score	Assessment Result
Excellent	45 - 50	Not Impaired
Good	37 - 44	Not Impaired
Fair	29 - 36	Not Impaired
Poor	10 - 28	Impaired

*Source: Standard Operating Procedures Ambient Biological Monitoring Using Benthic Macroinvertebrates Field, Lab, Assessment Methods (NJDEP, 2007), available on the Department's Web site at http://www.state.nj.us/dep/wms/bfbm/download/AMNET_SOP.pdf.

Regional Monitoring and Assessment Program (REMAP) Assessments: A Benthic Index of Biotic Integrity was developed for the New York/New Jersey Harbor based on USEPA Region 2's REMAP protocol and data. The results are used to assess the waters of Raritan Bay, the Arthur Kill, and the Kill van Kull. This index was developed by scoring each of five metrics as 5, 3, or 1. Overall index scores less than 3 are considered biologically impaired while scores greater than 3 are considered not impaired. Additional information about this metric is available on the USEPA Web site at <http://www.epa.gov/emap/remap/html/docs/nynjsedapp1.pdf>.

Additional Considerations When Evaluating Biological Data

Disturbed or impaired biota can result from extended drought or other conditions that result in reduced base flow. If biological communities are impaired due to drought-induced, low flow conditions, the impairment will be attributed to natural conditions and the data will not be considered valid for assessment purposes (see Section 3.2).

Many aquatic life use assessments are based on biological indices for benthic macroinvertebrate (e.g., PMI) and for fin fish populations (i.e., FIBI). These biota differ from one another in sensitivity to pollutants as well as temporal and spatial scales. Thus, assessment results may differ for fish and invertebrates at the same location. If at least one data set is assessed as impaired, the entire site will be assessed as impaired.

5.0 Evaluating Data from Multiple Stations within an Assessment Unit

While the initial data evaluation is conducted at the station level, use assessments are conducted for entire assessment units, each of which may contain data from multiple stations. All data from one or more monitoring stations located within a given assessment unit are extrapolated to represent all waters within that assessment unit's boundaries.

Assessment Units: New Jersey's assessment units are delineated based on Hydrologic Unit Code (HUC) 14 subwatershed boundaries except for the Delaware River mainstem, Estuary, and Bay, where assessment units are delineated based on DRBC designated zones. HUCs are geographic areas representing part or all of a surface drainage basin or distinct hydrologic feature as delineated by USGS in cooperation with the National Resources Conservation Service (NRCS). The HUC system starts with the largest possible drainage area and progressively smaller subdivisions of that drainage area are then delineated and numbered in a nested fashion. There are currently 950 HUC 14 subwatersheds in New Jersey. HUC 14 subwatersheds range in size from 0.1 to 42 square miles, with an average size of 8.5 square miles. The Department's GIS database contains a coverage containing discrete polygons for each of New Jersey's 950 HUC 14 subwatersheds. Since the Integrated Report also addresses the 20 Delaware River zones designated by DRBC, there are a total of 970 assessment units assessed in the 2008 Integrated Report.

For the 2008 Integrated List, the identification number (ID) for each HUC 14 assessment unit was created by adding a two-digit ID number to the end of the 14-digit HUC code for that subwatershed. The offshore boundary of HUCs located along the shore was extended from three statute miles to three nautical miles, which represents the jurisdictional waters of the State of New Jersey. The Department decided to split some HUC 14 polygons into smaller, more homogeneous assessment units. The newly divided assessment units are now identified with "01" and "02" extensions. The new HUCs have the original assessment unit name but with one of the following terms added: "upstream" or "downstream" (for rivers), "inshore" or "offshore" (along the coast). The ocean HUCs are divided into a near shore assessment unit extending perpendicular to the shore 1500 feet out and an offshore area extending from 1500 feet to the three nautical mile boundary. The inshore assessment unit represents the outward extent of the designated bathing beaches along the Atlantic Coast.

Station Representation: The Department will evaluate station locations on a case-by-case basis to determine if the data from these stations should be used in assessing the adjacent assessment unit (AU). For example, it is common for monitoring sites to be placed at the terminus of one assessment unit as it flows into an adjacent assessment unit. When a monitoring site falls within 200 feet of a given assessment unit boundary, the assessment based upon that site is applied to both the assessment unit containing the site and to the adjacent assessment unit. This assignment is made provided that there are no significant tributaries, impoundments, or other hydrological alterations that could impact water quality between the monitoring site and the neighboring assessment unit. If there are no applicable monitoring stations for an assessment unit, the unit will be identified as not assessed (sublist 3).

Additional Considerations When Combining Data from Multiple Stations within an Assessment Unit

Assessment Units With More Than One Stream Classification: Data will be compared to the SWQS for the stream classification where the station is located. Where data is available for both higher and lower classification streams, the Department will use the more stringent criteria to assess designated use attainment for the assessment unit. For example, if the assessment unit contains both FW2-TM (trout maintenance) and FW2-NT (non-trout) waters, and the DO criteria are met for the FW2-NT waters but not met for the FW2-TM waters, the results for the more stringent trout maintenance criteria will be applied and the entire assessment unit will be assessed as not attaining the aquatic life use.

Where the assessment unit contains both higher and lower classification streams but there is no data for the higher classification stream segment, then data from a station located outside of the higher classification waters will be compared to the SWQS for that classification. If the lower classification waters meet the higher classification's SWQS, the data will be used to assess both classifications. However, if the data collected at the station in a lower classification does not meet the higher classification's SWQS, the assessment unit will be considered to have insufficient data with which to assess the higher classification and the assessment unit will be assessed as attaining only the general aquatic life use.

Continuous Monitoring and Grab Sampling: Grab samples collected quarterly may not capture the most critical time period; therefore, they may not reflect the worst case scenario for use attainment. Thus, the Department will give more weight to continuous monitoring data, provided that the continuous monitoring data is available for at least a single season.

De minimus: When evaluation of data at a station level identifies portions of an assessment unit as impaired but, upon further evaluation, these stations represent minute portions of the total area of the assessment unit, the Department will regard the assessed area as *de minimus* rather than impaired. The concept of *de minimus* is applied to numerous situations when evaluating assessment units. Examples of situations where a *de minimus* determination would be applied are as follows:

Recreational use assessments: Where one bathing beach is impaired but several others in the same assessment unit are not, the Department will consider the water quality of the non-bathing beach areas and the frequency and duration of the closures at the one impaired beach in assessing recreational use attainment for the entire assessment unit. Where an assessment unit contains one or more impaired bathing beaches but the spatial extent of the impaired bathing beaches is a minute portion of the assessment unit, the impairment would be considered *de minimus* and would not be considered in assessing recreational use attainment for the entire assessment unit. When determining the spatial extent, a designated bathing beach represents the area within 1,500 feet from the shoreline in the saline coastal (SC) waters, and the area within 200 feet from the shoreline in saline estuarine (SE1) waters. In these instances, where the Department uses Best Professional Judgment and determines that the impairment is *de minimus*, the individual

impaired bathing beaches will be identified in the Integrated Report for follow up sanitary surveys required by the DHSS.

Shellfish harvest use assessments: Assessment units overlie but do not follow shellfish classification boundaries. As a result, an assessment unit may include several different shellfish classifications. In most instances, the use assessment will be based on the most restrictive classification found within the assessment unit. In the few instances where only a very small portion of the acreage within the assessment unit is has some degree of restriction, the use assessment will be based on assessment of the larger area. Any *de minimus* areas that are restricted but are not subject to administrative closures (i.e., the restriction is due to poor water quality) will be identified in the Integrated Report.

Evaluating Contradictory Data Sets: Weighing data is necessary when evaluating numerous data sets that have different data collection and analysis methods, or have temporal or spatial sampling variability. These decisions will apply in the following situations: newer data will override older data; larger data collection sets might override or be combined with nominal data sets; and higher quality data will override data sets of lower quality based on sampling protocol, equipment, training and experience of samplers, quality control program, and lab and analytical procedures. If the Department bases its use assessment on one set of data over another, the specific rationale applied will be explained in the Integrated Report.

Macroinvertebrate Metrics, Use Of Family Level Indices Vs. Genus Level Indices (NJIS vs. CPMI and HGBI): As stated earlier in Section 4.3, the Department will continue to use biological assessment results based on the family level macroinvertebrate NJIS index in non-Pinelands waters, if they are submitted by other entities; however, where assessment results based upon the newly developed, genus level metrics (HGBI and CPMI) are available, these results will override those based upon family level metrics when assessing aquatic life use attainment for the entire assessment unit.

Modeling and Sampling Results: Water quality models may be used to predict changes in water quality over time under different flow, weather, and temporal conditions. In considering use of modeling results (such as those generated in TMDL studies) to assess compliance with SWQS criteria, the Department will evaluate the results on a case-by-case basis to determine if they should be considered with equal weight as actual sampling data.

Shellfish Classification Data: The Department will review shellfish classification data to determine if the harvest restrictions were transient anomalies or a result of something other than water quality issues. The Department will further evaluate the data to ensure that harvest restrictions are not attributed to a specific event requiring enforcement action such as a pipe break, spill, or treatment plant upset. Shellfish harvesting restrictions based on transient anomalies are not considered impairments and are not considered in assessing the shellfish harvest use. Restrictions attributed to events requiring enforcement action will be assessed as not attaining the shellfish harvest use but will not require a TMDL.

Validation of PMI with Pinelands Commission Biological Data: Biological assessments using the macroinvertebrate PMI metric (in PL or FW waters) will be validated by

comparing PMI assessments against biological data supplied by the New Jersey Pinelands Commission whenever both data sets correspond spatially. The Pinelands Commission maintains records of species presence/absence data for stream vegetation, fish, and anuran populations. These data are evaluated based upon the degree of human (“cultural”) disturbance within the various Pinelands watersheds where degrees of disturbance are inferred from the presence or absence of Pinelands and non-Pinelands species in these watersheds. The absence or relatively small percentage of non-Pinelands species, in concert with a diverse representation of Pinelands species, reflects low levels of cultural disturbance. Larger percentages of non-Pinelands species, along with declining diversity of Pinelands species, reflect higher levels of cultural disturbance. Until the Department has validated PMI results using Pinelands Commission data, the Department will assess the aquatic life use as attained only where PMI results are either “excellent” or “good” and land use data shows little or no development. Otherwise, the Department will conclude that “insufficient data” is available with which to assess the use.

6.0 Use Assessment Methods

The SWQS identify specific designated uses for the waters of the State according to their waterbody classifications. Designated uses include:

- aquatic life (general and trout);
- recreation (primary and secondary contact);
- fish consumption;
- shellfish harvest (for consumption);
- drinking water supply;
- industrial water supply; and
- agricultural water supply.

The Department uses both numeric and narrative criteria to protect designated uses. Numeric criteria are estimates of constituent concentrations that are protective of the designated uses. Narrative criteria are non-numeric descriptions of conditions to be attained/maintained or avoided. To implement narrative data, which are qualitative in nature, the Department has identified assessment approaches, also known as “translators”, to quantitatively interpret narrative criteria. This section outlines the assessment methodologies for designated use attainment that include the utilization of both numeric and narrative criteria and involves the integration of data for multiple parameters at multiple stations for each assessment unit.

The Department has identified the parameters that are used to assess each designated use (see Appendix A). Sufficient data for every parameter are not always available; therefore, a minimum suite of parameters necessary for assessing each designated use has also been specified. Table 6.0 identifies the minimum suite of parameters necessary to assess each designated use. However, data for the entire minimum suite of parameters are only necessary to conclude that the designated use is attained. Specifically, an assessment unit will be assessed as attaining the designated use if data for the entire minimum suite of parameters are available and the data indicate that there are no impairments or exceedances (Sublist 1 or 2). If data for any one parameter associated with a designated use (Appendix A parameters) indicate any impairment or exceedance, even if data are available for only some of the minimum suite of parameters, then the assessment unit will be assessed as not attaining the designated use (Sublist 4 or 5). If data are available for only some of the minimum suite of parameters and the data indicate that there are no impairments or exceedances, then the assessment unit will be identified as having insufficient information with which to assess the designated use (Sublist 3).

Table 6.0: Minimum Suite of Parameters for Designated Use Assessments

Designated Use	Data Requirements (Minimum Suite of Parameters)
General Aquatic Life	Biological data. If biological data is not available: <ul style="list-style-type: none"> • pH, DO, temperature, TP, and TSS (non-tidal waters); or • DO (tidal waters)
Aquatic Life - Trout	Biological data, temperature, and DO. If biological data is not available: <ul style="list-style-type: none"> • pH, DO, temperature, TP, and TSS
Recreation (Primary and Secondary Contact)	<ul style="list-style-type: none"> • Enterococcus (SC, SE1 waters) ; • fecal coliform (SE2, SE3 waters) ; or • E. coli (FW2, PL waters)
Fish Consumption	Fish Consumption Advisories for one or more parameters
Shellfish Harvesting	Shellfish Classification
Drinking Water Supply	Nitrate
Ag. Water Supply	TDS and salinity
Industrial Water Supply	TSS and pH

6.1 Aquatic Life Use Assessment Method

The aquatic life use is assessed by directly evaluating biotic communities and assessing the health of the aquatic biota. This direct evaluation is performed using biological information that integrates a full suite of environmental conditions over many months (for macroinvertebrates) to many years (for fish-based indicators). When such data are available, the Department bases its aquatic life use assessments upon metrics developed to assess benthic macroinvertebrate data, in conjunction with fin fish IBI (Index of Biotic Integrity) data, and supplemented with a broad suite of biologically relevant physical/chemical data (e.g., dissolved oxygen, temperature, toxic pollutants). The minimum data sets for biologically relevant physical/chemical data will differ depending on stream classification. For instance, the minimum data set for assessing attainment with the aquatic life use-trout is more extensive than the minimum data set used to evaluate the general aquatic life use (see Table 6.1).

When biological data are not available, the Department must rely on biologically-relevant chemical water quality data alone, such as dissolved oxygen (DO), to indirectly assess the health of the biota, even though chemical water quality data provide only a "snapshot" in time rather than the longer-term assessment supported by biological indicators. Table 6.1 summarizes the possible outcomes of the use assessment for aquatic life based upon various combinations of data and results, including the relative weight attributed to different data sets.

**Table 6.1 Aquatic Life Use Assessment Results
Based Upon Individual and Integrated Data Sets**

Results of Biological Assessment	Results of Aquatic Life Use Assessment (General and Trout)
Biological Monitoring Data Available, No Chemical/Physical Data Available	
One or more biological data sets indicate no biological impairment	Aquatic life use is attained
One or more biological data sets indicate biological impairment	Aquatic life use is not attained with cause of non-attainment identified as "cause unknown"
Both Biological and Chemical/Physical Data Available	
Biological data indicate no impairment and there are no chemical exceedances and waters are not threatened*.	Aquatic life use is attained
Biological data indicate impairment AND chemical/physical data show exceedances of aquatic life criteria or are threatened*.	Aquatic life use is not attained with the parameter(s) exceeding criteria identified as the cause
Biological data indicate impairment BUT chemical/physical data show no exceedances of aquatic life criteria	Aquatic life use is not attained with cause of non-attainment identified as "cause unknown"
Both Biological and Chemical/Physical Data Available	
Biological data indicates no impairment BUT chemical/physical data show exceedances of aquatic life criteria or waters quality is threatened. *	Aquatic life use is not attained with parameter(s) exceeding criteria identified as the cause.
No Biological Data Available, Chemical/Physical Data Available	
Minimum data requirements not met	Insufficient data to assess aquatic life use
No exceedances of aquatic life criteria	Aquatic life use is attained
Two or more exceedances of aquatic life criteria or water quality is threatened*.	Aquatic life use is not attained with parameter(s) exceeding criteria listed as the cause

*Note: Threatened is defined as chemical/physical data showing no exceedances of surface water quality criteria but degrading water quality trends indicate that criteria are likely to be exceeded within two years

As stated earlier, many stream locations are assessed by using both benthic macroinvertebrate data and fin fish IBI data. Because of differences in degrees of pollution sensitivity and differing temporal and spatial scales, assessment results can differ between fish and invertebrates at the same location. When multiple data sets yield contradictory or ambiguous assessment results, the Department will evaluate the strength of the various data sources used to assess aquatic life use attainment. The Department will take into account factors such as age, robustness, and accuracy of the data. Other factors, such as declining trends, may also influence the weight of a given data set.

6.2 Recreational Use Assessment Method

The SWQS identify two levels of recreational use – primary contact and secondary contact. Primary contact recreation is defined as those water-related recreational activities that involve significant ingestion risks and includes, but is not limited to, wading, swimming, diving, surfing, and water skiing. Secondary contact recreation is defined as those water-related recreational activities where the probability of water ingestion is minimal and includes, but is not limited to, boating and fishing. SWQS criteria have been promulgated for primary contact recreation in SC, SE1, and FW2 waters. SWQS criteria have also been promulgated for secondary contact recreation in SE2 and SE3 waters. Criteria have not been promulgated for secondary contact recreation in FW2, SE1, or SC waters. Therefore, only the more stringent primary contact recreation is assessed for these waters. Primary contact recreation in FW1 and PL waters is assessed using the SWQS criteria for FW2 waters because numeric criteria for recreational use have not been promulgated for FW1 or PL waters.

As explained in Section 4.2 Pathogenic Indicators, assessment for primary contact recreation compares the geometric mean (geomean) of the water quality data for pathogenic indicators to the appropriate SWQS criterion. Exceedance of the numeric SWQS criteria for pathogenic indicators is assessed as not attaining the primary contact recreational use. All sanitary data collected as per the requirements of the geometric mean are used to assess the recreational use, in water both with and without bathing beaches (including coastal waters). "Designated bathing beaches", which are heavily used for primary contact recreation during the recreational season pursuant to the New Jersey State Sanitary Code N.J.A.C. 8:26, are also assessed using beach closure data. Designated bathing beaches are assessed as not impaired if there are no beach closures lasting seven or more consecutive days in a given year, or the average number of beach closures is less than two per year over a five-year period. Short term beach closures (less than one week) generally signify occasional excursions of the pathogen criterion, unless the short term closures occur chronically over several (five or more) years, in which case the beach is assessed as impaired. A week-long beach closure signifies that non-compliance with the pathogen criterion occurred more than once within one week. One beach closure per year of seven or more consecutive days, or an average of two or more beach closures (of any duration) per year over a five-year period, is assessed as not attaining the primary contact recreational use. Table 6.2 summarizes the possible outcomes of the recreational use assessment.

Table 6.2: Recreational Use Assessment Results

Assessment	Result (see note below)
Beach closure data does not identify impairment (Primary Contact) <u>and</u> the geometric mean meets SWQS (Primary or Secondary).	Use Is Attained
Beach closure data identifies impairment (Primary Contact) <u>or</u> geometric mean exceeds SWQS (Primary or Secondary)	Use Is Not Attained

Note: In AUs where bathing beaches play a minor role or where several bathing beaches are not impaired and only one is impaired, the Department will look at the water quality of the non-bathing beach areas and the frequency and duration of the SWQS exceedances at the impaired

beach before determining the attainment status of the entire assessment unit. In those instances where the Department uses Best Professional Judgment and determines that the impaired beach area is *de minimus* for the assessment unit, the assessment unit will be assessed as attaining the primary contact recreational use and the *de minimus* impaired beach will be identified in the Integrated Report for follow up sanitary surveys required by the DHSS. See Section 5.1 for a more detailed explanation of *de minimus* data.

6.3 Fish Consumption Use Assessment Method

Fish consumption use assessments are based on the presence of fish consumption advisories resulting from site-specific data rather than statewide advisories. The data collection, risk assessment, and issuance of fish consumption advisories are overseen by the New Jersey Interagency Toxics in Biota Committee (ITBC), a joint effort between the Department and the DHSS. Through the ITBC, research projects are coordinated to monitor levels of contaminants in commercially and recreationally harvested fish, shellfish, and crustacean species. Edible portions of individual animals are tested for one or more bioaccumulative chemicals (e.g., polychlorinated biphenyls (PCBs), chlorinated pesticides, dioxins, and mercury). These data are evaluated for development of consumption advisories, as appropriate, to protect human health.

For all contaminants except mercury, the Department follows USEPA's "Guidance for Assessing Chemical Contaminant Data for Use in Fish Advisories – Volume 1, 2 and 3 (USEPA 2000) for establishing fish consumption advisories. For mercury, the ITBC uses human health risk-based mercury guidelines established by the Department (NJDEP, 1994), which closely follow guidelines recommended by the Year 2000 National Research Council report - *Toxicological Effects of Methylmercury* (Commission on Life Sciences, 2000).

Statewide fish consumption advisories are considered insufficient data upon which to base a fish consumption use assessment, since the Department relies on site-specific data evaluated on an assessment unit basis. Where a site-specific fish consumption advisory has been issued for any portion of an assessment unit, including a lake, the entire assessment unit will be assessed as not attaining the fish consumption use and the assessment unit will be placed on the 303(d) List along with all pollutants responsible for the site-specific consumption advisory(ies).

In addition to fish consumption advisories, the Department will review water column data to determine if there are exceedances of the human health criteria for bioaccumulative chemicals to determine which use is not being attained: the drinking water use, the fish consumption use, or both. Water column concentrations of these constituents that exceed the SE/SC human health criteria, which are based on fish consumption only, will be assessed as not attaining the fish consumption use. Table 6.3 summarizes the possible outcomes of the use assessment for the fish consumption use.

Table 6.3: Fish Consumption Use Assessment Results

Assessment	Result
No fish consumption restrictions in effect	Use is Attained
“No consumption” ban or “Restricted Consumption” of fish is in effect or a fishing ban is in effect for a sub-population for one or more fish species, or if water quality standards are not met. Note: restricted consumption is defined as limits on the number of meals or size of meals consumed per unit time for one or more fish species.	Use is Not Attained
Fish tissue data is not available	Insufficient Data
Statewide fish consumption advisory is in effect based on extrapolated data	Insufficient Data

6.4 Shellfish Harvest Use Assessment Method

The shellfish harvest use is designated in all waters classified as SC and SE1. The shellfish sampling and assessment program is overseen by the federal Food and Drug Administration (FDA) and administered through the National Shellfish Sanitation Program (NSSP) to ensure the safe harvest and sale of shellfish. The NSSP’s guidance, entitled *National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish* (NSSP, 2005), is available on the FDA’s Web site at www.cfsan.fda.gov/~ear/nss3-toc.html. The Department’s Bureau of Marine Water Monitoring determines shellfish classifications based on sampling data and assessment procedures in the NSSP manual. Waters are classified as approved (“unrestricted”), special restricted, seasonal, or prohibited harvest. Prohibited, special restricted, and seasonal harvest areas are further separated into waters where shellfish harvest is prohibited due to poor water quality or administrative closures based on land use, resource availability, or sanitary surveys. The legal description of shellfish classification areas is updated annually at N.J.A.C. 7:12. The Department’s shellfish classification areas are included in the SWQS by reference at N.J.A.C. 7:9B-1.12.

Administrative closures are established in areas around potential pollution sources, such as sewage outfalls and marinas, as a preventive measure to prevent the harvest of possibly contaminated shellfish. Administrative closures are located in areas immediately adjacent to the sewage treatment plant outfalls in the ocean. In marinas, prohibited areas are established to protect human health from contamination from boat wastes and runoff. Where shellfish harvest is prohibited due an administrative closure that is based on land use (e.g., marinas, treatment plant outfalls, etc.), such prohibited areas will not be included in the overall assessment. Only assessment units containing shellfish waters classified as unrestricted are assessed as attaining the shellfish harvest use. For assessment units that do not attain the shellfish harvest use, the pollutant causing the non-attainment will be identified as fecal or total coliform, as appropriate. Table 6.4 summarizes the possible outcomes of the use assessment for the shellfish harvest use.

Table 6.4: Shellfish Harvest Use Assessment Results

NSSP Classification	Assessment Results*
Unrestricted	Use Is Attained
Prohibited, Special Restricted, or Seasonal classifications based on water quality	Use Is Not Attained

*Note: Assessment units overlie but do not follow shellfish classification boundaries and may contain more than one classification (see Section 5.0). In most instances, the use assessment will be based on the most restrictive classification found within that assessment unit. Where only a *de minimus* portion of the acreage within an assessment unit has some degree of restriction, the assessment will reflect the assessment of the non-*de minimus* area. Any *de minimus* areas that are restricted but are not subject to administrative closures (i.e., the restriction is due to poor water quality) will be identified in the Integrated Report. This assessment method may exaggerate the extent of impairments; therefore, the official adopted Shellfish Classification maps should be referenced for the actual areas approved for shellfish harvest.

6.5 Drinking Water Supply Use Assessment Method

The drinking water supply use is defined as waters that are potable after conventional filtration treatment and disinfection, without additional treatment to remove other chemicals. All waters classified as Freshwater (FW2) and Pinelands (PL) are designated as drinking water supply use. It is important to note that many waterbodies do not have drinking water intakes due to stream size and other considerations. Nitrate concentrations are the minimum data necessary to assess the drinking water use; however, other Appendix A parameters (i.e., arsenic, cadmium, chromium, copper, cyanide, lead, mercury, thallium, zinc, nitrate, TDS, chloride, radioactivity, and volatile organic compounds) will also be used to assess the drinking water use when sufficient data for these parameters is available.

In addition to ambient chemical water quality parameters, the Department uses monitoring data from treated or finished water supplies to determine compliance with the Safe Drinking Water Act's National Primary Drinking Water Regulations (NPDWRs, or primary standards) and water supply use restrictions. Pollutants monitored for the protection of human health under the primary standards include volatile organic compounds, semi-volatile organic compounds, inorganic constituents, salinity, radioactive constituents, and disinfection by-products. Use restrictions include closure, contamination-based drinking water supply advisories, better than conventional treatment requirements, and increased monitoring requirements due to confirmed detection of one or more pollutants.

The Department's Bureau of Safe Drinking Water summarizes safe drinking water violations annually. The drinking water use assessment method uses the data provided in these reports. Only violations that can be attributed to surface water sources are considered. Violations for copper and lead, which could be attributed to the collection system, are not used in assessing source water unless the violations occur in ambient waters. Table 6.5 summarizes the possible outcomes of the use assessment for the drinking water use. Since human health concerns from bioaccumulated constituents are generally addressed through consumption advisories, the

Department will review exceedances of human health criteria for such constituents to determine which use is not being attained: the drinking water use, the fish consumption use, or both.

Table 6.5: Drinking Water Supply Use Assessment Results

Safe Drinking Water Actions	Assessment Results
No closures, use restrictions, SWQS criteria are met and waters are not threatened.*	Use is Attained
Closures are recorded or water quality standards are exceeded or threatened.*	Use is Not Attained
Surface water quality is such that more than conventional treatment is required	Use is Not Attained
Contamination-based drinking water supply advisories are in effect	Use is Not Attained
Increased monitoring requirements are in effect due to confirmed detection of one or more pollutants	Use is Not Attained

*Note: Threatened is defined as chemical/physical data showing no exceedances of surface water quality criteria but degrading water quality trends indicate that criteria are likely to be exceeded within two years.

6.6 Industrial Water Supply Use Assessment Method

Industrial water supply use assessment is conducted for waters used for industrial processing or cooling. The Department will use total suspended solids (TSS) and pH, a measure of acidity, as indicators for assessing attainment of the industrial water supply use. A pH range of 5 to 9 will be used as a threshold for use attainment.

6.7 Agricultural Water Supply Use Assessment Method

The agricultural water supply use includes irrigation and livestock farming. Only waters classified as FW2 and PL are designated for this use. Numeric SWQS criteria have not been promulgated for the agricultural water supply use. The “No increase in background which would interfere with the designated or existing uses, or 500 mg/L, whichever is more stringent” criteria stated in the Surface Water Quality Standards was promulgated to protect drinking water uses. In order to evaluate water supplies that support agriculture in New Jersey, guidelines are referenced from the U.S. Department of Interior Natural Resources Conservation and other states (Follet, 1999 and Bauder, 1998). These guidelines are used to evaluate whether water supplies support common agricultural uses such as irrigation and raising livestock. For the assessment, total dissolved solids (TDS) and salinity were selected as indicators of agricultural use. Salinity was chosen due to its adverse and immediate detrimental effects on all agricultural practices. TDS has similar negative effects and also indicates possible contamination from runoff. The more stringent of the recommended standards for irrigation and livestock is applied in the assessment of the agricultural water supply use. Acceptable levels for TDS and salinity were established as at or below 2,000 mg/l (Follet, 1999). If TDS or salinity data are not available, specific conductance is used as a surrogate with a specific conductance of 3,000 us/cm approximately equivalent to TDS and salinity levels of 2,000 mg/l (United Nations, 1985). Toxics are also a

primary concern for agricultural water supply uses; however, the State's criteria for toxics apply to human health and aquatic life protection, which are more stringent than the criteria needed for agricultural use. Several other states have established criteria for agricultural uses and further research will be done to evaluate the feasibility of applying their criteria to assess attainment of the agricultural water supply use in New Jersey.

7.0 Integrated Listing Guidance

The 2006 Integrated Report Guidance (USEPA, 2005, supplemented by October 12, 2006 memo) recommends placing assessment results into one of five specific categories on the Integrated List. Based on this guidance and the Department's listing methodology (explained in Section 1.1), the five sublists used to identify an assessment unit on the Department's 2008 Integrated List are described below.

- Sublist 1: An assessment unit is attaining all applicable designated uses and no uses are threatened. (The Department does not include the fish consumption use for this sublist.)
- Sublist 2: The assessment unit is attaining the designated use but is not attaining another/other applicable designated use(s).
- Sublist 3: Insufficient data and information are available to determine if the designated use is attained.
- Sublist 4: One or more designated uses are not attained or are threatened but TMDL development is not required because (three sub-categories):
- A. A TMDL has been completed for the parameter causing the non-attainment.
 - B. Other enforceable pollutant control measures are reasonably expected to result in the attainment of the designated use in the near future.
 - C. Non-attainment of the designated use is caused by something other than a pollutant.
- Sublist 5: One or more designated uses are not attained or are threatened by a pollutant(s), which requires development of a TMDL.

7.1 Integrated Listing Methodology

The Department will develop the Integrated List by assessment unit/designated use combinations, not just by assessment unit. This will enable the Department to assign each designated use in each assessment unit to the appropriate sublist; however, it also means that some assessment units will be assigned to multiple sublists.

Table 7.1 describes how the results of the individual designated use assessments will be integrated to determine the listing assignment for each assessment unit/designated use combination. Because the same pollutant could result in multiple designated uses being assigned to Sublist 5, the Department will identify, on a separate List of Water Quality Limited Waters (303(d) List), the pollutant(s) causing non-attainment of the applicable designated use(s) for each assessment unit assigned to Sublist 5. For example, exceedances of mercury could result in the same assessment unit being assigned to Sublist 5 multiple times for not attaining the aquatic life use, the drinking water use, and the fish consumption use. The assessment unit would be listed once on the List of Water Quality Limited Waters (303(d) List) as not attaining its designated

uses because of mercury. However, the same assessment unit may also appear on the 303(d) List multiple times, if there are other pollutants causing non-attainment of the same use or other designated uses. Thus, the 303(d) List will provide a more accurate picture of the number of different TMDLs needed to address pollutants causing non-attainment.

Pursuant to the Section 303(d) of the federal Clean Water Act (CWA), and in collaboration with the states, USEPA provided a voluntary approach to listing waters not attaining their designated uses because of mercury from atmospheric sources. This approach acknowledges the complexities involved in addressing non-attainment due to atmospheric deposition of mercury and encourages and recognizes states that are reducing sources of mercury through state programs and that achieve early environmental results (e.g., by identifying sources of mercury and implementing pollutant controls prior to TMDL development). Under this voluntary approach, a state that has already instituted a comprehensive mercury reduction program may utilize USEPA's sublist category "5M" to identify assessment units that do not attain their designated uses because of atmospheric mercury and may assign low priority to development of mercury TMDLs for these assessment units on the state's TMDL schedule. As recognized in previous USEPA guidance, states may still utilize their own state-defined subcategories to further define use assessment results on their Integrated Lists.

If the Department chooses to use the 5M category on the 2008 Integrated list, the Integrated Report will identify which elements of the voluntary approach are being implemented in New Jersey, such as already implementing a comprehensive mercury reduction program; demonstrating progress already achieved in reducing the mercury loadings over which the State has control; identifying which assessment units in New Jersey are not attaining their designated uses primarily because of atmospheric deposition of mercury, and the emission sources believed to be contributing to that deposition; identifying regulatory and non-regulatory controls that could be implemented; and describing monitoring, reporting efforts, and implementation schedules for those controls.

The 5M approach does not remove the obligation to develop TMDLs for waters that are not attaining designated uses because of mercury if such mercury reduction programs do not result in attainment of SWQS criteria. TMDLs continue to be valuable tools for states to identify and quantify the sources of mercury to a waterbody, including air deposition, and to determine specifically what reductions are needed to meet water quality standards. The Department is evaluating whether or not a sublist 5M is appropriate for New Jersey at this time.

Table 7.1: Integrated Listing Method

Sublist	Assessment Results
Sublist 1: All designated uses are assessed and attained, with the exception of fish consumption.	Full Attainment (All Uses Are Attained)
Sublist 2: The designated use is attained but other designated uses within the assessment unit are either not assessed due to insufficient data or not attained.	Use Attained
Sublist 3: Insufficient data is available to determine if the designated use is attained.	Insufficient Data
Sublist 4a: The designated use is not attained or is threatened and development of a TMDL is not required because a TMDL for the parameter responsible has already been approved by USEPA.	Use Not Attained (TMDL Not Required)
Sublist 4b: The designated use is not attained or is threatened and development of a TMDL is not required because other enforceable pollutant control measures are reasonably expected to result in the attainment of the designated use in the near future.	Use Not Attained (TMDL Not Required)
Sublist 4c: The designated use is not attained or is threatened and development of a TMDL is not required because the cause was attributed solely to pollution, <u>not</u> pollutant(s).	Use Not Attained (TMDL Not Required)
Sublist 5: The designated use is not attained or is threatened by a pollutant and development of a TMDL is required.	Use Not Attained (TMDL Required)

7.2 Identifying Causes and Sources of Non-attainment (303(d) List)

In assessing use attainment, the Department’s primary focus is the evaluation of all readily available data and information (see Chapter 3). Site-specific data meeting QA/QC requirements (see Section 3.1) may be used to identify the cause (pollutant) of non-attainment. Some of that information may include knowledge of conditions known or likely to be the source of a pollutant or impairment. In some cases, monitoring staff may have knowledge of particular discharges or land use conditions that could potentially be the source of the pollutants, but they lack specific information or resources to conduct a thorough investigative study to verify causes and sources. Thus, it is not unusual for the source and cause of biological impairment, or the source of the pollutants causing non-attainment, to be unknown. When there is definitive information regarding the cause of non-attainment (i.e., a specific pollutant), it will be identified on the 303(d) List. If the cause is unknown, the cause will be identified on the 303(d) List as “cause

unknown”. Sources of pollutants and impairment causing non-attainment are identified based on the best estimations of Department staff. Once an assessment unit is identified on the 303(d) List and is scheduled for TMDL development, a more thorough investigative study will be conducted to determine the cause, if previously unknown, and the sources of the pollutant. These investigations may include but are not limited to more intensive ambient water quality sampling, aquatic toxicity studies, sediment, or fish tissue analysis and/or dilution calculations of known discharges.

7.3 Delisting Assessment Unit/Pollutant Combinations

For assessment unit/pollutant combinations identified on the List of Water Quality Limited Waters (303(d) List), there are numerous scenarios that could result in an assessment unit being removed from this list (i.e., “delisting”). The delisting codes and descriptions have been modified from the 2006 Methods Document to be consistent with the terminology used in USEPA’s Assessment Database (ADB) used for reporting final results to USEPA. Some scenarios that could result in the removal of an assessment unit/pollutant combination are explained below in Table 7.3. The reason for any delisting reflected in the 2008 Integrated List will be documented in Appendix C of the 2008 Integrated Report.

Table 7.3: Delisting Definitions

Delisting Code	Delisting Description	Delisting Definition
1	SWQS are met	Delisting: Applicable SWQS are being met because water quality has been restored.
2	Flaws in original listing	Delisting: Applicable SWQS are being met and the assessment unit/parameter combination was incorrectly listed in a previous 303(d) list.
3	TMDL Alternative (4b)	Delisting but still impaired: Assessment unit/parameter combination is not attained but development of a TMDL is not required because water quality will be restored by control measures for point and/or nonpoint sources.
4	Not caused by a pollutant (4c)	Delisting but still impaired: Assessment unit/parameter combination is not attained but development of a TMDL is not required since the cause is something other than a Clean Water Act pollutant, such as flow alteration.
5	TMDL approved or established by USEPA (4a)	Delisting but still impaired: Assessment unit/parameter combination is not attained but development of a TMDL is not required because a TMDL has already been approved or adopted by USEPA.
6	Waterbody not in State’s jurisdiction	Delisting: Assessment unit/parameter combination was incorrectly included on a previous 303(d) List.

Delisting Code	Delisting Description	Delisting Definition
7	Other	Code not currently used by NJDEP.
8	Applicable SWQS met due to restoration activities	Restoration: Applicable SWQS are being met because water quality has been restored due to restoration activities.
9	Amended SWQS	Restoration: Applicable SWQS are being met due to amendments to the SWQS adopted since the previous assessment.
10	Applicable SWQS are met according to new assessment method	Restoration: Applicable SWQS are being met based on the results of a new assessment method.
11	Applicable SWQS are met; original basis for listing was incorrect	Restoration: Assessment unit/parameter combination is found to attain the applicable SWQS because the original basis for the decision was incorrect. (Examples: Natural conditions, flow- related decisions, narrative criteria compliance such as “Exit Ramp” studies)
12	Applicable SWQS met; threatened water no longer threatened	Restoration: New Jersey is not using this category.
13	Applicable SWQS met; reason for recovery unspecified	Restoration: Assessment unit/parameter combination is currently found to meet the applicable SWQS but the reason for water quality improvement is unknown.
14	Data and/or information lacking to assess compliance with the applicable SWQS - original basis for listing was incorrect	Delisting: Assessment unit/parameter combination was incorrectly included on a previous 303(d) List; however, there is insufficient information to assess compliance with applicable SWQS.

8.0 Method to Rank and Prioritize Assessment Units That Are Not Attaining Designated Uses

Section 303(d) of the federal Clean Water Act requires states to rank and prioritize assessment units that require development of TMDLs (i.e., assessment units identified as Sublist 5). The goal of priority ranking is to focus available resources on developing TMDLs in the most effective and efficient manner, while taking into account environmental, social, and political factors. Assessment units ranked as high (H) priority for TMDL development, based on the factors outlined below, are those the Department expects to complete within the next two years. Assessment units ranked as medium (M) priority are those the Department expects to complete in the near future, but not within the next two years. Assessment units ranked as low (L) priority are those the Department does not expect to complete in the immediate or near future. The Department will prioritize assessment units identified on the 303(d) List and schedule them for TMDL development based on the following factors:

- Importance of pollutants of concern (refer to Table 8.0);
- TMDL complexity;
- Status of parameter (actively produced or legacy pollutant);
- Additional data and information collection needs;
- Sources of pollutants;
- Severity of the actual or threatened exceedance/impairment;
- Spatial extent of the exceedance/impairment;
- Nature of the designated uses not being attained (i.e., recreational, economic, cultural, historic, and aesthetic importance);
- Efficiencies of grouping TMDLs by drainage basin or parameter;
- Efficiencies related to leveraging water quality studies triggered by NJPDES permit renewals;
- Status of TMDLs currently under development;
- Timing of TMDLs for shared waters;
- Status of watershed management activities (e.g., priority watershed selection or 319 grant activities);
- Status of other ongoing pollutant/pollution control actions that could result in water quality restoration (e.g., site remediation activities);
- Existence of endangered and sensitive aquatic species;
- Recreational, economic, cultural, historic and aesthetic importance; and
- Degree of public interest and support for addressing particular assessment units.

Table 8.0: Importance of Pollutants of Concern

Pollutant of Concern	Importance
Pathogen indicators, nitrate	Direct human health issues
Metals and Toxics	<ul style="list-style-type: none"> • Direct human health issues • Designated use impacts
Other conventional pollutants such as phosphorous, pH, dissolved oxygen, temperature, total dissolved solids, total suspended solids, unionized ammonia	<ul style="list-style-type: none"> • Significant designated use implications • Indirect human health issues

9.0 Method for Developing the Monitoring and Assessment Plan

The Integrated Report guidance (USEPA, 2005) recommends that states include descriptions and schedules of additional monitoring needed to: 1) assess all designated uses in all attainment units, and 2) support development of TMDLs for all assessment unit/pollutant combinations identified as not attaining designated uses. New Jersey's 2008 Integrated Report will identify its future monitoring plans and needs in Appendix H: New Jersey's Water Monitoring and Assessment Strategy, as well as in Chapter 9 Next Steps: Preparing for 2010 and Beyond. Chapter 9 of the 2008 Integrated Report summarizes the information gaps and steps the Department is taking to bridge data gaps and improve assessment methods.

The Department's goal for water monitoring and assessment is to ultimately have enough data to assess every designated use in every assessment unit and for assessment results to indicate that every assessment unit is in full attainment, i.e., attaining every applicable designated use (except fish consumption). It is important to recognize that monitoring and assessing each assessment unit will require significant effort and can only be accomplished over the long term. Several strategies will be key to accomplishing this goal including:

- Exchanging and using data and assessments from other programs within the Department and other entities (e.g., local government, volunteer monitoring groups);
- Expanding ongoing and planned monitoring and assessment to address data limitations for assessment units assigned to Sublist 3.

10.0 Public Participation

The public is afforded the opportunity to participate in three key phases of development of the Integrated Report: 1) submission of data, 2) review of and comment on the proposed assessment methods; and 3) review of and comment on the proposed Integrated List and 303(d) List. Section 10.1 explains the Department's process for soliciting data for use in the Integrated Report. The Department also strives to continuously interact with other data collecting organizations and facilitate the exchange of data and information.

The New Jersey Water Monitoring Coordinating Council was established on October 24, 2003 and serves as a statewide body to promote and facilitate the coordination, collaboration, and communication of scientifically sound, ambient water quality and quantity information to support effective environmental management. The Council consists of representatives from various Divisions within the Department; USGS; USEPA Region 2; the Delaware River Basin, Pinelands, and Meadowlands Commissions; the Interstate Environmental Commission; county health departments, academia; and the volunteer monitoring community, and provides the opportunity to exchange information and data among its participants.

The Department, through its Volunteer Monitoring Program, has been working to identify volunteer groups that collect data and are interested in submitting it for use in Integrated Reports. The Watershed Watch Network serves as an umbrella organization for all of New Jersey's volunteer monitoring programs. Volunteer monitoring program managers throughout the State make up the Watershed Watch Network Council. A four-tiered approach has been developed to allow volunteers to pick their level of involvement based on the purpose of their monitoring program, the intended data use, and the intended data users. The goal of this program is to provide acceptable protocols and QA/QC requirements for volunteers who choose to submit their data to the Department, assist volunteers in designing and building upon their existing programs, and assist data users in gathering sound data for their desired uses. Additional information on the four-tier volunteer monitoring approach is available on the Department's Web site at <http://www.state.nj.us/dep/wms/bfbm/vm/index.html>.

Section 10.2 explains the Department's process for announcing public availability of the draft Methods Document, draft Integrated List, and draft 303(d) List for review and comment prior to adoption of the final Methods Document and Lists. As explained in Chapter 1, the Integrated Report combines the reporting requirements of Sections 305(b) and 303(d) of the federal Clean Water Act. The Integrated List component of the Report, which categorizes the results of use assessments for all the State's assessment units into sublists (Sublists 1 through 5), satisfies the reporting requirements of Section 305(b) formerly addressed by the Statewide Water Quality Inventory Report. The 303(d) List component of the Report, which satisfies the reporting requirements of Section 303(d), includes the assessment units identified as not attaining one or more designated uses (Sublist 5), the pollutants causing non-attainment of those assessment units, and their priority ranking for TMDL development. The public participation requirements of these two components are different. The 303(d) requirements are considered regulatory requirements because they trigger TMDL development. Therefore, the regulatory requirements identified in this section regarding public participation, USEPA approval, and adoption apply only to the 303(d) List component of the Integrated Report.

The Department is required under 40 CFR 130.7(b)(6) to provide a description of the methodology used to develop the 303(d) List. This Methods Document lays out the framework for assessing data and categorizing assessment units into the five sublists of the Integrated List. The Department develops a draft Methods Document that is made available for public review and comment through public notification, as outlined below. After finalizing the Methods Document, the Department assesses the data in accordance with those methods and develops the Integrated Report, which includes the draft Integrated List, draft 303(d) List, and two-year TMDL Schedule. A public notice is published in the New Jersey Register and newspapers of general circulation announcing that the draft Integrated List and draft 303(d) List are available for public review and comment. The Integrated List and 303(d) List are revised, as appropriate, after full consideration of comments received. The public participation procedures related to proposal and adoption of the Integrated List and final 303(d) List are outlined in Section 10.2 below.

10.1 Request for Data

The Department pursues several avenues for notifying the public of its intent to seek water quality-related data and information from external partners, including notices published in the New Jersey Register, public notices published in newspapers of general circulation, announcements published in Department-generated newsletters, and direct mailings to interested individuals and organizations. The six-month time period for submitting data is specified in the public notice. A cut-off date for submission of data is established 15 months prior to the Department's deadline for completing the Integrated Report (usually April 1st of even-numbered years). This is consistent with the neighboring States of Delaware and Pennsylvania, as well as the Delaware River Basin Commission. A cut-off date for data submission is necessary to allow the data to be received, analyzed, and assessed for timely completion of the Integrated Report. If data arrives past the cut-off date for the current report, it will be considered for the next report.

In determining which data are appropriate and readily available for assessment purposes, the Department will consider quality assurance/quality control, monitoring design, age of data, accurate sampling location information, data documentation, and use of electronic data management (see Chapter 3). A data package submitted to the Department for use in the Integrated Report should include:

- The approved quality assurance project plan (see Section 3.1 Data Quality)
- Data provided in electronic format. The Department prefers that all data be entered into USEPA's STORET database. Volunteer organizations may also submit data through the Department's new data management system for volunteer monitoring data at <http://www.state.nj.us/dep/wms/bfbm/vm/database.html>.
- The Department is aware that USEPA is moving away from the STORET Data Management model and towards a new standard for water quality data exchange. The Department is currently developing tools and a Web-based system for this exchange and expects to have the enhanced data exchange process in place for the 2010 Integrated Report.
- Station location data should be provided in a GIS shape file or compatible format when possible. Station locations identified by latitude and longitude must also be mapped on a

USGS Quadrangle Sheet (or copy of a section of a sheet with the name of the sheet identified); and,

- A citable report summarizing the data that includes name, address, and telephone number of the entity that generated the data set.

The Department is working with data-generating organizations to organize their data, provide training in acceptable sampling techniques, and certify laboratories and field measurement protocols. Additional information is available on the Department's Volunteer Monitoring Web site at <http://www.state.nj.us/dep/wms/bfbm/vm/index.html>.

10.2 Public Notification

Public Notices: The Department will publish a notice announcing the availability of the draft Methods Document for public review and requesting comments. The Department may revise the Methods Document based on public comment.

The Department shall propose the 303(d) List of Water Quality Limited Waters as an amendment to the Statewide Water Quality Management Plan, provide an opportunity for public comment, and adopt the amendment in accordance with N.J.A.C. 7:15-6.4. A public notice announcing availability of the proposed 303(d) List for public review and comment shall be published in the New Jersey Register, on the Department's Web site, and in newspapers of general circulation throughout the State. Adjacent state, federal, and interstate agencies shall also be notified, as necessary. The public notice shall include the following:

- A description of the procedures for comment; and
- The name, address, and Web site of the Department office or agent from which the proposed document may be obtained and to which comments may be submitted.

Comment Period: The comment period shall be a minimum of 30 days.

Public Hearings: Within 30 days of publication of the public notice, interested persons may submit a written request to extend the comment period for an additional 30 days, or request a public hearing. If the Department determines that there are significant environmental issues or that there is a significant degree of public interest, the Department may hold a public hearing and/or extend the comment period. If granted, a notice announcing extension of the comment period and/or public hearing shall be published promptly on the Department's Web site.

Final Action: After the close of the public comment period for the Methods Document, the Department will address the comments and publish the final Methods Document on the Department's Web site along with the Response to Comments.

After the close of the public comment period for the List of Water Quality Limited Waters, the Department will address the public comments, make any necessary revisions, and prepare a final List of Water Quality Limited Waters. The Department will submit the final List of Water Quality Limited Waters to USEPA Region 2 in accordance with 40 CFR 130.7. Upon receipt of a response from USEPA Region 2, the Department may amend the final list based on their

comments. The Department will adopt the List of Water Quality Limited Waters as an amendment to the Statewide Water Quality Management Plan by placing a notice in the New Jersey Register and on the Department's Web site. However, the Department may repropose the List of Water Quality Limited Waters, if the Department determines that revisions made in response to USEPA Region 2 comments result in substantive changes that should be subject to public review and comment.

Availability of Final Documents: The Integrated Report, which will include the Integrated List, monitoring needs and schedules, TMDL needs and schedules, and any other information usually included in the 305(b) Report, will be submitted to the USEPA Region 2 as required by Section 305(b) of the federal Clean Water Act. The Department will post the availability of the Integrated Report on its Web site at that time.

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Appendix

A listing of all the parameters the Department might use in the assessment process and the designated uses associated with each parameter.

Parameter	Aquatic Life (general and trout)	Recreation	Drinking Water Supply	Agricultural Water Supply	Industrial Water Supply	Shellfish Harvest	Fish Consumption
Biological Community Data:	X						
Fish Advisories (contaminants in tissue only)							X
Shellfish Closures						X	
Beach Closure Data		X					
Dissolved Oxygen	X						
Enterococci (saline)		X					
Fecal Coliform (saline)						X	
E.Coli (freshwater)		X					
Total Coliform						X	
pH (Standard Units)	X		X		X		
Phosphorus, Total	X						
Solids, Suspended (TSS)	X				X		
Salinity				X			
Solids, Total Dissolved (TDS)			x	X	x		
Sulfate			X				
Temperature	X						

Parameter	Aquatic Life (general and trout)	Recreation	Drinking Water Supply	Agricultural Water Supply	Industrial Water Supply	Shellfish Harvest	Fish Consumption
Turbidity	X						
Ammonia, un-ionized	X						
Acenaphthene			X				X
Acrolein			X				X
Acrylonitrile			X				X
Aldrin	X		X				X
Anthracene			X				X
Antimony			X				X
Arsenic	X		X				X
Asbestos			X				
Barium			X				
Benz(a)anthracene			X				X
Benzene			X				X
Benzidine			X				X
3,4-Benzofluoranthene (Benzo(b)fluoranthene)			X				X
Benzo(k)fluoranthene			X				X
Benzo(a)pyrene (BaP)			X				X
Beryllium			X				X
alpha-BHC (alpha-HCH)			X				X
beta-BHC (beta-HCH)			X				X
gamma-BHC (gamma-HCH/Lindane)	X		X				X
Bis(2-chloroethyl) ether			X				X
Bis(2-chloroisopropyl) ether			X				X
Bis(2-ethylhexyl) phthalate			X				X

Parameter	Aquatic Life (general and trout)	Recreation	Drinking Water Supply	Agricultural Water Supply	Industrial Water Supply	Shellfish Harvest	Fish Consumption
Bromodichloromethane (Dichlorobromomethane)			X				X
Bromoform			X				X
Butyl benzyl phthalate			X				X
Cadmium	X		X				X
Carbon tetrachloride			X				X
Chlordane	X		X				X
Chloride	X		X				
Chlorine Produced Oxidants (CPO)	X						
Chlorobenzene			X				X
Chloroform			X				X
2-Chloronaphthalene			X				X
2-Chlorophenol			X				X
Chlorpyrifos	X						
Chromium			X				X
Chromium+3	X						
Chromium+6	X						
Chrysene			X				X
Copper	X		X				
Cyanide (Total)	X		X				
4,4'-DDD (p,p'-TDE)			X				X
4,4'-DDE			X				X
4,4'-DDT	X		X				X
Demeton	X						
Dibenz(a,h)anthracene			X				X

Parameter	Aquatic Life (general and trout)	Recreation	Drinking Water Supply	Agricultural Water Supply	Industrial Water Supply	Shellfish Harvest	Fish Consumption
Dibromochloromethane (Chlorodibromomethane)			X				X
Di-n-butyl phthalate			X				X
1,2-Dichlorobenzene			X				X
1,3-Dichlorobenzene			X				X
1,4-Dichlorobenzene			X				X
3,3'-Dichlorobenzidine			X				X
1,2-Dichloroethane			X				X
1,1-Dichloroethylene			X				X
trans-1,2-Dichloroethylene			X				X
2,4-Dichlorophenol			X				X
1,2-Dichloropropane			X				X
1,3-Dichloropropene (cis and trans)			X				X
Dieldrin	X		X				X
Diethyl phthalate			X				X
2,4-Dimethyl phenol			X				X
4,6-Dinitro-o-cresol			X				X
2,4-Dinitrophenol			X				X
2,4-Dinitrotoluene			X				X
1,2-Diphenylhydrazine			X				X
Endosulfans (alpha and beta)	X		X				X
Endosulfan sulfate			X				X
Endrin	X		X				X
Endrin aldehyde			X				X

Parameter	Aquatic Life (general and trout)	Recreation	Drinking Water Supply	Agricultural Water Supply	Industrial Water Supply	Shellfish Harvest	Fish Consumption
Ethylbenzene			X				X
Fluoranthene			X				X
Fluorene			X				X
Guthion	X						
Heptachlor	X		X				X
Heptachlor epoxide	X		X				X
Hexachlorobenzene			X				X
Hexachlorobutadiene			X				X
Hexachlorocyclopentadiene			X				X
Hexachloroethane			X				X
Indeno(1,2,3-cd)pyrene			X				X
Isophorone			X				X
Lead	X		X				
Malathion	X						
Manganese							X
Mercury	X		X				X
Methoxychlor	X		X				
Methyl bromide (bromomethane)			X				X
Methyl t-butyl ether (MTBE)			X				
Methylene chloride			X				X
Mirex	X						
Nickel	X		X				X
Nitrate (as N)			X				
Nitrobenzene			X				X

Parameter	Aquatic Life (general and trout)	Recreation	Drinking Water Supply	Agricultural Water Supply	Industrial Water Supply	Shellfish Harvest	Fish Consumption
N-Nitrosodi-n-butylamine			X				X
N-Nitrosodiethylamine			X				X
N-Nitrosodimethylamine			X				X
N-Nitrosodiphenylamine			X				X
N-Nitrosodi-n-propylamine (Di-n-propylnitrosamine)			X				X
N-Nitrosopyrrolidine			X				X
Parathion	X						X
Pentachlorobenzene			X				X
Pentachlorophenol	X		X				X
Phenol			X				X
Phosphorous (yellow)	X						
Polychlorinated biphenyls (PCBs)	X		X				X
Pyrene			X				X
Selenium	X		X				X
Silver	X		X				X
Sulfide-hydrogen sulfide (undissociated)	X						
1,2,4,5-Tetrachlorobenzene			X				X
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)			X				X
1,1,2,2-Tetrachloroethane			X				X
Tetrachloroethylene			X				X
Thallium			X				X
Toluene			X				X
Toxaphene	X		X				X

Parameter	Aquatic Life (general and trout)	Recreation	Drinking Water Supply	Agricultural Water Supply	Industrial Water Supply	Shellfish Harvest	Fish Consumption
1,2,4-Trichlorobenzene			X				X
1,1,1-Trichloroethane			X				X
1,1,2-Trichloroethane			X				X
Trichloroethylene			X				X
2,4,5-Trichlorophenol			X				X
2,4,6-Trichlorophenol			X				X
Vinyl chloride			X				X
Zinc	X		X				X
Radioactivity			X				

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Response to Comments on NJDEP's "Draft 2008 Integrated Water Quality Monitoring and Assessment Methods"

Commenters:

1. USEPA Region II
2. Pinelands Commission

1. Comment: The Department should provide a summary table in this document of the following for each water resource type: sampling design approach (probabilistic, judgmental, etc.), designated use addressed, indicators used, and particulars such as frequency of sampling, numbers of stations and what percent of the resource is covered statewide. (1)

Response: The Methods Document delineates how the Department will evaluate monitoring data to assess waters for designated use support as per CWA 305(b) and 303(d) requirements. Much of the information requested by the commenter has been presented in "New Jersey's Water Monitoring and Assessment Strategy" which is updated periodically and referenced as an appendix in the Integrated Report. In addition, a Data Source Table is provided in the Integrated Report summarizing all the data providers, contact information, purpose of the data collection, data type, waterbodies covered, the number of stations and the parameters sampled.

2. Comment: The commenter notes that probabilistic information is not used for CWA 303(d) listing purposes but the Department now has access to data that have been collected using probability-based designs (lakes and estuaries), so true spatial extent of impairments (statewide) can be reported. The Department should describe these designs (number of stations, confidence levels) and the data analysis and assessment process for these results. (1)

Response: This Methods Document outlines the procedures for using data to develop the Integrated List of Waterbodies. Although the Department does review and utilize probabilistic data for 305 (b) type statewide assessments, it does not use probabilistic monitoring for listing purposes and therefore has not included a discussion of this type of monitoring in the Methods Document. There is a section dedicated to the use of probabilistic monitoring in the Integrated Report which explains trends and statewide use of this information. In some instances, sufficient data has been collected at probabilistic sites that can be combined with non probabilistic data. In these instances, assessment of the data follows the same procedures as data collected in a non probabilistic design.

3. Comment: The use of such a large watershed (Hydrologic Unit Code 14) as an assessment unit masks the individual stream or impoundment site assessment scores contained within the unit. Furthermore, listing each HUC-14 subwatershed by the site with the lowest level of impairment (i.e., worst case scenario) and displaying such in a color figure is misleading and overemphasizes degradation throughout the state. (1)

Response: The Department agrees that listing and displaying impairments in this fashion can obscure or mask the precise location and nature of listed impairments and that map displays as described by the commenter can be somewhat misleading. This Department has found that the identification of every station and impoundment as a unique assessment unit had resulted in several thousand assessment units which became impractical to assess and track. However, the average size of a HUC-14 in New Jersey is 8.5 sq. miles. The Department has found this size to

be effective for cataloging impairment information for the purposes of tracing 303(d) listed waters through time.

4. Comment: Page 9. “For chronic aquatic life criteria, the Department considers exceedances that occur only under high flow conditions lasting less than four days to meet the water quality criteria. For human health carcinogens, the Department uses a long term average of the data to determine whether the criteria are met.” The SWQS is written as having flow at or above the minimum flow. This does not translate into “high flow” which, when assessing metals for instance, means during storm events. Please explain. (1)

Response: The purpose of this provision is related to duration, not high flows. The chronic aquatic life criteria are expressed as a four-day average. Excursions occurring under high flow conditions as reflected in “grab samples” that represent exposures of less than four days fail to generate the necessary exposure duration to generate an exceedance. No change was made in the Methods document.

5. Comment: Page 9: “The Department will take into consideration the precision of the analytical method used to measure the data. When data are above a criterion but within the precision error of the method, the sample result meets the criteria.” Please provide more detail on how and when this method could be used. (1)

Response: Using Total Phosphorus for an example, the precision for Total Phosphorus analysis in the NJDEP laboratory is +/- 0.015 mg/l. This means that a reported value of 0.115 could actually be meeting the criterion of 0.1 mg/l. Therefore, the Department will only consider a value as a violation when it is outside of the precision error of the analysis.

6. Comment: The Department should explain the statement on page 9 which states "The Department has established the SWQS in a conservative manner so that an occasional digression will not impair aquatic life or human health", in particular, as to how it relates to the methods being outlined in the document. (1)

Response: The Department has removed this language in the final version as the statement did not have a direct relationship to the assessment methods.

7. Comment: Please define a “minor excursion.”(1)

Response: The Department has clarified the term “excursion” in the Chapter 4 overview summarized in Chapter 2 and no longer uses the term “minor excursion”.

8. Comment: The method outlined on page 10 for assessing dissolved oxygen data from continuous monitors is not consistent with the current SWQS. (1)

Response: The SWQS were written when data was collected via grab samples. Today, dissolved oxygen data is more and more commonly being collected using datasondes and other continuous sampling devices. Data is collected at various time intervals including 15 minutes, half hour and 1 hour intervals. The Department’s methodology allows the use of data collected under different time intervals to be assessed in a comparable manner. Within a single one hour period - any

single contravention of a criterion, be it in a 15, 30, or one hour monitoring interval, will be treated as an excursion

9. Comment: Page 12, the link to additional info on the Pinelands Macroinvertebrate Index does not have that information. (1)

Response: The link has been removed.

10. Comment: The 5 Kilometer buffer displayed in Figure 4.3 appears to surround the State designated Pinelands Area, not the Pinelands National reserve as described in the text. The Pinelands Natural Reserve boundary extends beyond the Pinelands area boundary. (1)

Response: The Department intended to refer to the Pinelands Area, specifically the areas designated as such by section 10(a) of the Pinelands Protection Act and not the National Pinelands Reserve. The page has been revised.

11. Comment: The Department should provide more information regarding the details of making assessment decisions when there exist different types of relevant biological data for a waterbody, especially when these different sets of biologic data conflict.(1)

Response: Section 5.1 in the Methods Document entitled “Additional Considerations When Combining Data from Multiple Stations within an Assessment Unit” has undergone extensive revisions to clarify how multiple datasets are used to produce a biological assessment for the 2008 List.

12. Comment: The Department should provide more information regarding how the lakes fishery data will be used in assessments. (1)

Response: The Department has amended its lake assessment methodology and will not be using fishery data to assess use attainment in lakes in the 2008 Integrated List.

13. Comment: The 2008 assessment will evaluate each lake based on the “actual or potential recreational value as a fishery” rather than its ecological value. Several fish species considered important for recreation in New Jersey, e.g., largemouth bass (*Micropterus salmoides*) and bluegill (*Lepomis macrochirus*), are not native to the Pinelands region. Because Pinelands lakes are stream impoundments that reflect upstream watershed conditions, the presence of nonnative fish populations in Pinelands impoundments is indicative of watershed degradation, which is likely to be contrary to a lake assessment based only on the value as a fishery. (2)

Response: See response to Comment 12 above.

14. Comment: Section 5.1 states: “Modeling results are able to predict water quality over longer periods of time and under different flow, weather, and temporal conditions usually resulting in a better picture of existing water quality. The Department will evaluate each model to ascertain whether or not it should have more weight than actual sample data.” Please explain how and when the Department expects to use model projections rather than ambient data to make CWA 303(d) listing-related decisions. (1)

Response: In areas such as the NY/NJ Harbor, extensive resources are being spent to model ambient conditions over long periods of time. Upon completion, calibration and validation of a model, model projections and hard data may not always agree. When a model is determined to adequately predict water quality, it may be used in place of ambient water quality data.

15. Comment: Table 5.1 shows the process of assessing sites using the PMI and validating sites using Commission data. Because of the narrow view of reference condition in the first category of the table and the arbitrary nature of “slight” versus “significant,” we suggest deleting Table 5.1 altogether and simply stating that, “The NJDEP Pinelands Macroinvertebrate Index (PMI) will be validated using Pinelands Commission biological data.” The Commission Science Office staff would be willing to meet with NJDEP staff to validate the assessments based upon the PMI. (2)

Response: The Department has eliminated Table 5.1. However, for the purposes of transparency in our assessment methods, the Department is obligated to add descriptions of how Pinelands Commission data will be used to validate the Department’s benthic macroinvertebrate assessments within the text of Chapter 5 and has expanded the text to do so. This Department looks forward to working with the Pinelands Commission in validating benthic assessments.

16. Comment: The Department should clearly state that the procedures for determining designated use attainment and parameter SWQS attainment are different. For instance, the document should state that an exceedance of any SWQS will result in the associated designated use(s) being listed as “non-attained.” And, in order for a designated use to be assessed as “attained,” the minimum suite of parameters must show attainment for each of the individual SWQS in the minimum suite. If data are not available for any one of these parameters then the designated use status cannot be determined. The commenter suggests the following wording be added. “However, if data for any one parameter associated with the designated use shows a violation then this is sufficient to determine that a the designated use is not being attained and the use will be identified as non-attaining on Sublist 5. (1)

Response: The Department has added additional language as requested in Chapter 4 under “Minimum Data Set.”

17. Comment: When evaluating designated use attainment for toxics, the designated uses of ingestion of water and fish consumption should each receive an assessment decision when evaluating a human health-based (both carcinogenic and noncarcinogenic) SWQS. (1)

Response: The human health criteria for toxic constituents accounts for the drinking water level of exposure, the simultaneous exposure through fish tissue consumption, and the biomagnification potential of the toxic substance, as based upon EPA’s published methods for calculating toxic criteria. Hence, both drinking water and fish tissue consumption are accounted for in a toxic substance assessment for human health.

18. Comment: The data requirements for shellfish harvesting in Table 6.0, Section 6.4, and Appendix A should identify total coliform and fecal coliform as the actual parameters being assessed. (1)

Response: Land use, sanitary surveys as well as fecal or total coliform are used to determine the shellfish classifications under the NSSP Program. The Department uses the NSSP shellfish classifications to assess the designated use. Table 6.0 is correct as is. Language was added to Section 6.4 clarifying that fecal or total coliform would be identified as the pollutant for non-attaining waters. Appendix A was also revised to link fecal and total coliform to shellfish harvest.

19. Comment: The shellfish harvest designated use assessment method should make it clear that “prohibited/administrative closure area” may be assessed as full attainment only if there are no ambient data showing impairment of the relevant pathogen standard, if the shellfish harvesting is still an applicable designated use in these areas. (1)

Response: Administrative closures are established in areas around potential pollution sources, such as sewage outfalls and marinas, as a preventive measure. Since shellfish harvest is precluded in these areas regardless of water quality, the Department will not assess the use in these waters. The assessment will be determined based on areas which have the potential to be open for shellfish harvest. The methodology for determining the assessment status for shellfish harvesting has been amended to reflect this assessment method.

20. Comment: N.J.A.C. 7:9B-1.5(3) states that “it is the policy of the State that all fresh waters be protected as potential sources of public water supply.” Based on this, it should be reflected in Section 6.0 that the drinking water use will be used for FW-1 waters. (1)

Response: It is the policy of the Department to protect all fresh waters for potential sources of water and has extended that protection to FW1 waters by setting these waters aside for posterity and limiting the development of these watersheds. The Department has not specifically included drinking water as a designated use in FW1 Waters as the Department wanted to discourage water withdrawals from these streams. These areas are primarily headwater streams with limited flow. Large water withdrawals could reduce the flow and impact the natural biota.

21. Comment: Table 6.1 for aquatic life designated use assessment does not provide the designated use assessment result when both biological and chemical/physical data are available and the bio-monitoring data is good but the chemical/physical data show exceedances of the SWQS. (1)

Response: Table 6.1 has been amended to include the following:

Biological data indicates no impairment BUT chemical/ physical data show exceedances of aquatic life criteria	Aquatic life use is not attained with pollutant exceeding criteria identified as the cause.
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22. Comment: The minimum data needed to assess attainment of the potable water supply use should include (a) toxic parameters with human health criteria and (b) radioactivity since conventional filtration and disinfection will not remove these substances. (1)

Response: Appendix A identifies all the pollutants which could affect the drinking water use. If data for these parameters is available, it will be used to assess use attainment. However, it is not possible to have all parameters at all stations. The minimum dataset allows the Department to

make some assessment of the designated use when data for all parameters is not available. The Department has collected data on radioactivity in the past and has determined that this parameter is not commonly found at levels in surface water supplies which would cause the designated use to be assessed as not attaining.

23. Comment: In Table 6.5, please provide more detail to explain the Safe Drinking Water actions “contamination-based drinking water supply advisories” and “increased monitoring requirements due to confirmed detection of one or more pollutants.” This additional detail must make clear why these data are insufficient to make a drinking water use assessment. (1)

Response: Contamination-based drinking water supply advisories and increased monitoring requirements due to confirmed detection of one or more pollutants are used with other data to assess this use. Table 6.5 has been corrected.

24. Comment: Please describe the rationale for using “one beach closure per year of 7 or more consecutive days or an average of 2 or more beach closures per year over a five year period” to identify beaches not meeting SWQS. (1)

Response: This closure policy is based upon the DEP assessment policy of requiring 2 violations to confirm impairment. Beaches are initially sampled on Monday and if there is a violation, a confirmatory sample is taken the following Wednesday. A week long closure signifies that there were 2 violations within the week for a beach (both on Monday and Wednesday). In contrast, short term closures of less than a week signify only occasional excursions of the sanitary criterion except in cases where these short term closures occur chronically over several years whereupon they are deemed to reflect non attainment of the use. This paragraph has been added to the Methods Document.

25. Comment: If a very large data set is available, the Department evaluates the frequency of the violations and other available data to determine whether or not they are minor excursions. Until the SWQS are changed, the Department needs to explain that the second hit is a confirmatory hit or in some other way is used by NJDEP to interpret compliance with any “never-to-exceed” SWQS. (1)

Response: The paragraph in question has been modified to read as follows:
The Department’s language in the SWQS of “shall not exceed” for parameters such as phosphorus or dissolved oxygen was based upon a translation of recommended limits published by EPA based upon the existing best professional judgment. These limits were not designed to be treated as a “never to exceed” in the Standards. A single transgression of a criterion in a dataset of 8 or a few transgressions of short duration over an extensive time period will not result in an impaired of the designated use. Based on this the Department has established a minimum of two exceedances of a SWQS in the five year period to confirm impaired waters with the following exceptions: for aquatic life toxics, the allowable frequency of exceedances is two exceedances in three years and for human health carcinogens, the long term average concentration must exceed the criteria. If a very large data set is available, the Department will further evaluate the frequency of the violations and other available data to determine whether or not they are minor excursions.

26. Comment: Although the Department has included the use of de minimis areas in its methods, no de minimis areas were identified on the 2006 CWA 303(d) list. When an area is identified as de minimis and not placed on the CWA 303(d) list, USEPA intends to look at the specifics and discuss the appropriateness of listing with the Department. (1)

Response: Comment noted.

27. Comment: Where a previous listing for impaired biology identifying benthic macroinvertebrate as the pollutant is to be changed to specific parameter, please include language which specifies the parameter to be used must have an aquatic life impact. (1)

Response: Section 7.3 (8) specifically states that the term benthic macroinvertebrate has been replaced with a specific aquatic life pollutant. If no aquatic life pollutant is exceeded, it will be replaced with “cause unknown. The parameters associated with the aquatic life use are listed in Appendix A.

28. Comment: EPA has received TMDLs for approval which use monitoring data which represent only a portion of the 303(d) listed HUC. Only the geographic extent of the watershed receiving the TMDL will be moved from Sublist 5 to Sublist 4A. Therefore, NJDEP needs to identify a protocol for delisting this fragmented HUC area and for dealing with fragmented HUC areas for future assessment. (1)

Response: TMDLs will be performed on a full HUC basis; hence, subdividing waterbodies will not be necessary.

29. Comment: The methods document should provide additional discussion of the state’s method for determining when natural conditions would be the cause of a water not meeting the numeric water quality criteria. (1)

Response: The methods document identified the SWQS’s allowance for natural conditions to prevail. The concept of “natural causes” is applied when the Department can document that there are no anthropogenic sources contributing to the contaminate in question. When the Department identifies a general area where natural conditions apply, it will discuss the assessment process in the methods document as it does for low pH in the coastal plain area. Where natural conditions are used for a specific station and parameter, the station and parameter are identified in the BPJ document with the Department’s rationale.

30. Comment: Table 7.1, the description for Sublist 4A should read “The designated use is not attained or is threatened and a TMDL has been adopted established in New Jersey Register and approved by the USEPA.” (1)

Response: Table 7.1 has been edited to read: “The designated use is not attained or is threatened and development of a TMDL is not required because a TMDL for the parameter responsible has already been approved by USEPA.”

31. Comment: Page 29, “5K” should be replaced with “5,000 ft.” (1)

Response: All “Ks” have been changed to Kilometers for clarification.

32. Comment: Page 30. Table 8.0: there should be mention that nitrate is a direct human health issue for the drinking water use. (1)

Response: Changes made as requested.

33. Comment: Section 9.0, Method for Developing the Monitoring and Assessment Plan, describes using "advanced statistical techniques to evaluate water quality in waterbodies that are not sampled based on probabilistic sampling." Are there methods that are planned to be used and what is the advantage? (1)

Response: The statement has been deleted from the Methods Document.

34. Comment: On page 35: The following wording is suggested: A cut-off date after which no additional data or information will be considered in the preparation of the Integrated Report currently being compiled is necessary to allow the data to be received, analyzed and waterbody assessments completed to allow a timely completion of the Integrated Report. If data arrives past the cut-off date for the current report, then it will be considered for the next report. (1)

Response: The suggested language changes have been added for clarification.

35. Comment: Page 36: However, the Department may re-propose the List of Water Quality Limited Segments, if the Department determines that USEPA Region II requests result in substantive changes to the final list that would effectively destroy the value of the original public notice which would require a re-notice to present the changes.(1)

DEP Response: Changes made as requested. See Section 10.2, second paragraph under Final Action

36. Comment: The following items in the parameter column of Appendix A should be adjusted (1):

“Biological data” Should be broken out into the specific types of biological data that are used: benthic macroinvertebrate survey, fin fish study, etc.

“Fish advisories” Should specify that only those which represent actual data for pollutants found in specific waterbodies.

“Shellfish closures” Should specify that the measured parameter is either total coliform or fecal coliform.

“Beach closure data” Should specify that the measured parameters are Enterococci and E. coli.

“Sulfate” Does not have an associated designated use.

“Mercury” Should be associated with fish consumption.

Response: The purpose of Appendix A is to identify the types of data that the Department uses to assess specific designated uses. A violation of any one datum under a designated use is

sufficient to render the designated use impaired. The datum biological data was revised to biological community data. All biological community data is used to assess aquatic life use only. The Department feels there is no need to break this category down further. Clarification language has been added to Section 6.3 regarding the use of site specific data for fish advisories. Shellfish classification and beach closures are data types used by the Department to list the use as impaired. The sections on shellfish assessment and recreational use address the pollutants associated with the classifications and closures. Drinking water has been associated with sulfate. Mercury data in and of itself is not used for fish consumption use assessment.