

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE SEPTEMBER 16, 2019 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Request for Comments on the Proposed 2016 303(d) List of Water Quality Limited Waters Pursuant to Section 303(d) of the Federal Clean Water Act, the New Jersey Water Quality Planning Act and the New Jersey Water Quality Management Planning Rules

Public Notice

Take notice that pursuant to the Section 303(d) of the Federal Clean Water Act at 33 U.S.C. 1313(d), the New Jersey Water Quality Planning Act at N.J.S.A. 58:11A-7, and the Water Quality Management Planning rules at N.J.A.C. 7:15-5.4, the New Jersey Department of Environmental Protection (Department) is seeking public comment on the proposed 2016 303(d) List of Water Quality Limited Waters (303(d) List), which has been posted on the Department's website at <http://www.state.nj.us/dep/wms/bears/assessment.htm>.

Pursuant to Section 305(b) of the Federal Clean Water Act (CWA) (33 U.S.C. 1315(b)), all states are required to biennially prepare and submit to the U.S. Environmental Protection Agency (USEPA) a report addressing the overall water quality of the State's waters, including support of designated uses (the Integrated List of Waters, or "Integrated List"). States are also required to develop a list of waters that currently do not meet, or are not expected to meet, applicable water quality standards after the implementation of technology-based controls. This list is known as the 303(d) List of Water Quality Limited Waters or "303(d) List." The 303(d) List includes a priority ranking for scheduling total maximum daily loads (TMDLs), as well identifying TMDLs expected to be completed in the next two years. These two lists, along with strategies to maintain and improve water quality and other pertinent information, comprise the Integrated Water Quality Assessment Report (Integrated Report).

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

The scientific protocols and methods used by the Department to assess data and develop New Jersey's proposed 2016 Integrated Report are explained in the Department's 2016 Integrated Water Quality Monitoring and Assessment Methods (Methods Document). A draft 2016 Methods Document was published for public review and comment on February 16, 2016 (see 48 N.J.R. 337(c)). After considering the public comments received, the Department finalized the 2016 Methods Document. A summary of the comments received on the draft 2016 Methods Document and agency responses is included as an Appendix in the final 2016 Methods Document, which is published on the Department's website at <http://www.state.nj.us/dep/wms/bears/assessment.htm>. The proposed 2016 303(d) List was developed using the final 2016 Methods Document and all readily available data submitted in response to the Department's notice of solicitation published on March 16, 2015 (see 45 N.J.R. 667(a)).

The Department is required to seek public comment on the proposed 2016 303(d) List, including priority ranking for development of TMDLs, prior to requesting approval from the USEPA. Interested persons may submit written comments on the proposed 2016 303(d) List to the Department via email to jack.pflaumer@dep.nj.gov or by regular mail to: Jack Pflaumer, Environmental Scientist 1, New Jersey Department of Environmental Protection, Division of Water Monitoring and Standards, Bureau of Environmental Analysis, Restoration and Standards, P.O. Box 420 (Mail Code 401-04I), 401 East State

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Street, Trenton, New Jersey, 08625-0420. **All comments must be submitted by October 16, 2019**, which is 30 days after the date of publication in the New Jersey Register, or within 15 days of a public hearing, as described below. A hard copy of the proposed 2016 303(d) List may be requested by contacting the Bureau of Environmental Analysis, Restoration and Standards at 609-633-1441.

Interested persons may request in writing that the Department hold a non-adversarial public hearing on the proposed 2016 303(d) List or extend the public comment period in this notice. Such requests must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined under N.J.A.C. 7:15-5.2(d). The request must be submitted within 30 days of the date of this notice to the Department address cited above. Should the Department decide to hold a public hearing, additional notice will be published in a future New Jersey Register and the comment period will be extended for 15 days after the public hearing date. All comments submitted prior to the close of the comment period shall be considered by the Department before making a final decision on the proposed amendment.

After review and careful consideration of comments received, the Department will make any necessary revisions, finalize the 2016 303(d) List and submit it to USEPA for approval. Upon receipt of approval from USEPA, the Department will publish the final 2016 303(d) List, along with the 2016 Integrated Report and supporting documents, on the Department's website at <http://www.state.nj.us/dep/wms/bears/assessment.htm>. A public notice announcing adoption of the final 2016 303(d) List will be published in a subsequent New Jersey Register.

August 26, 2019

Date

SIGNED

Bruce Friedman, Director

Division of Water Monitoring and Standards