

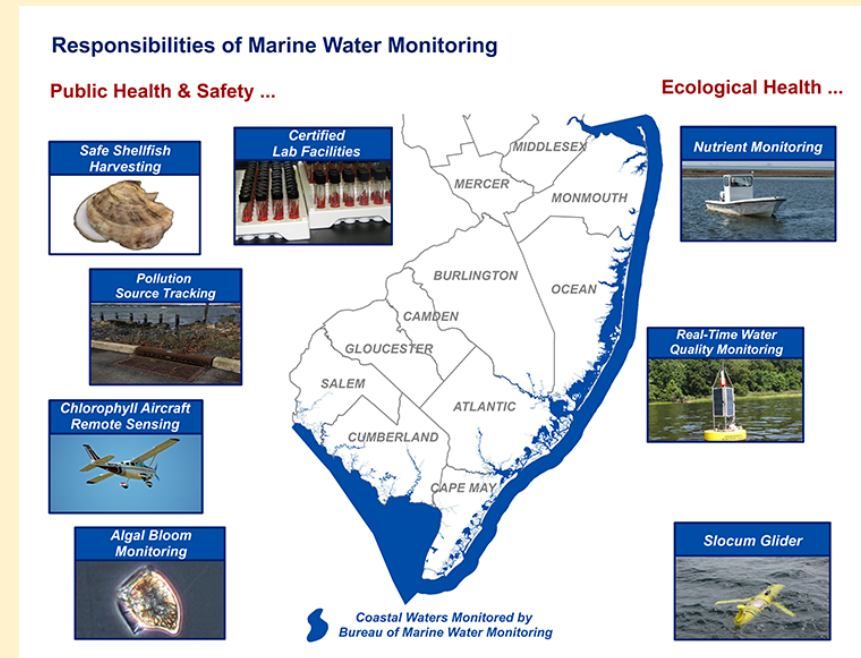
# Summary of Rule Changes

Bureau of Marine Water Monitoring – Leeds Point, NJ  
Water Monitoring and Standards  
Water Resource Management  
New Jersey Department of Environmental Protection



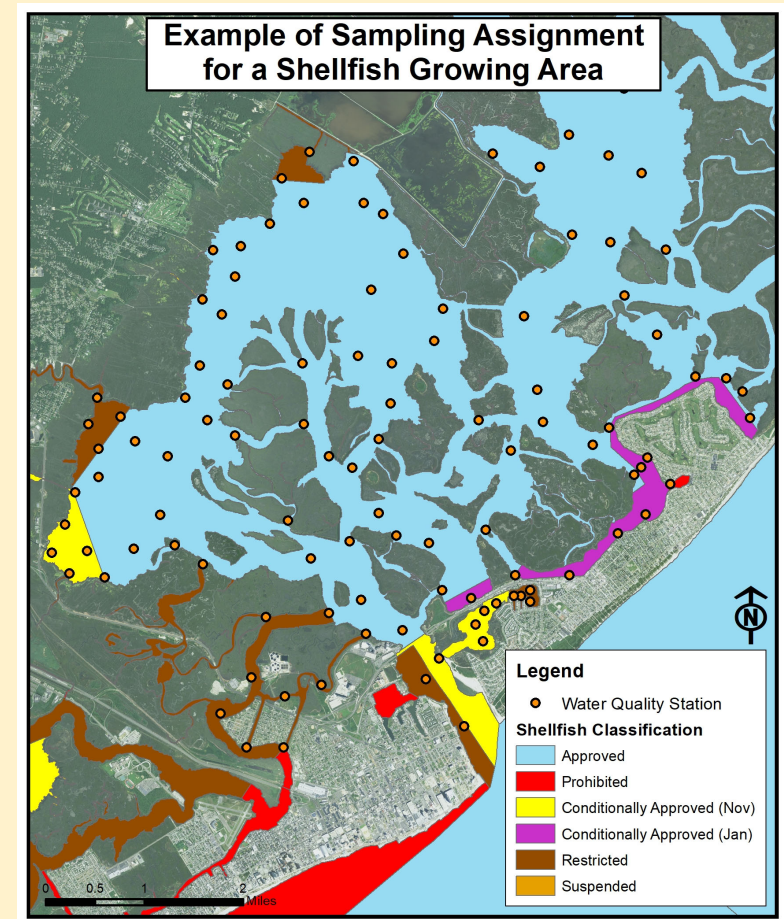
# DEP Bureau of Marine Water Monitoring

- Division of Water Monitoring and Standards
- Granted authority to implement and amend *N.J.A.C. 7:12* (Shellfish Growing Water Classification)
- Monitors coastal water quality for public and ecological health
- Maintains compliance with National Shellfish Sanitation Program
  - Sampling, testing and reporting
  - *Vibrio* Control Plan
- Conducts coastal pollution source track-down projects
- Issues permits for commercial shellfish activities and research in other than *Approved* waters
- Supports coastal bathing beach monitoring program
- Last re-adoption of *N.J.A.C. 7:12* effective September 19, 2016



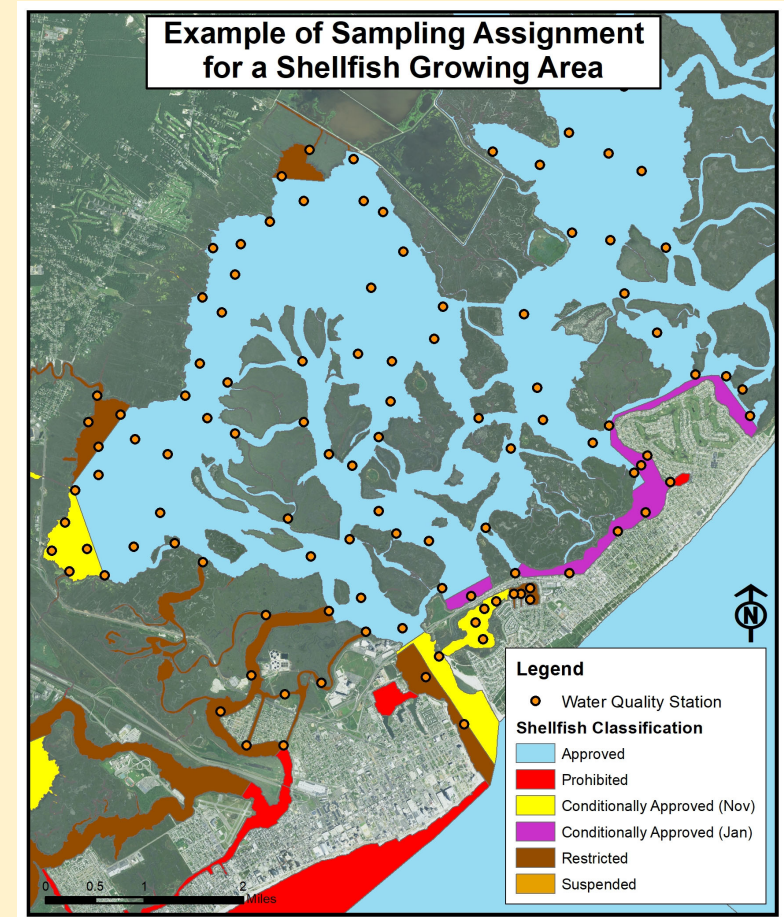
# National Shellfish Sanitation Program

- Administered by U.S. Food and Drug Administration
- Develops and updates regulatory guidelines for sanitary control of shellfish produced and sold for human consumption.
- Sets sampling methods and classification criteria that the Bureau of Marine Water Monitoring must use to classify shellfish growing waters
  - NSSP Guide for the Control for Molluscan Shellfish (2017 Revision)
- Marine Water Monitoring must adhere to sampling schedule
  - Approximately 10 times per year
  - Samples analyzed for fecal coliform
  - Two sampling strategies: Adverse Pollution Condition and Systematic Random Sampling
  - Sets of samples analyzed for central tendency and spread



# Classification Criteria – Fecal Coliform

- **Approved**
  - Can be *Approved* Year-round or *Conditionally Approved* for winter months only
  - Geometric Mean < **14 CFU/100mL**
    - Maximum of 10% of samples > **31 CFU/100mL**
    - Estimated 90<sup>th</sup> Percentile < **31 CFU/100mL**
- **Restricted**
  - Requires a permit to harvest for relay or depuration
  - Geometric Mean < **88 CFU/100mL** fecal coliform
    - Maximum of 10% of samples > **163 CFU/100mL**
    - Estimated 90<sup>th</sup> Percentile < **163 CFU/100mL**
- **Prohibited**
  - Stations exceed *Restricted* criteria
  - Administrative buffers
- **Suspended**
  - Temporary closure of harvest. May be reopened or permanently downgraded.





# Planned Upgrades

Total area: 32,362.5 acres

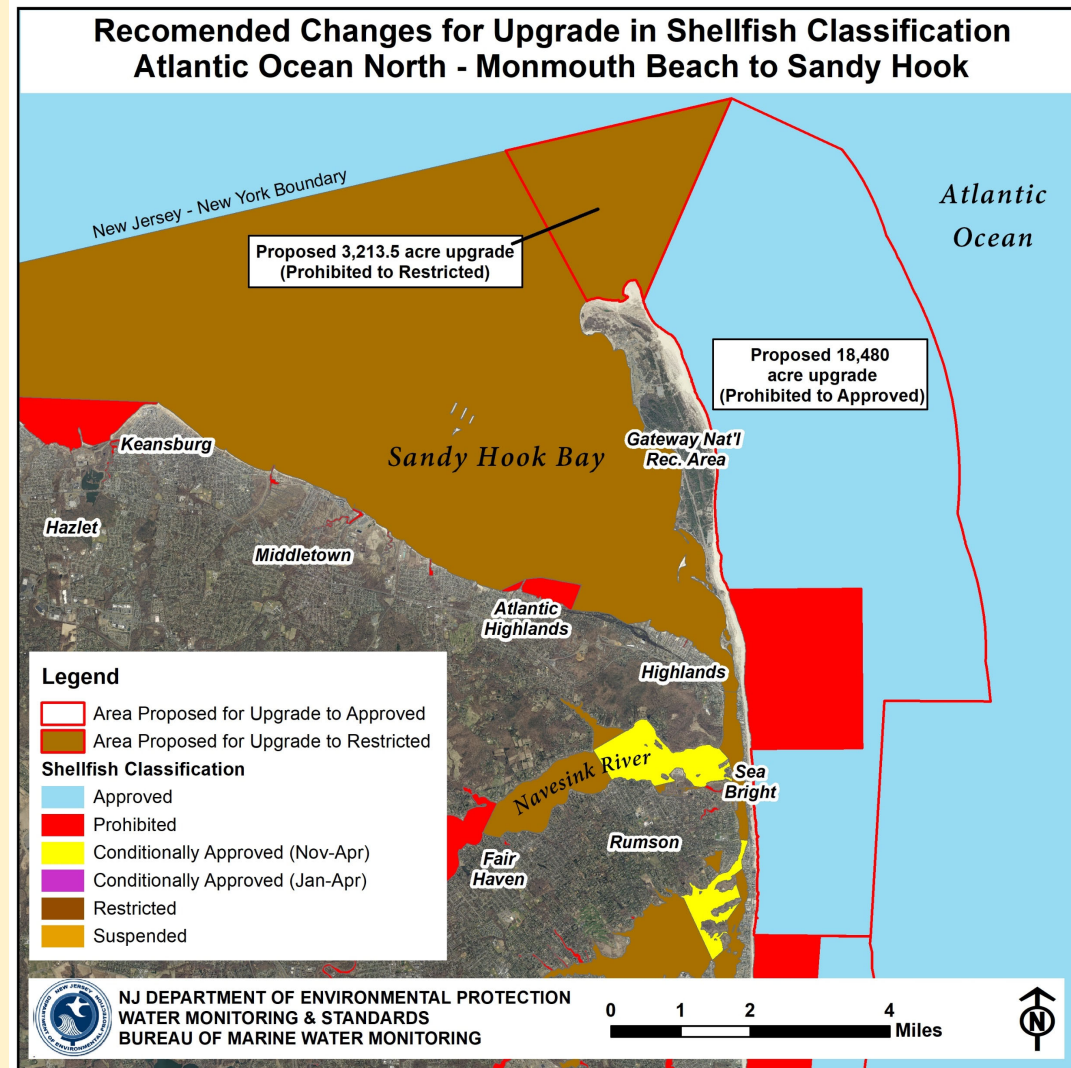
- Atlantic Ocean (total 29,835.2 acres)
  - Sandy Hook..... 3,213.5 acres
  - Sandy Hook to Monmouth Beach..... 18,480 acres
  - Monmouth Beach to Long Branch..... 4,116 acres
  - Asbury Park to Bradley Beach..... 599 acres
  - Spring Lake to Manasquan..... 1,032 acres
  - Point Pleasant Beach to Mantoloking..... 254 acres
  - Atlantic City..... 396 acres
  - Ocean City..... 250.2 acres
  - Sea Isle City..... 25.2 acres
  - Stone Harbor..... 64 acres
  - The Wildwoods..... 781 acres
  - Cape May City..... 624.3 acres
- Shrewsbury River..... 583.6 acres
- Tuckerton Creek..... 76.9 acres
- Jarvis Sound..... 1,167.2 acres
- Cape May Inlet..... 152.4 acres
- Delaware Bay Cape Shore ..... 547.2 acres

# Recommended Upgrade

Atlantic Ocean North

*Prohibited to Approved* – 18,480 acres

*Prohibited to Restricted* – 3,213.5 acres

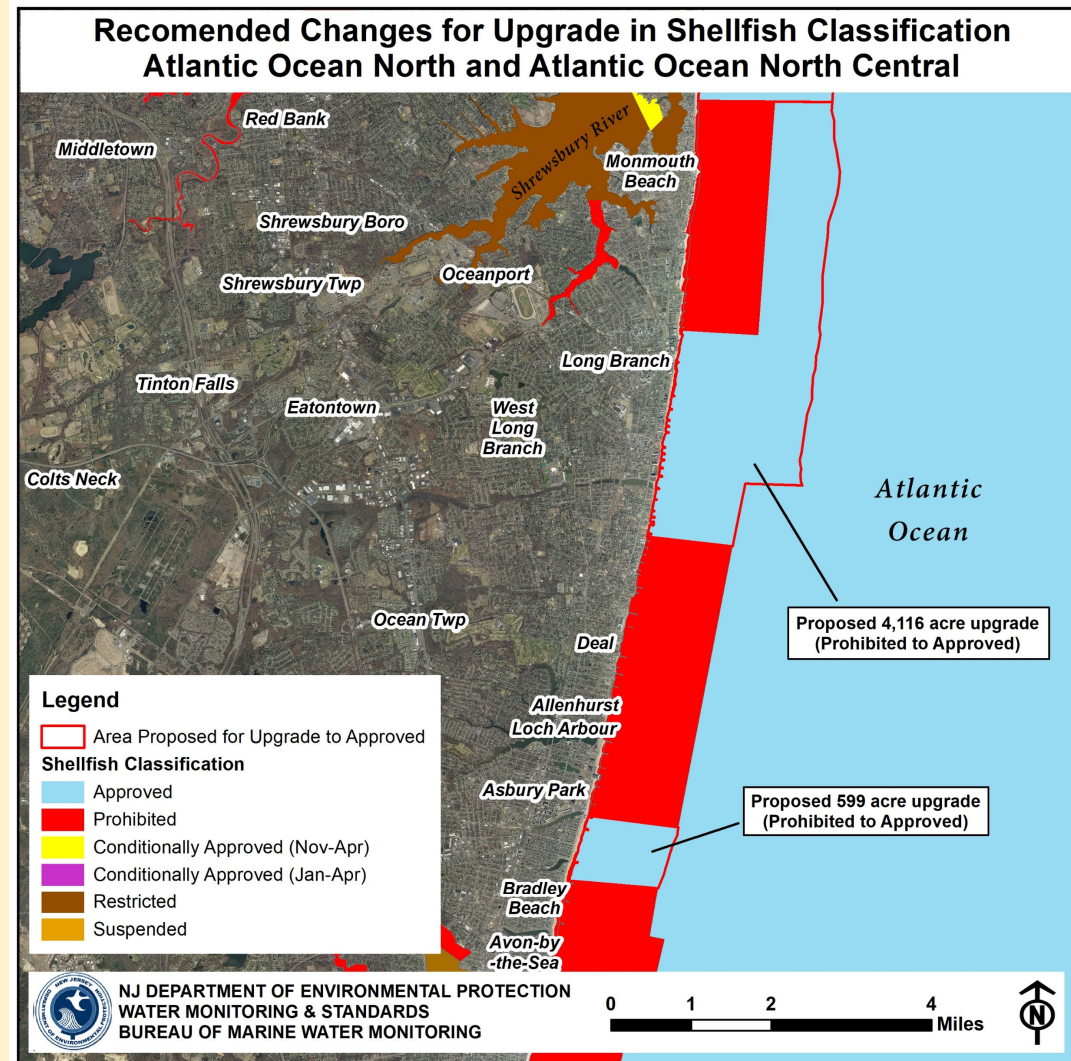


# Recommended Upgrade

Atlantic Ocean North / North Central

*Prohibited to Approved* – 4,116 acres

*Prohibited to Approved* – 599 acres



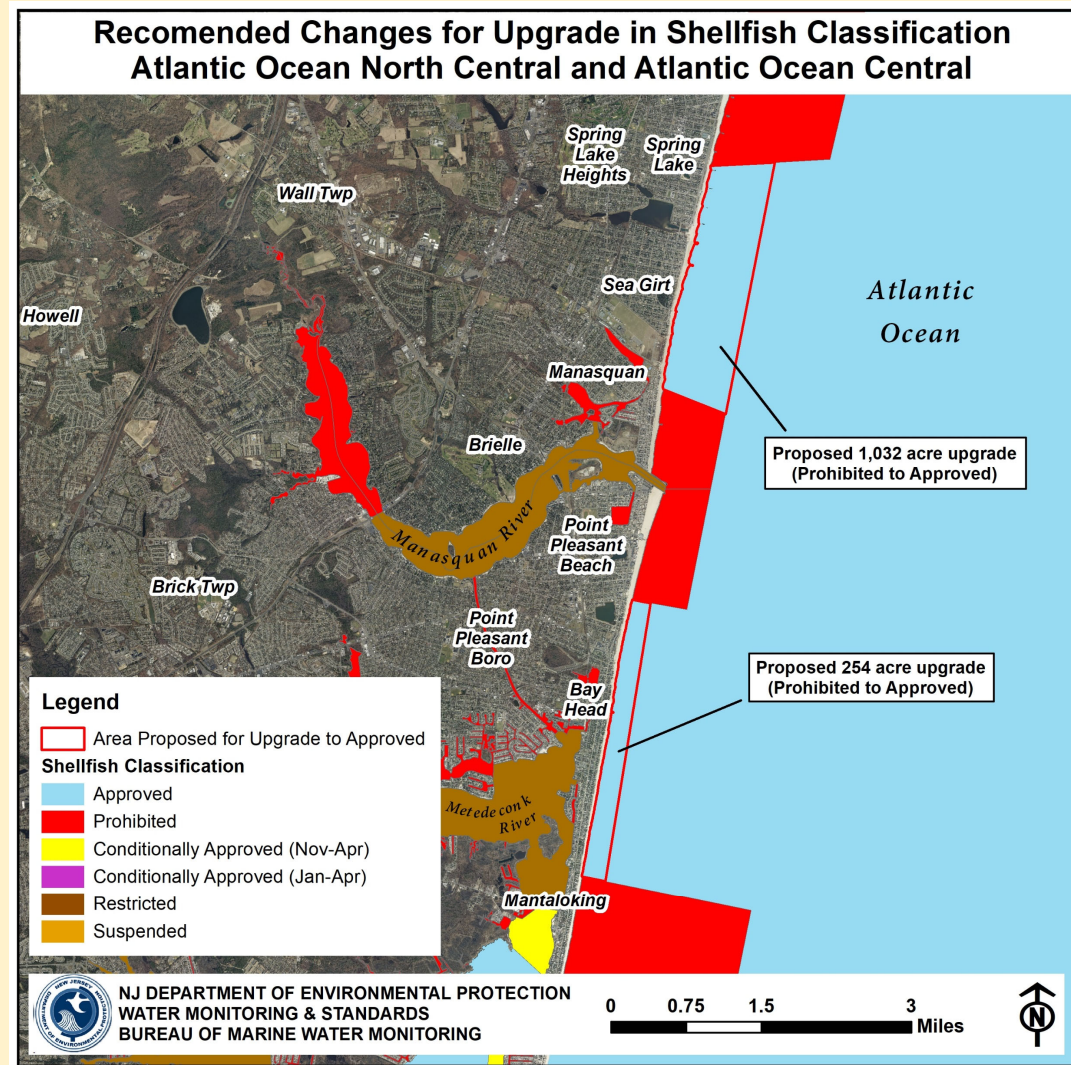


# Recommended Upgrade

Atlantic Ocean North / North Central

*Prohibited to Approved* – 1,032 acres

*Prohibited to Approved* – 254 acres

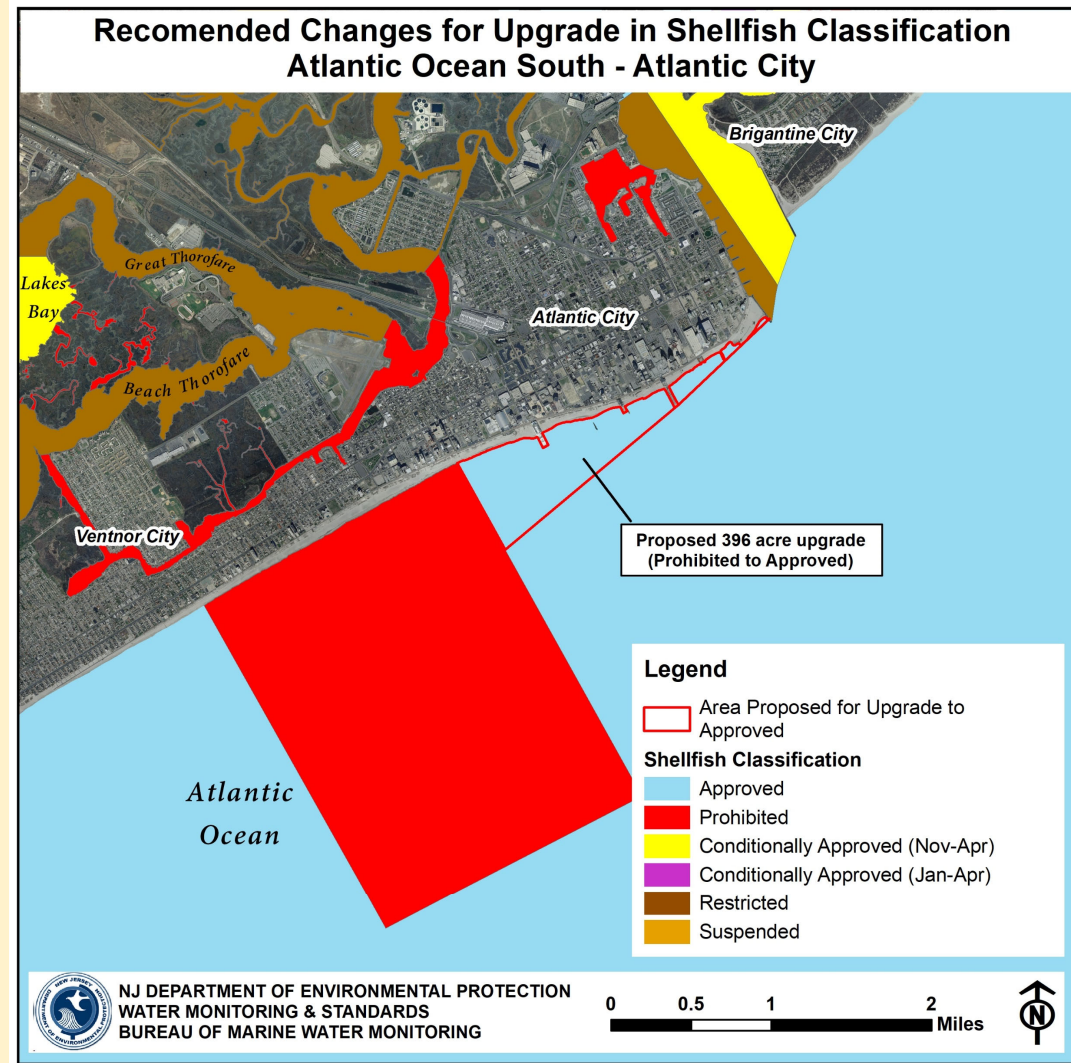




# Recommended Upgrade

Atlantic Ocean South – Atlantic City

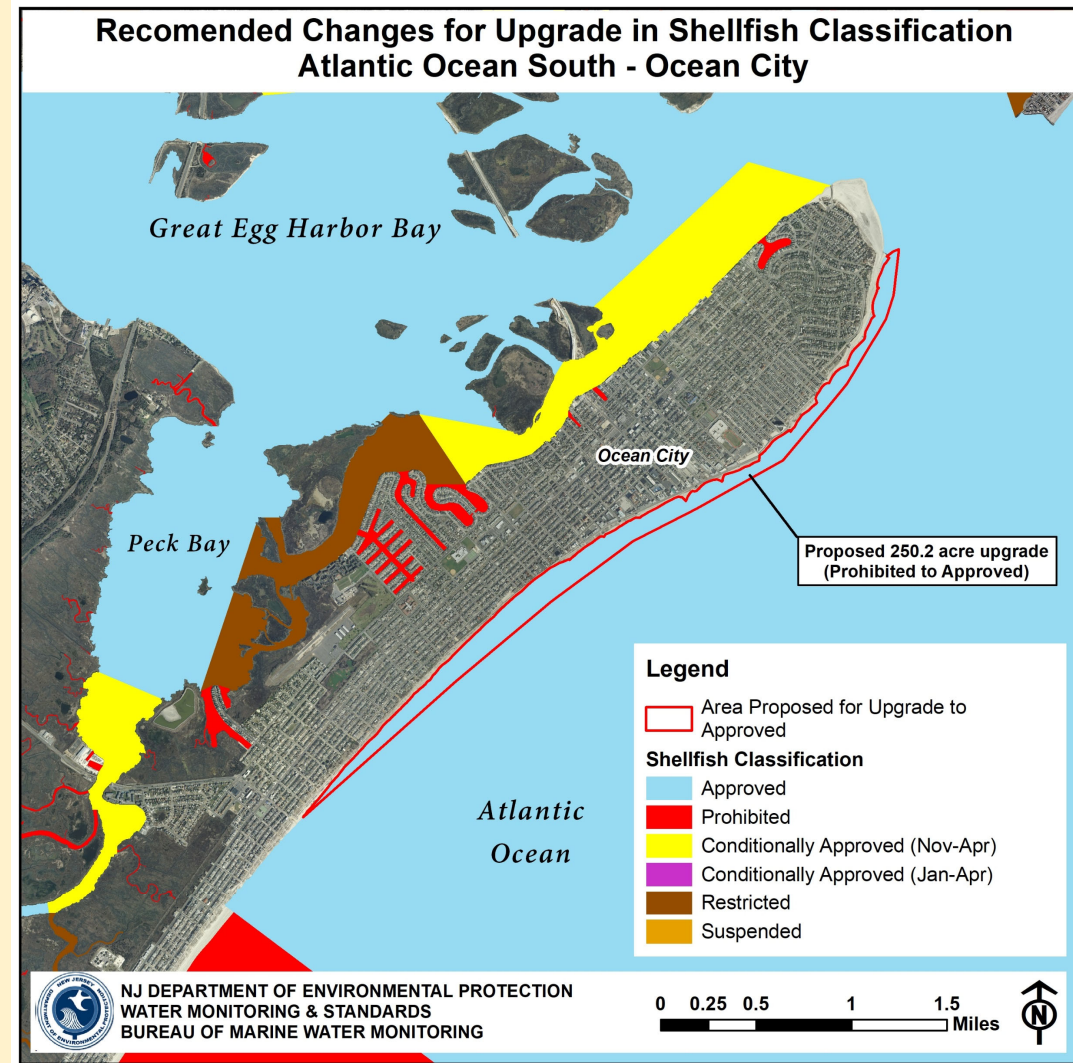
*Prohibited to Approved – 396 acres*



# Recommended Upgrade

Atlantic Ocean South – Ocean City

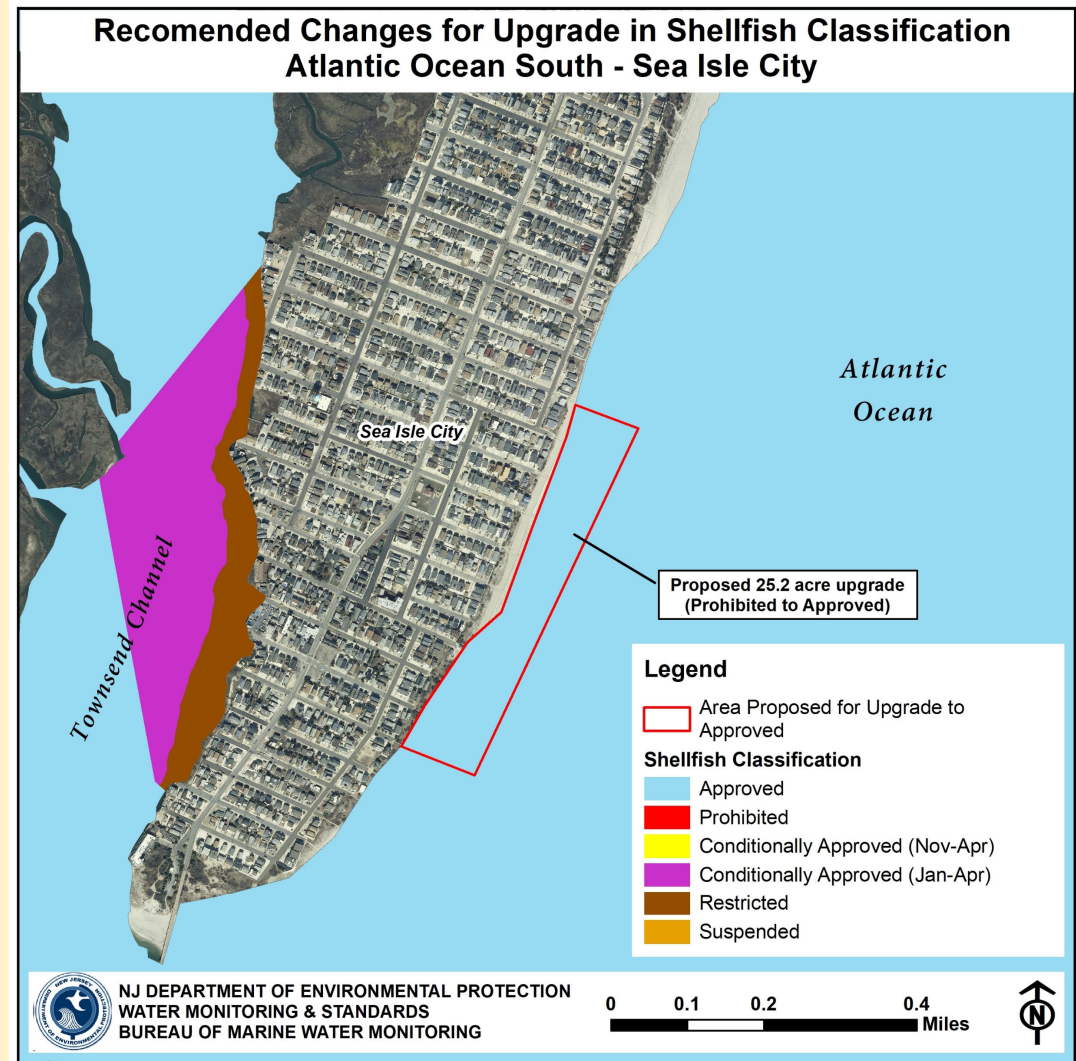
*Prohibited to Approved* – 250.2 acres



# Recommended Upgrade

Atlantic Ocean South – Sea Isle City

*Prohibited to Approved* – 25.2 acres

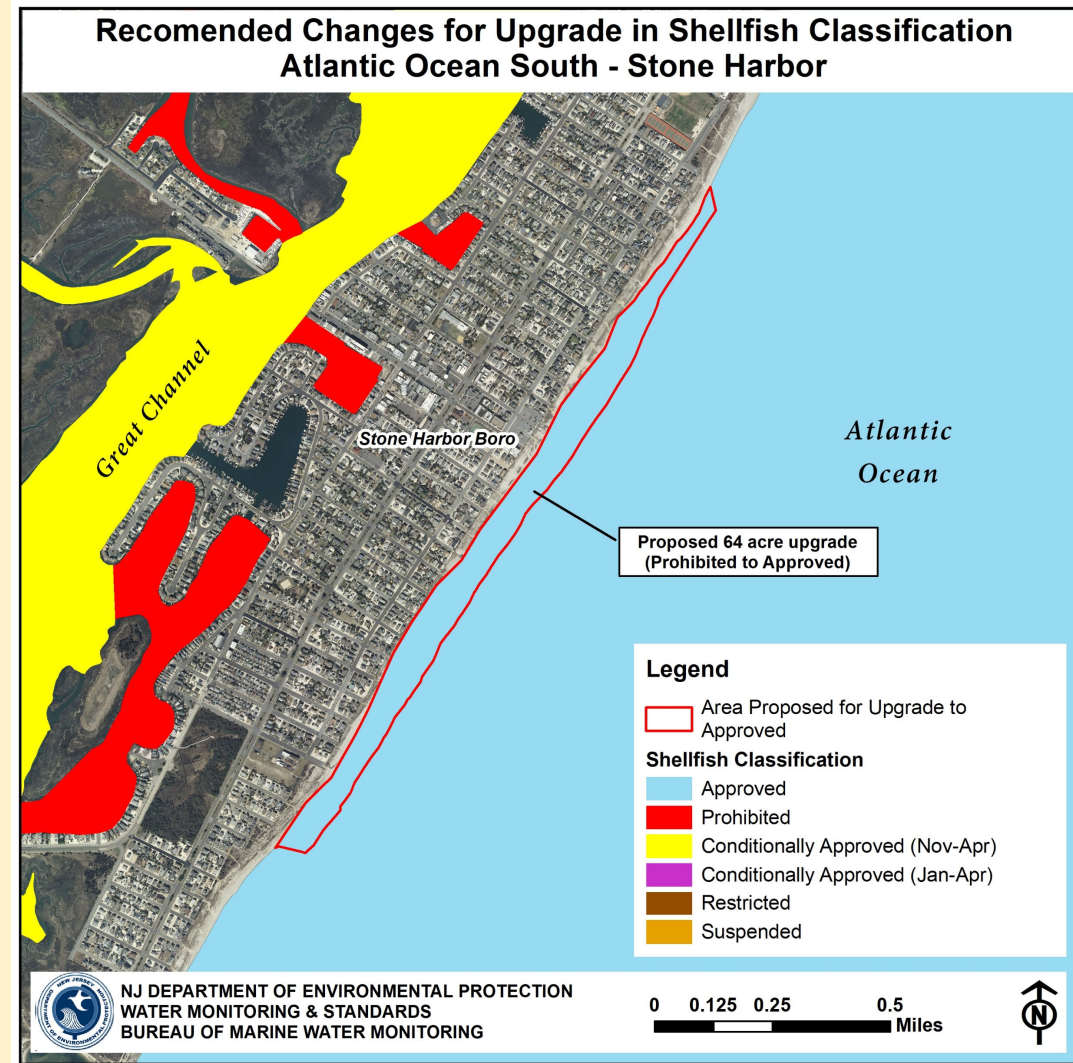




# Recommended Upgrade

Atlantic Ocean South – Stone Harbor

*Prohibited to Approved – 64 acres*

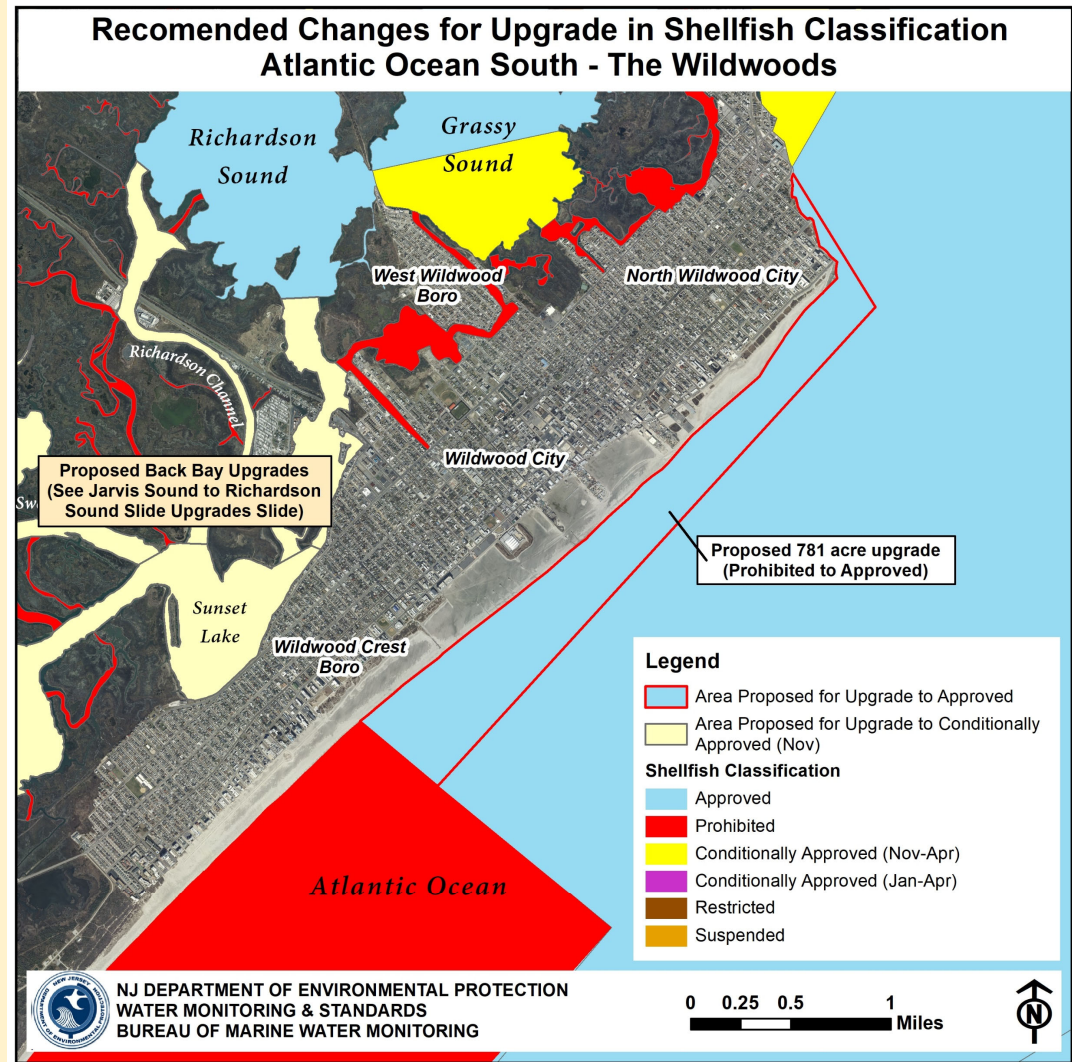




# Recommended Upgrade

Atlantic Ocean South – Wildwood

*Prohibited to Approved* – 781 acres



# Recommended Upgrade

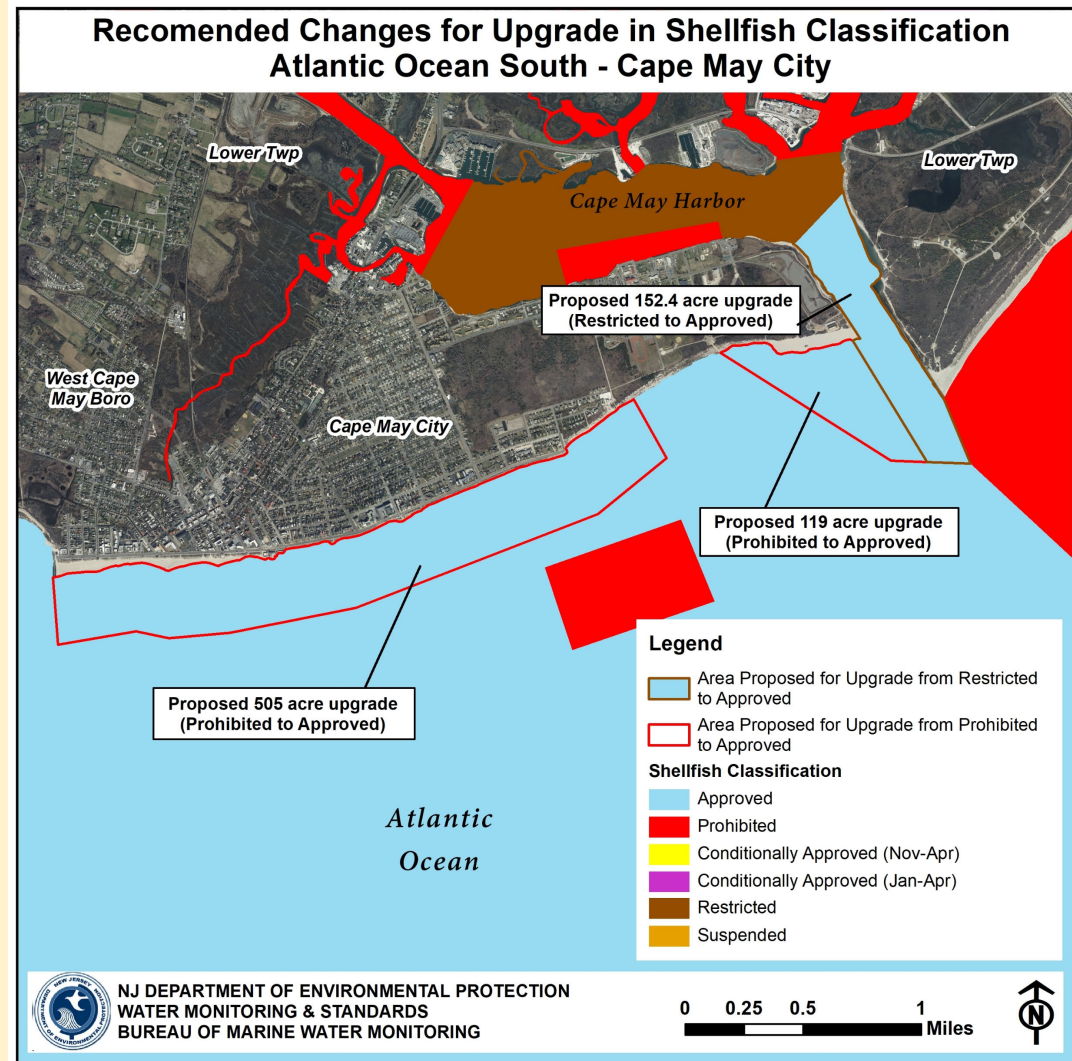
Atlantic Ocean South – Cape May City

Atlantic Ocean – Cape May City

*Prohibited to Approved* – 624.3 acres

Cape May Inlet

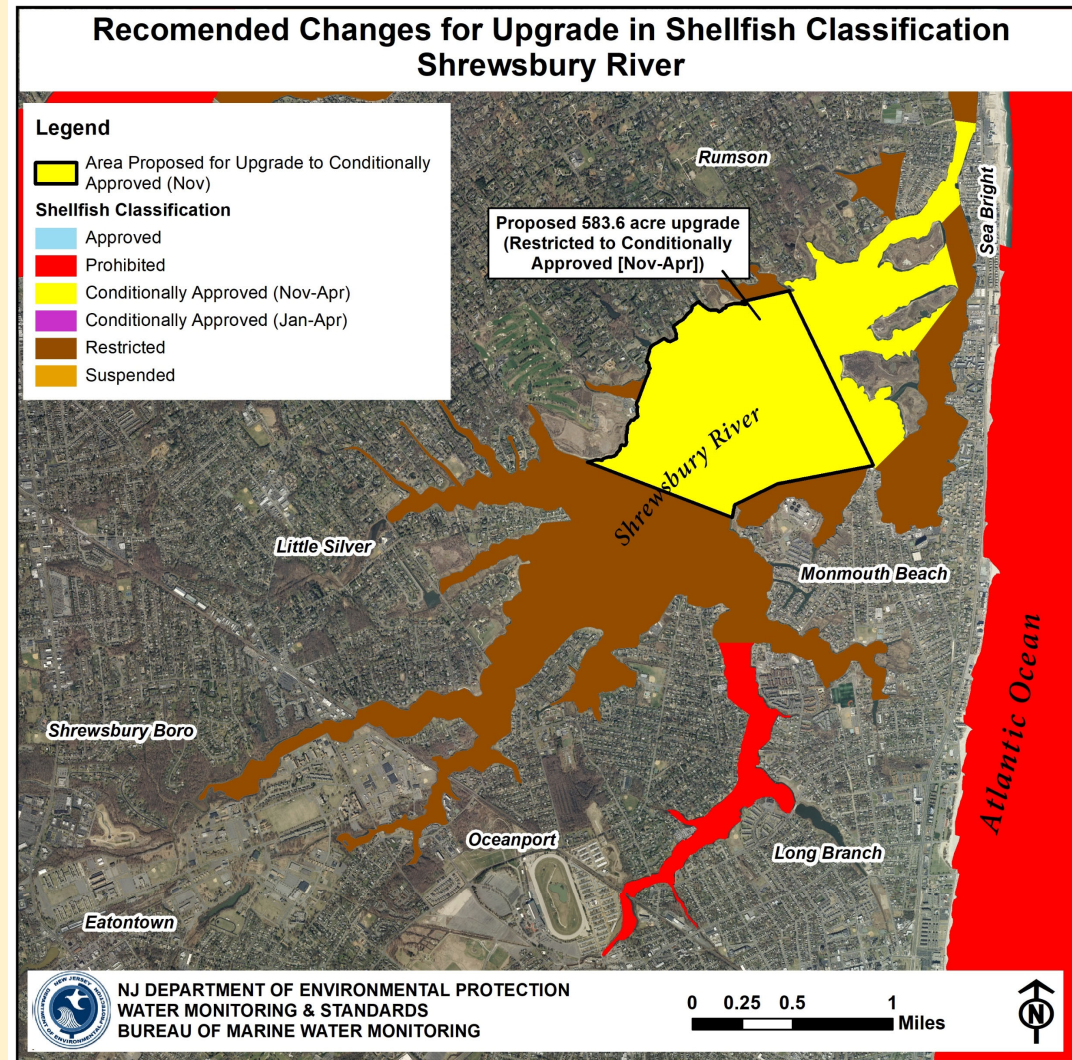
*Restricted to Approved* – 152.4 acres





# Recommended Upgrade Shrewsbury River

*Restricted to Conditionally Approved  
(Nov-Apr) – 583.6 acres*



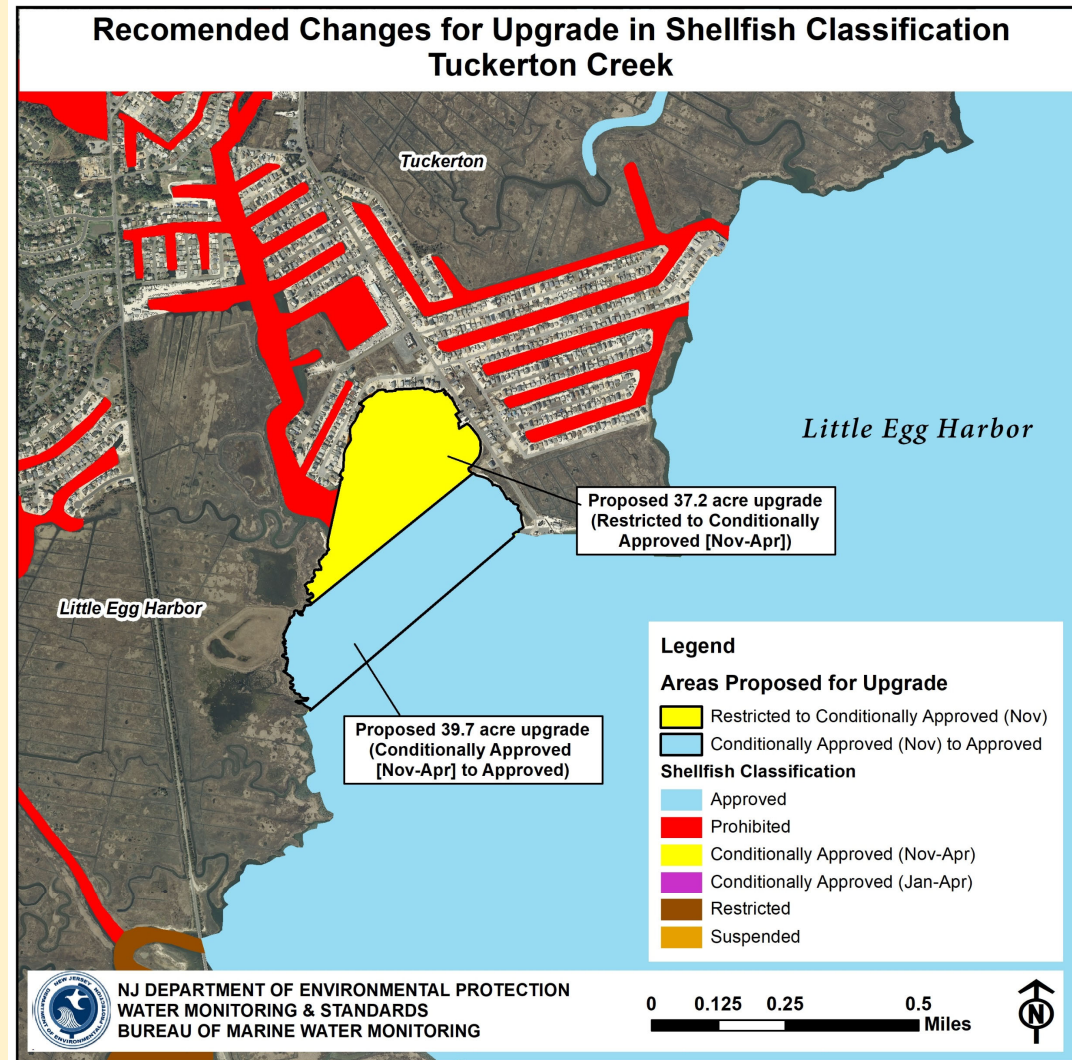
# Recommended Upgrade

Tuckerton Creek

76.9 acres total

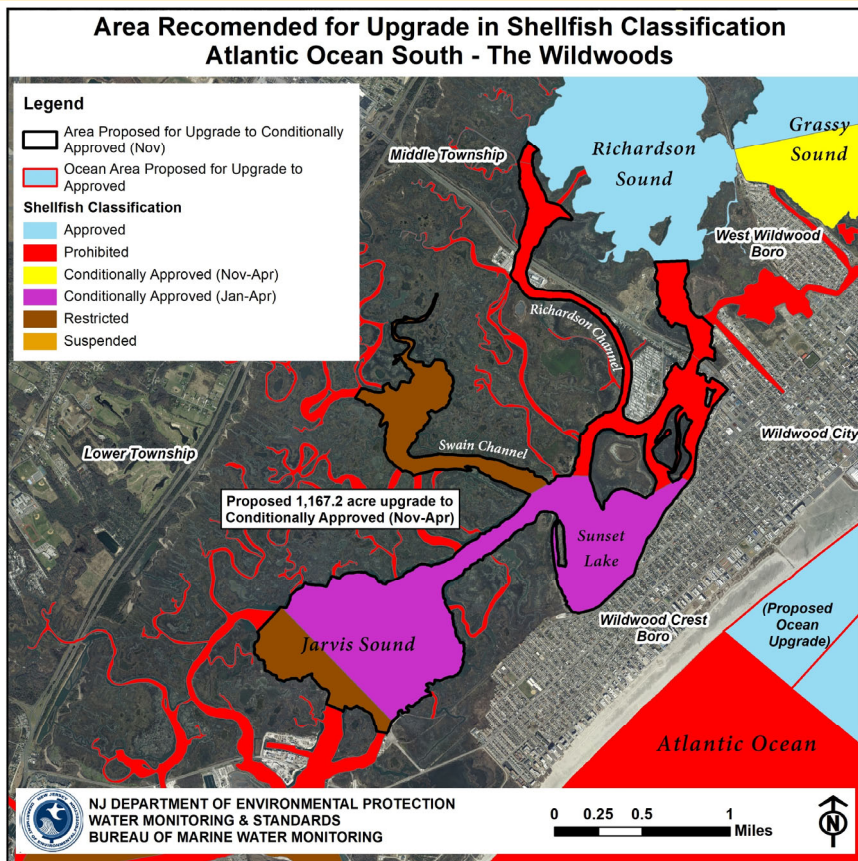
*Restricted to Conditionally Approved  
(Nov-Apr) – 37.2 acres*

*Conditionally Approved (Nov-Apr) to  
Approved – 39.7 acres*



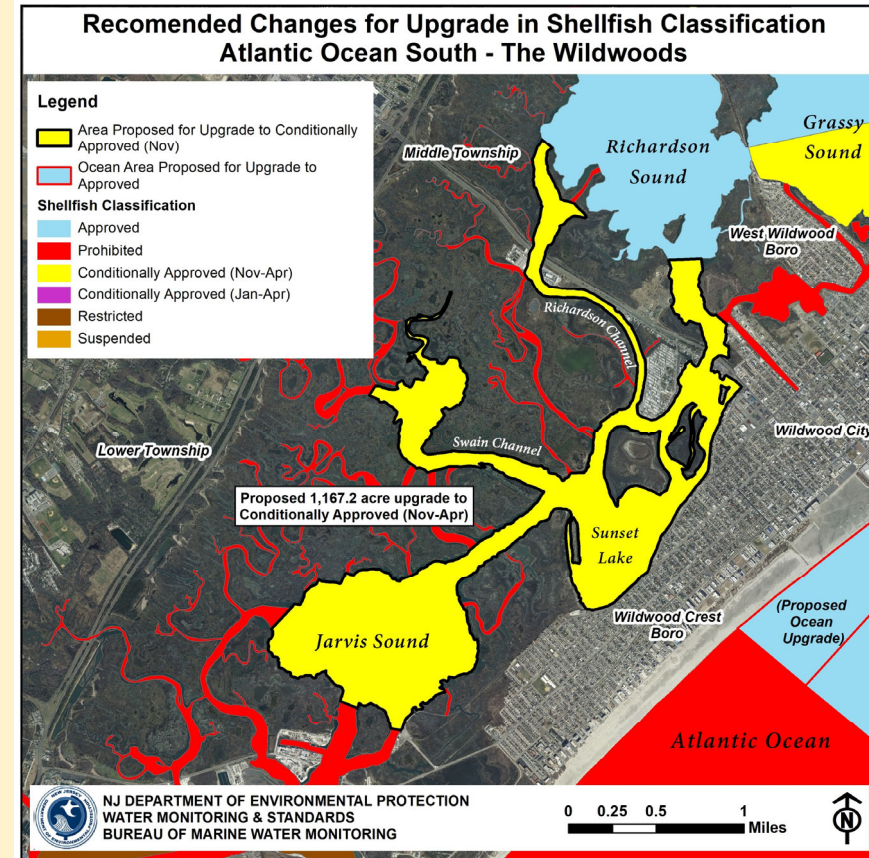


# Recommended Upgrade Jarvis Sound to Richardson Sound



Current  
Classification

Proposed  
Classification



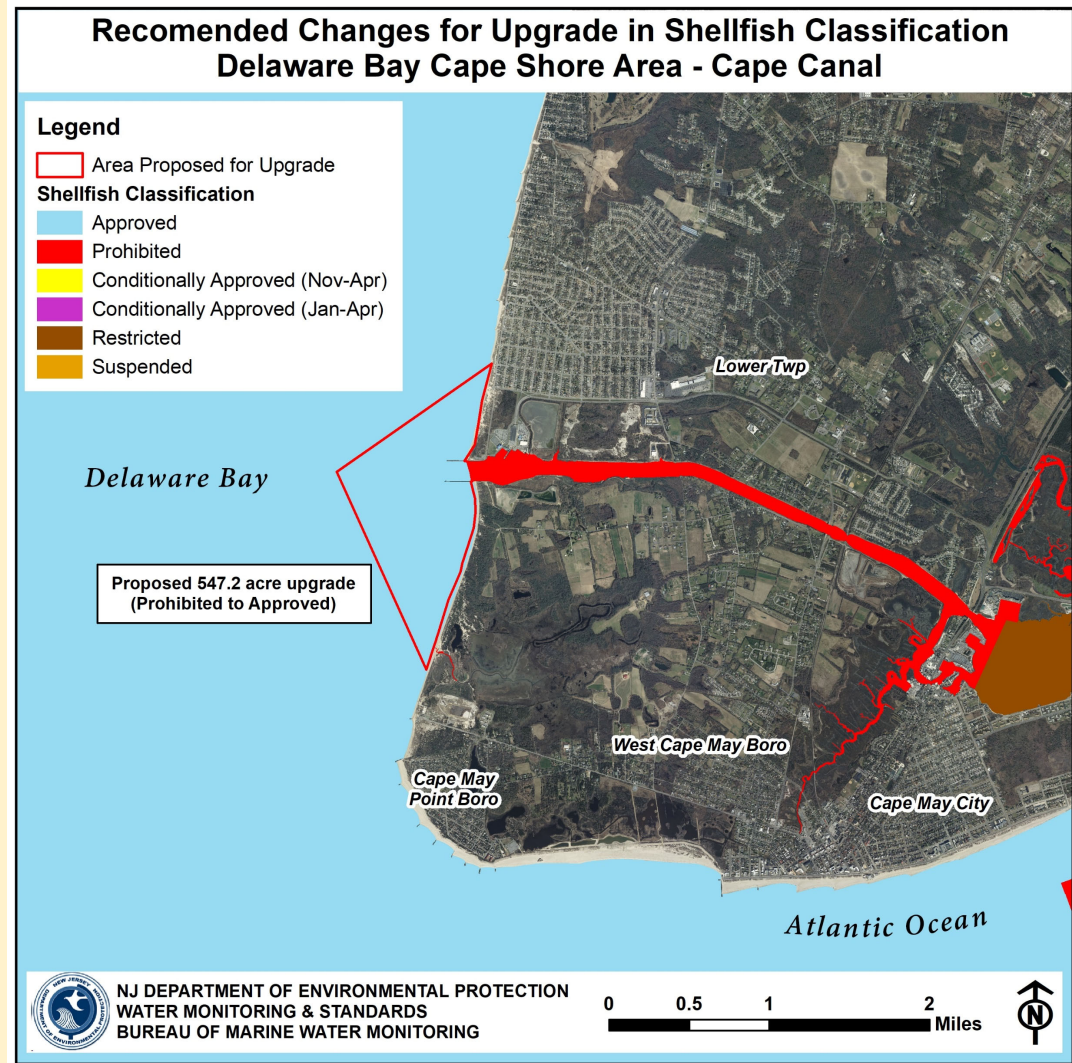
- 1,167.2 acres total
- *Prohibited to Conditionally Approved (Nov-Apr)* – 276.6 acres
- *Restricted to Conditionally Approved (Nov-Apr)* – 266.8 acres
- *Conditionally Approved (Jan-Apr) to Conditionally Approved (Nov-Apr)* – 623.8 acres

[Stations](#)

# Recommended Upgrade

Delaware Bay Cape Shore Area –  
Cape May Canal

*Prohibited to Approved* – 547.2 acres



# Downgrades

Total area: 600.6 acres

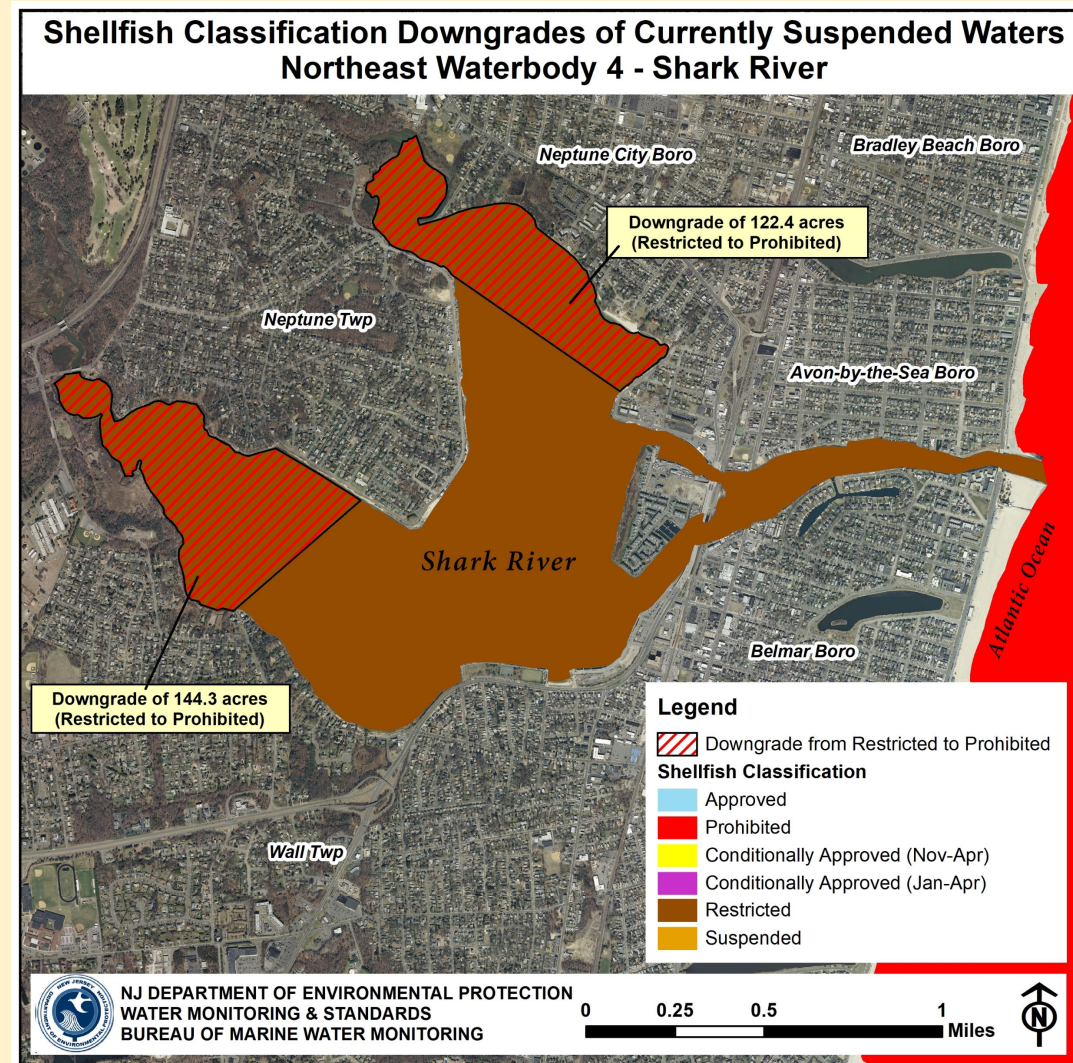
- Shark River – *Restricted to Prohibited* – 266.7 acres
- Toms River – *Restricted to Prohibited* – 83.9 acres
- Ludlam Bay–Maple Swamp – *Approved to Conditionally Approved (Nov-Apr)* – 3.8 acres
- Middle Thorofare – *Approved to Conditionally Approved (Nov-Apr)* – 72 acres
- Gull Island Thorofare – *Approved to Conditionally Approved (Nov-Apr)* – 174.2 acres



# Downgrade Shark River

*Restricted to Prohibited* – 266.7 acres

- Notice of Suspension signed on November 1, 2015
- Waters are currently *Suspended*
- No harvest lots in Shark River



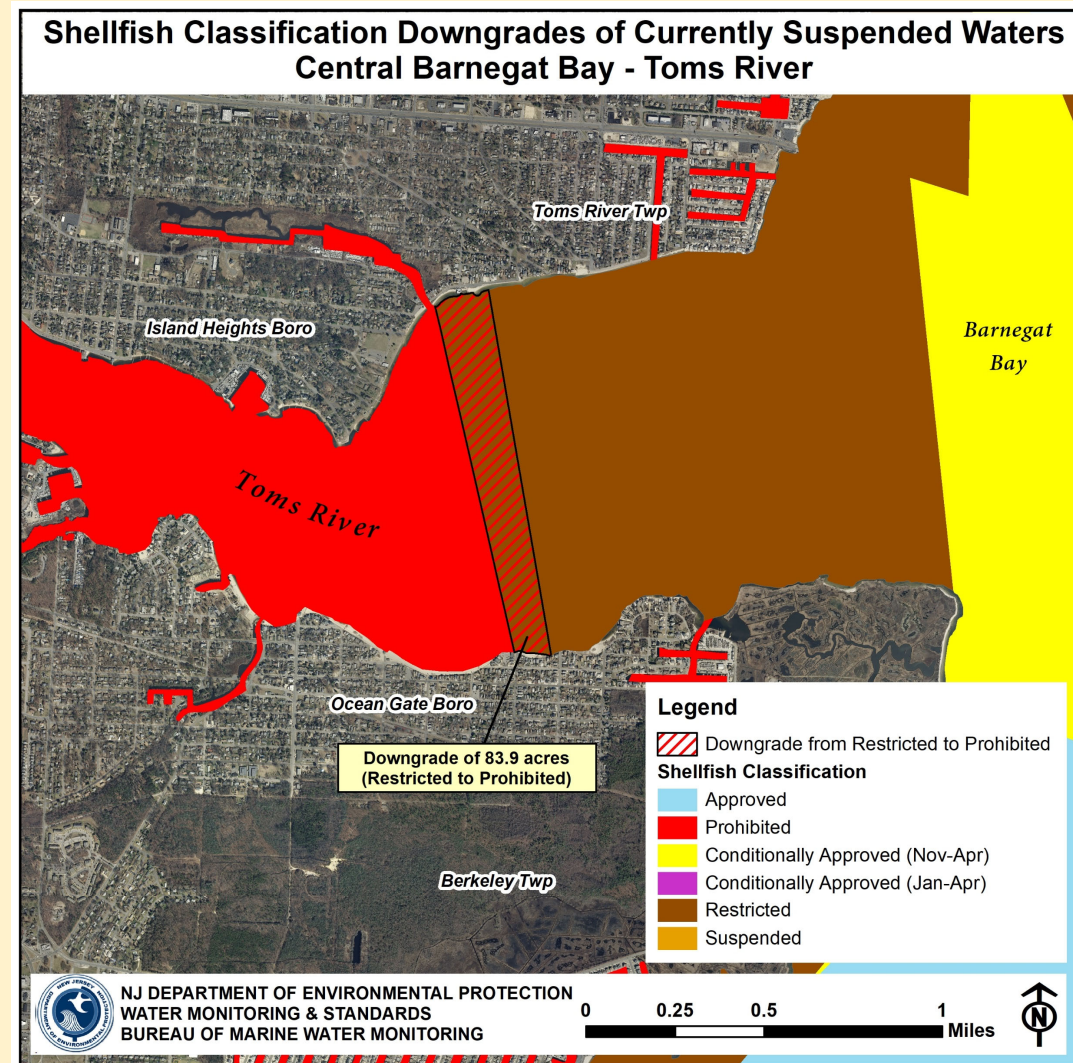


# Downgrade

## Toms River

*Restricted to Prohibited* – 83.9 acres

- Notice of Suspension signed on January 16, 2018
- Waters are currently *Suspended*

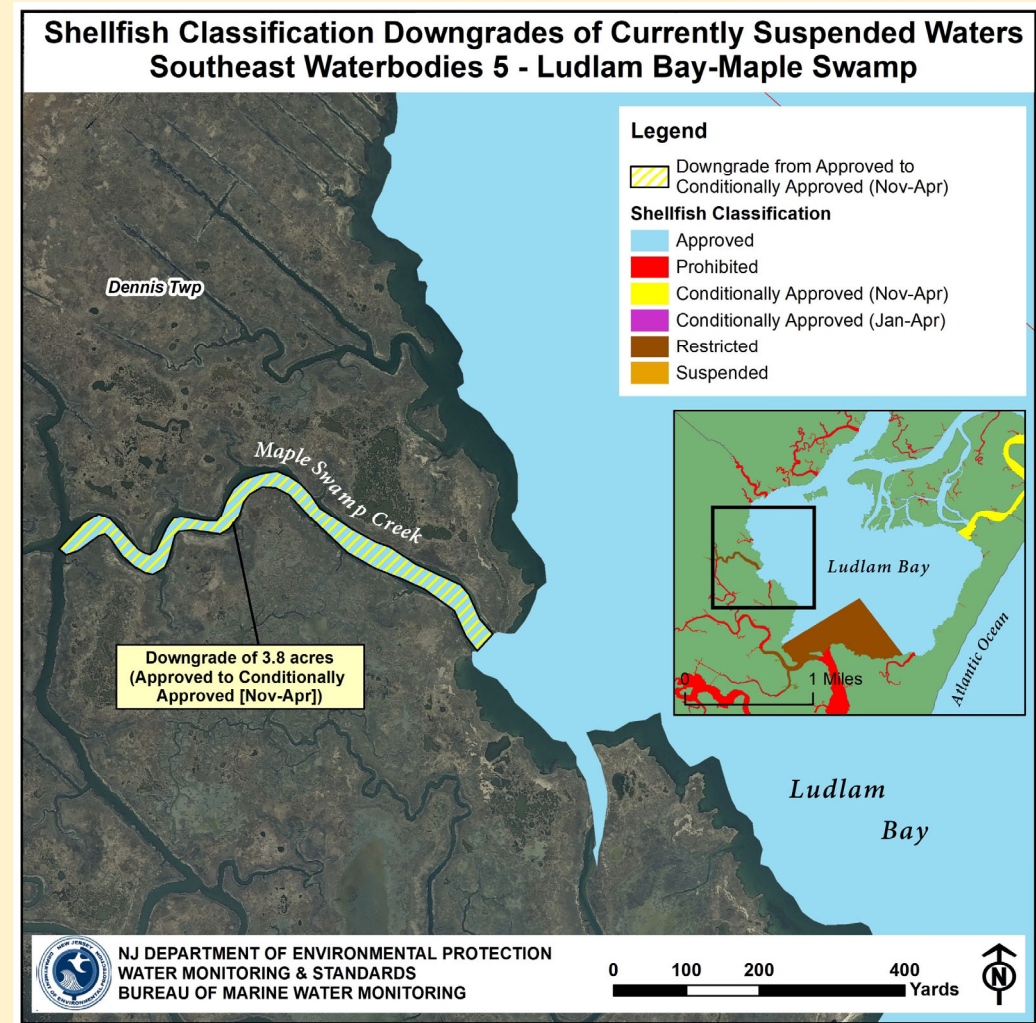


# Downgrade

## Ludlam Bay–Maple Swamp

*Approved to Conditionally Approved  
(Nov-Apr) – 3.8 acres*

- Notice of Suspension signed on January 16, 2018
- Waters are currently *Suspended*



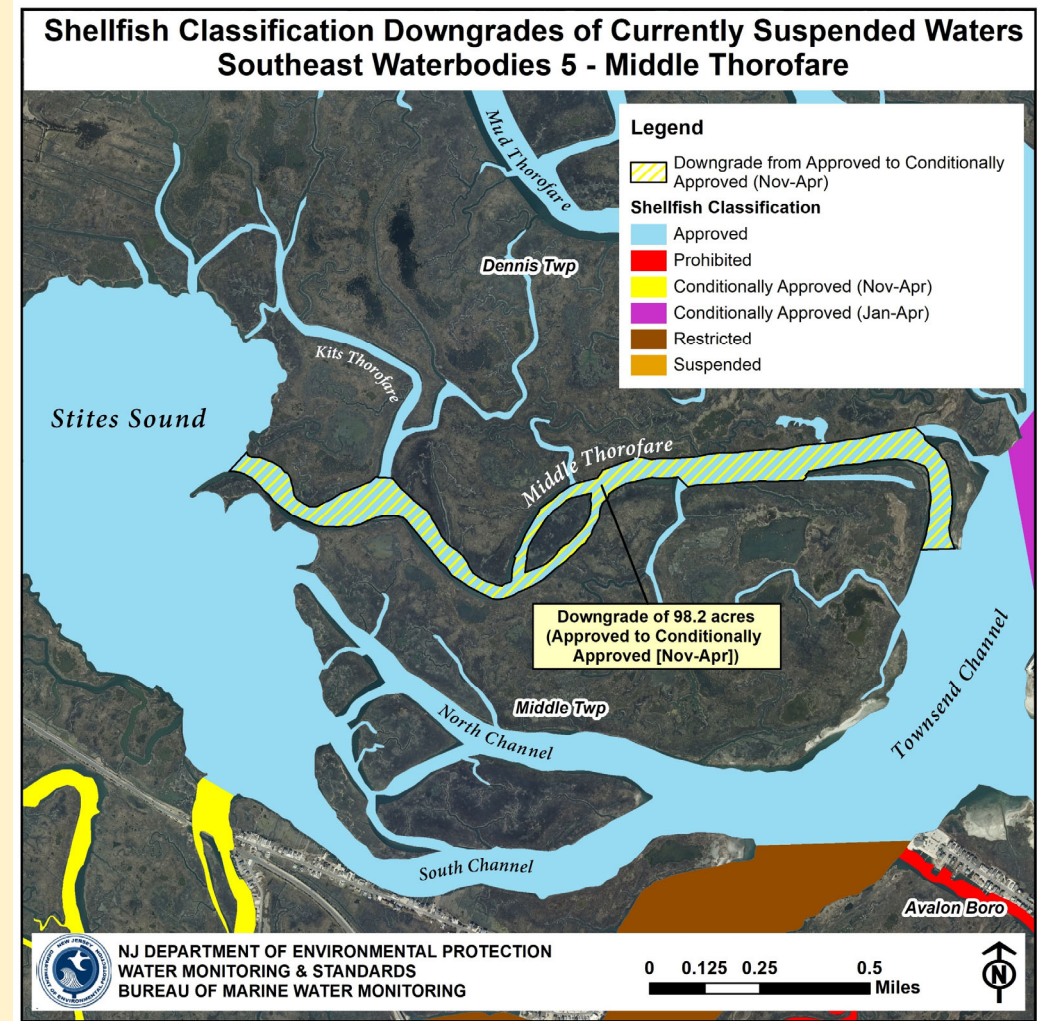


# Downgrade

## Middle Thorofare

*Approved to Conditionally Approved  
(Nov-Apr) – 72 acres*

- Notice of Suspension signed on May 1, 2018
- Waters are currently *Suspended*



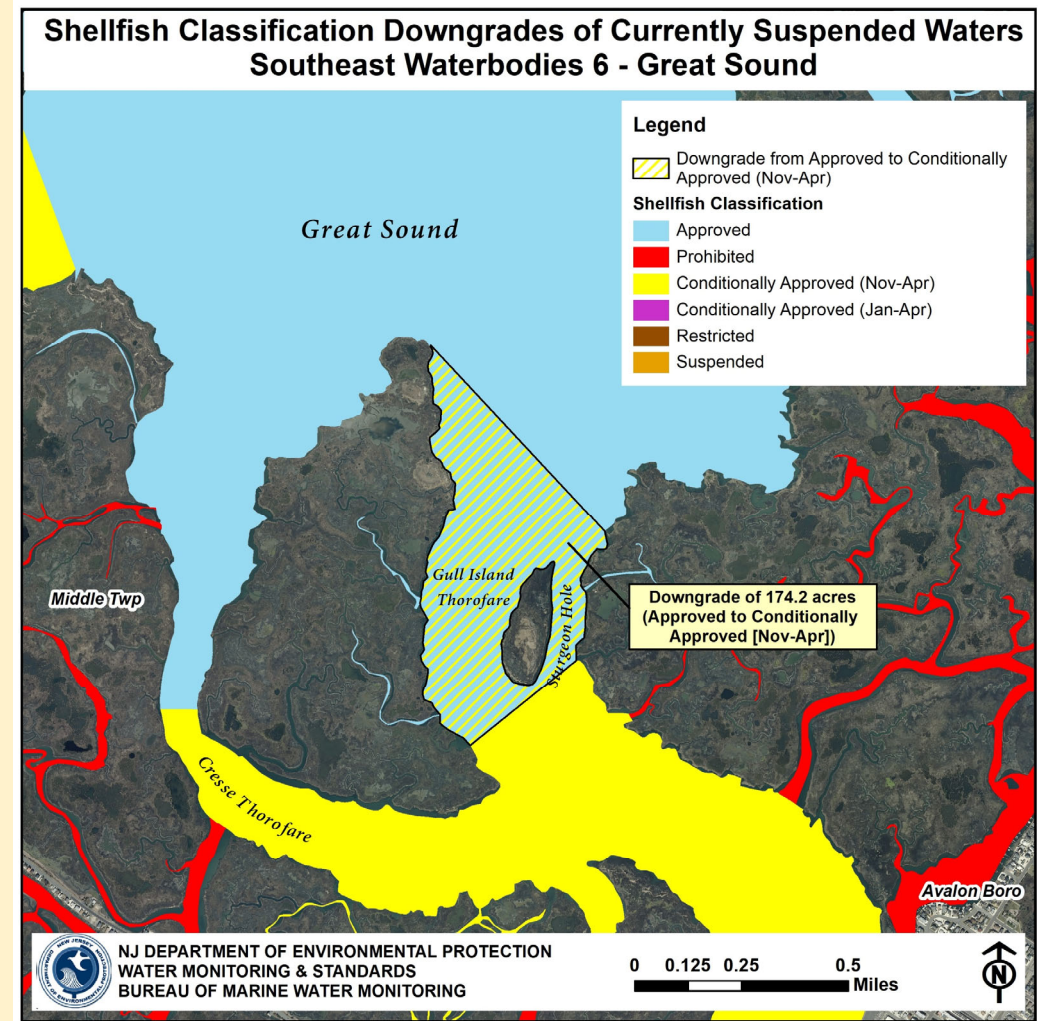


# Downgrade

## Gull Island Thorofare

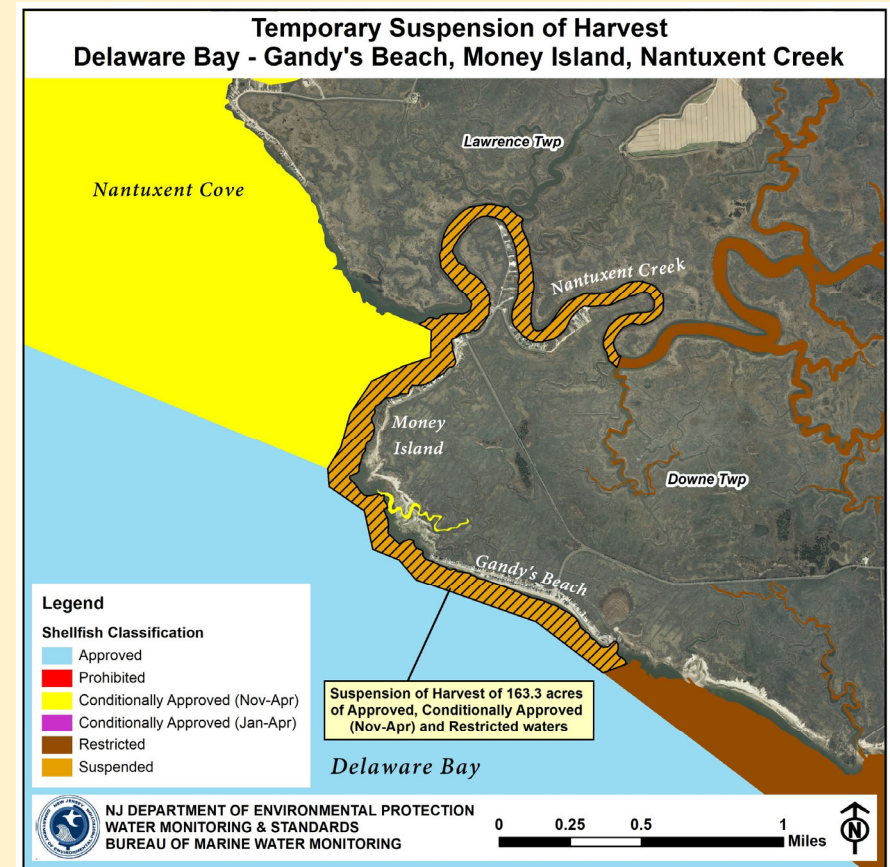
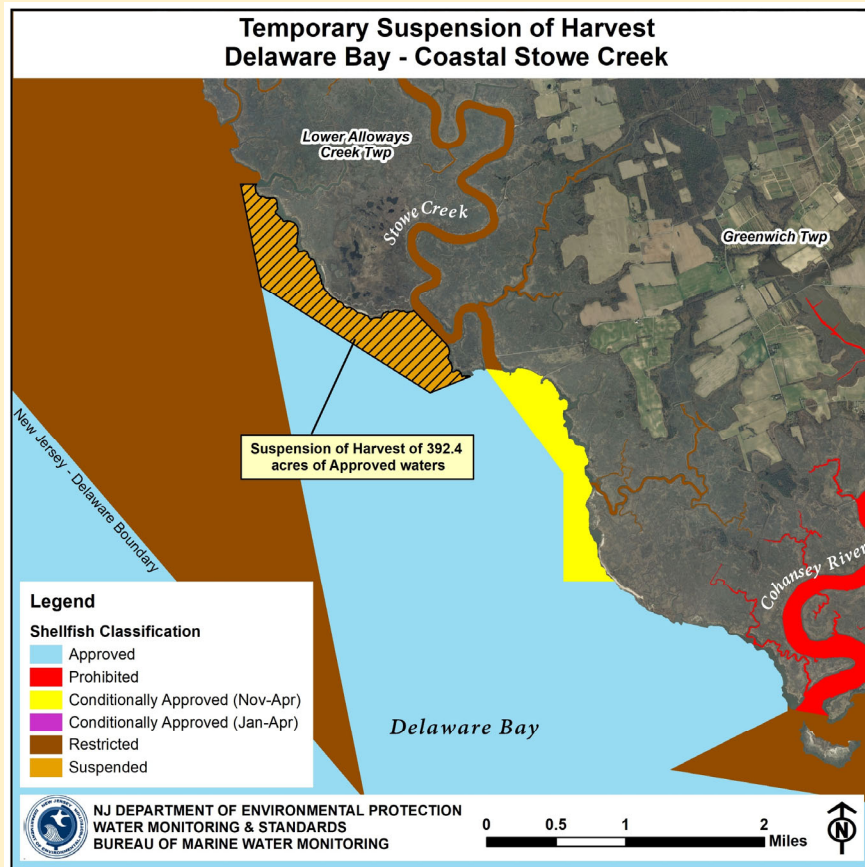
*Approved to Conditionally Approved  
(Nov-Apr) – 174.2 acres*

- Currently not Suspended



# Temporary Suspensions Not Included in Rule Change

Total area: 555.7 acres



Temporary Suspension until water quality issues are remedied. Not planned as a permanent downgrade.

# Vibrio Control Plan

- Written annually with DEP Division of Fish and Wildlife and New Jersey Department of Health
- Currently addresses *Vibrio parahaemolyticus*
- Addition of *Vibrio vulnificus* to control plan due to reported *V-v* illnesses

## Rule Change under 7:12

- Rename “*Vibrio parahaemolyticus* Control Plan” to “*Vibrio* Control Plan”



# Rulemaking Schedule

Rulemaking Step	Timing
Proposal	
Stakeholder Meeting	February 2019
Proposal Launch Meeting	February 2019
Proposal ready for legal review	Early March 2019
Rule document to the Governor's office	April 2019
Filing with OAL	May 2019
NJR Publication	June 2019
Public Hearing	August 2019
Adoption - TBD	

# End of Rule Changes

*Any Questions?*