

New Jersey Surface Water Quality Standards Antidegradation Designations

December 2009

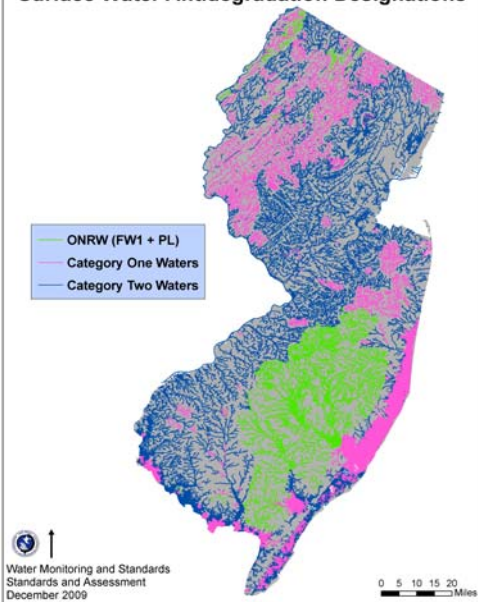
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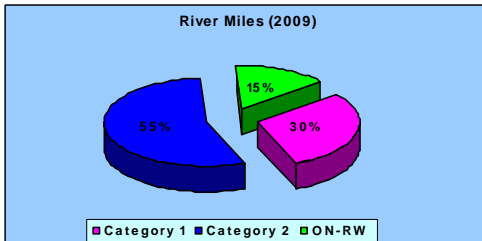
Three Tiers of Antidegradation

- Outstanding National Resource Waters (ONRW)
 - Freshwater 1 (FW1)
 - Pinelands (PL)
- Category One (C1)-Exceptional Resource waters
- Category Two (C2)-All other waters

Surface Water Antidegradation Designations



River Miles (2009)



The **Surface Water Quality Standards (SWQS)** establish antidegradation policies for all surface waters of the State at N.J.A.C. 7:9B. The SWQS require that all existing and designated uses shall be maintained and protected for all surface waters of the State. Impaired waters must be restored to meet SWQS. Existing water quality shall be maintained. The three tiers of antidegradation designations are described below.

The most protective tier of antidegradation designation is **Outstanding National Resource Waters (ONRW)** which include surface waters classified as FW1 and PL. These waters are set aside for posterity because of their unique significance. The Department cannot approve any activity which might alter existing water quality in these waters.

The second tier of antidegradation designation is **Category One (C1)**. C1 waters are designated through rulemaking for protection from measurable changes in water quality because of their Exceptional Ecological Significance, Exceptional Water Supply, Exceptional Recreation, and Exceptional Fisheries to protect and maintain their water quality, aesthetic value, and ecological integrity.

All waters not designated in the SWQS as ONRW (FW1 or PL) or C1 are designated as **Category Two (C2)**. **Similar to C1, existing water quality is maintained in C2 waters.** However, lowering of water quality is authorized to accommodate necessary and important social and economic development.

The SWQS operate in conformance with the Federal Clean Water Act at 33 U.S.C. 1313(c) and the Federal Water Quality Standards Regulations at 40 C.F.R. 131. New Jersey's statutory authority is granted by the Water Pollution Control Act at N.J.S.A. 58:10A and the Water Quality Planning Act at N.J.S.A. 58:11A.



New Jersey Surface Water Quality Standards Antidegradation Designations: Category One

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Category One (C1) designation provides additional protection to waterbodies that help prevent water quality degradation and discourage development where it would impair or destroy natural resources and water quality. The maintenance of water quality is important to all residents, particularly to the many communities that depend upon surface waters for drinking water supplies, recreation, fishing, and shellfish harvesting.

Category One waters were originally designated in 1985 based on parks, wildlife management areas, and trout production waters. After 1985, additional streams upgraded to FW2-trout production were routinely designated as C1. In 2002, the Department began an intensive effort to identify additional waters that warranted enhanced protections afforded by this designation. The Department adopted new definitions of Exceptional Ecological Significance, Exceptional Fisheries Resource(s), and Exceptional Water Supply Significance to clarify data requirements for a waterbody to be designated as C1.

Under the definition of Exceptional Ecological Significance, the Department considers those waterbodies supporting certain aquatic-dependent T&E (bog turtles and mussels) or exceptional aquatic community can qualify for C1. Waterbodies that support unimpaired benthic macroinvertebrates and indicate exceptional value for only two of the four data sources: habitat, physical/chemical water quality data, fish assemblage, and low impervious surface can qualify under exceptional aquatic community.

Under the definition of Exceptional Fisheries Resource(s), trout production waters classified as FW2-TP and approved shellfish harvesting waters can qualify for C1.

Under the definition of Exceptional Water Supply Significance, waterbodies that are part of the water supply system that serves a population greater than 100,000, including any reservoirs and streams that directly flow into those reservoirs can qualify for C1. See <http://www.state.nj.us/dep/wms/bwqsa/swqs.htm>.

Implementation of Category One Waters

- **New Jersey Pollutant Discharge Elimination System (NJPDES) Rules at N.J.A.C. 7:14A:** New or expanded wastewater discharges must maintain the existing water quality of the receiving stream. If the discharge is located above a C1 segment the applicant must meet "no measurable change" at the C1 boundary. (See www.nj.gov/dep/dwq/.)
- **Stormwater Management Rules at N.J.A.C. 7:8:** 300 foot Special Water Resource Protection Areas (SWRPA) or buffers are implemented on new major development adjacent to all C1 waters and upstream tributaries of C1 waters within the same sub-watershed or HUC 14. (See www.njstormwater.org.)
- **Flood Hazard Area Control Act Rules at N.J.A.C. 7:13:** 300 foot riparian zone imposed through Flood Hazard Area Control Act rules permits to all C1 waters and their upstream tributaries within the same sub-watershed or HUC 14. (See www.nj.gov/dep/landuse/.)

For additional information, please see <http://www.state.nj.us/dep/wms/bwqsa/c1waters.htm>.