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## **ENVIRONMENTAL PROTECTION**

### **WATER RESOURCE MANAGEMENT**

#### **DIVISION OF WATER MONITORING AND STANDARDS**

#### **Adoption of New Jersey's 2016 303(d) List of Water Quality Limited Waters as an Amendment to the Atlantic County, Cape May County, Lower Delaware, Lower Raritan-Middlesex, Mercer County, Monmouth County, Northeast, Ocean County, Sussex County, Tri-County, Upper Delaware and Upper Raritan Water Quality Management Plans**

#### **Public Notice**

**Take notice** that on, August 17, 2020 pursuant to Section 303(d) of the Federal Clean Water Act (CWA) at 33 U.S.C. 1313(d), the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15, the New Jersey Department of Environmental Protection (Department) has adopted the final 2016 303(d) List of Water Quality Limited Waters (303(d) List). The 2016 303(d) List replaces the 2014 303(d) List and includes the Department's ranking and prioritization of impaired waters of the State for development of total maximum daily loads (TMDLs).

Pursuant to Section 305(b) of the 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) and identifies TMDLs

expected to be completed in the following 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).

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 collects 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 2016 303(d) List 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 [https://www.state.nj.us/dep/wms/bears/docs/2016\\_final\\_methods\\_doc\\_w\\_RTC.pdf](https://www.state.nj.us/dep/wms/bears/docs/2016_final_methods_doc_w_RTC.pdf). The 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 47 N.J.R. 667(a)).

The Department published the draft 2016 303(d) List in the New Jersey Register on September 16, 2019 (51 N.J.R. 1477(a)) and on the Department's website at [https://www.state.nj.us/dep/wms/bears/docs/2016\\_Draft\\_Int\\_Report\\_appendices\\_except\\_all\\_parameters.pdf](https://www.state.nj.us/dep/wms/bears/docs/2016_Draft_Int_Report_appendices_except_all_parameters.pdf) and <https://www.nj.gov/dep/wqmp/docs/20190916-303d-notice.pdf>. The public comment

period ended on October 16, 2019. Eleven comments were received from six entities, including the U.S. Environmental Protection Agency (USEPA) Region 2. A summary of the public comments and agency responses is included in the Appendix of the final 2016 Integrated Report, which is published on the Department's website at [http://www.state.nj.us/dep/wms/bears/2016\\_Final\\_Integrated\\_Report.pdf](http://www.state.nj.us/dep/wms/bears/2016_Final_Integrated_Report.pdf). The Department revised the draft 2016 303(d) List based on careful consideration of the comments received and submitted the final 2016 303(d) List to USEPA on January 2, 2020 for approval. USEPA approved the final 2016 303(d) List on January 23, 2020.

The Department's submission of the final 2016 Integrated Report to USEPA on January 2, 2020 satisfies the requirements of CWA Section 303(d) and 305(b), as well as N.J.S.A. 58:11A-7 and N.J.A.C. 7:15-5.2. The final 2016 Integrated Report, including the final 2016 303(d) List, final two-year TMDL schedule, and other related documents, is available on the Department's website at <https://www.nj.gov/dep/wms/bears/assessment.htm#/> under the Statewide Assessments tab and 2016 Integrated Water Quality Assessment Report tab. These documents may also be obtained from the Bureau of Environmental Analysis, Restoration and Standards at P.O. Box 420 (Mail Code 401 - 04I), Trenton, New Jersey 08625-0420 or by calling (609) 633-1441.

8/17/2020

Date

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