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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Request for Comments on the Proposed 2018/2020 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 comments on the proposed 2018 and 2020 combined 303(d) List of Water Quality Limited Waters (303(d) List). This list is posted on the Department's website at <https://www.state.nj.us/dep/wms/bears/assessment.htm> under the Statewide Assessments header.

Section 305(b) of the Federal Clean Water Act (CWA) (33 U.S.C. 1315(b)), requires all states to biennially prepare and submit to the United States Environmental Protection Agency (USEPA) a report addressing the overall water quality of the State's waters, including support of designated uses, (any existing and potential uses that surface waters can support such as drinking water, recreation, aquatic life, and shellfish, etc.) (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 the state’s development of total maximum daily loads (TMDLs) (pollution reduction targets from point and nonpoint sources calculated to attain the applicable water quality standard) for these waters. Based on the proposed 303(d) List, and in accordance with USEPA guidance, the Department also prepares a two-year schedule of impaired waters identified for the development of a TMDL for a particular parameter. The 303(d) List and two-year schedule, along with strategies to maintain and improve water quality and other pertinent information, comprise the Integrated Water Quality Assessment Report (Integrated Report). The Department, in coordination with the USEPA, has combined the 2018 and 2020 303(d) Lists into the latest 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 research is needed to address unresolved water quality issues, such as nutrient impacts on aquatic life uses. These water quality assessment 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, as required by the CWA, 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 2018/2020 Integrated Report are explained in the 2016 New Jersey Integrated Water Quality Assessment Methods (Methods Document (see 48 N.J.R. 337(c)). A summary of the comments received, 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/assessment.htm>. The proposed 2018/2020 303(d) List was developed using the 2016 Methods Document and all readily available data submitted in response to the Department’s notice of solicitation published in the New Jersey Register on October 16, 2017 (see 49 N.J.R. 3442(a)) and July 2, 2018 (see 50 N.J.R. 1507(b)).

In accordance with N.J.A.C. 7:15-5.4, the Department is seeking public comment on the proposed 2018/2020 303(d) List, including the priority ranking for development of TMDLs, prior to requesting approval from the USEPA. Interested persons may submit written comments on the proposed 2018/2020 303(d) List to the Department via email to NJIntegratedReport@dep.nj.gov or by regular mail to:

Frank Klapinski, Environmental Scientist 3
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 401-041)
401 East State Street, Trenton, New Jersey, 08625-0420

Comments must be submitted within 60 days of publication of this notice. A hard copy of the proposed 2018/2020 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 nonadversarial public hearing on the proposed 2018/2020 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. 7:1D-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 to 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 2018/2020 303(d) List. The Department has transitioned from a document format to an online web-based

format for the combined 2018/2020 Integrated Report. It may be viewed at <https://www.state.nj.us/dep/wms/bears/assessment.htm> under the Statewide Assessments header.

After review and careful consideration of comments received, the Department will make any necessary revisions, finalize the 2018/2020 303(d) List and submit it to USEPA for approval. Upon receipt of approval from USEPA, the Department will publish the final 2018/2020 303(d) List, along with the 2018/2020 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 2018/2020 303(d) List will be published in a subsequent issue of the New Jersey Register.

5/24/2021

Date

SIGNED

Kimberly Cenno, Bureau Chief
Bureau of Environmental Analysis, Restoration and Standards
Division of Water Monitoring and Standards