

# Delaware River Basin Commission

## Resolution for the Minutes 2020-09:

### Revised Schedule for Aquatic Life Designated Use Project

**Namsoo Suk, Ph.D.**

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# DRBC Resolution 2017-04

Resolution to recognize that evidence supports further study on the inclusion of propagation as a designated use in Zones 3 and 4 and the upper portion of Zone 5 of the Delaware River Estuary; to provide for such studies to be undertaken in consultation with co-regulators and dischargers; and to direct the Executive Director to initiate DRBC rulemaking to revise the designated aquatic life uses consistent with the results of the identified studies and the objectives and goals of the federal Clean Water Act.

# DRBC Resolution 2017-04

## Studies Required Before Rulemaking

### Fish/DO Studies

- 6(a). Input on the **dissolved oxygen requirements of aquatic species**
- 6(b). Field studies of the occurrence, spatial and temporal distribution of the life stages of Estuary fish species
- 6(c). Input from consultations pursuant to the **Endangered Species Act** ("ESA")

### Modeling Studies

- 6(d). Development and calibration of a **eutrophication model** for the Delaware River Estuary and Bay;
- 6(e). Determination of the nutrient **loadings from point and non-point sources** necessary to support key aquatic species;

### Cost/Feasibility Studies

- 6(f). Evaluation of the **capital and operating costs for treatment** capable of achieving higher levels of dissolved oxygen;
- 6(g). Evaluation of the physical, chemical, biological, **social and economic factors affecting the attainment of uses,**

6. "Analysis of Attainability"

- 6(h). Preparation of a **draft report and final report** containing findings and conclusions.

# Resolution for the Minutes of September 2020

## □ Recognition:

- Reaffirms the goals of Resolution No. 2017-04.
- Commission has expended significant sums from its general fund for the DRBC staff and external resources.
- Commission has pursued and has been awarded grants and contracts from multiple public and private sources.
- Commission and its contractors have completed or made substantial progress on a majority of the scientific studies and tasks.

Source: [https://www.nj.gov/drbc/library/documents/ResForMinutes091020\\_EstuaryDesignatedUse.pdf](https://www.nj.gov/drbc/library/documents/ResForMinutes091020_EstuaryDesignatedUse.pdf)

# Resolution for the Minutes of September 2020

## ☐ Increased project scope:

- Identified additional model development tasks that are necessary for development of a robust model.
- Model coding/linkage enhancements have been identified and need to be resolved.
- Hydrologic conditions for the planned 2018-2019 calibration period were exceptionally wet; need to develop the dry to normal conditions observed in prior years for analysis of attainability.

# Resolution for the Minutes of September 2020

## □ Delays and Constraints:

- Receipt of effluent data from point source dischargers completed in May 2020.
- Shortfalls in signatory party contributions since 2017, coupled with budget uncertainties and cutbacks associated with the COVID-19 pandemic.
- Supplemental data collection activities required for model development were suspended due to the COVID-19 pandemic in 2020.

# Revision to Designated Use Schedule

- ❑ Schedule in Resolution No. 2017-04
  - Full draft analysis of attainability within 3.5 years → March 2021
  - Issue final rule and implementation strategy within 6 years → September 2023
- ❑ Revised schedule in Resolution for the Minutes of 2020-09 (18-month extension)
  - Full draft analysis of attainability within 5 years → September 2022
  - Issue final rule and implementation strategy within 7.5 years → March 2025
- ❑ Revised schedule depends on the availability of resources and resumption of normal data collection activities suspended due to COVID-19 pandemic.