

NEW JERSEY STATE LIBRARY

APPENDIX A—ENVIRONMENTAL PROTECTION

INTERSTATE COMMISSION
WATER QUALITY REGULATIONS

OAL NOTE: The Water Quality Regulations of the Interstate Sanitation Commission (see N.J.S.A. 32:18-1 et seq. and 32:19-1 et seq.) are herein appended to the rules of the Department of Environmental Protection pursuant to a request by the Commission to the Office of Administrative Law, and with the approval of the Department of Environmental Protection. These regulations were neither promulgated by nor are they rules of the Department of Environmental Protection, but are included as an appendix to Title 7 for reference purposes to aid those consulting this title. The regulations are reproduced verbatim as promulgated by the Commission and are not codified pursuant to OAL standards.

WATER QUALITY REGULATIONS
(As amended through June, 1986)

The Commission's administratively made water quality regulations were adopted in 1971 with revisions in 1977 and further amendments in 1984 and 1986.

1. General

1.01. All Waters of the Interstate Sanitation District (whether of Class A, Class B, or any subclass thereof) shall be of such quality and condition that they will be free from floating solids, settleable solids, oil, grease, sludge deposits, color or turbidity to the extent that none of the foregoing shall be noticeable in the water or deposited along the shore or on aquatic substrata in quantities detrimental to the natural biota; nor shall any of the foregoing be present in quantities that would render the waters in question unsuitable for use in accordance with their respective classifications.

1.02. No toxic or deleterious substances shall be present, either alone or in combination with other substances, in such concentrations as to be detrimental to fish or inhibit their natural migration or that will be offensive to humans or which would produce offensive tastes or odors or be unhealthy in biota used for human consumption.

1.03. No sewage or other polluting matters shall be discharged or permitted to flow into, or be placed in, or permitted to fall or move into the waters of the District, except in conformity with these regulations.

2. Classifications of waters

2.01. There are two classes of waters within the Interstate Sanitation District: Class A and Class B. Each class is divided into subclasses. The requirements of Section 1 of

these regulations shall apply to all waters within the Interstate Sanitation District. In addition, each subclass of the waters shall meet the requirements and be available for the uses as provided for that subclass.

2.02. It is the underlying principle of these regulations that each class and subclass of waters within the Interstate Sanitation District is to be suitable for its best intended uses and that all waters are to be protected, maintained, and improved to the end that they will afford as satisfactory conditions as possible for the maintenance and restoration of the natural ecosystems. It is also recognized that different classifications of waters are appropriate for different areas because of varying activities such as are associated with industry, commerce (including waterborne transportation), recreation, and aesthetic enjoyment. All waters should be aesthetic assets and should, at a minimum, be available for those recreational uses which do not bring the human body into direct contact with the water.

2.03(a). Streams and other waterbodies shall have a minimum dissolved oxygen content in accordance with their respective classifications as follows:

- A: Dissolved Oxygen: 5 milligrams per liter
- B-1: Dissolved Oxygen: 4 milligrams per liter
- B-2: Dissolved Oxygen: 3 milligrams per liter

2.03(b). In addition to meeting the requirements set forth in Section 2.03(a) hereof, waters shall in all respects be suitable for their best intended uses as follows:

A: Suitable for all forms of primary and secondary contact recreation and for fish propagation. In designated areas, they also shall be suitable for shellfish harvesting.

B-1: Suitable for fishing and secondary contact recreation. They shall be suitable for the growth and maintenance of fish life and other forms of marine life naturally occurring therein, but may not be suitable for fish propagation.

B-2: Suitable for passage of anadromous fish and for the maintenance of fish life in a manner consistent with the criteria established in Sections 1.01 and 1.02 of these regulations.

2.04. As used in these regulations:

2.04(a). "Primary Contact Recreation" means recreational activity that involves significant ingestion risk, including but not limited to wading, swimming, diving, surfing, and waterskiing.

2.04(b). "Secondary Contact Recreation" means recreational activity in which the probability of significant contact with the water or water ingestion is minimal including but not limited to boating, fishing, and shoreline recreational activity involving limited contact with surface waters.

2.05. Effluents discharged or flowing into waters of any class shall meet the requirements provided herein. The effluent limitation values contained in subsection 2.05(b) are geometric means and in subsections 2.05(c) and (d) are arithmetic means. Industrial effluent limitation values are for process water volume. Any contaminants taken into the discharger's plant or process from the waters of the Interstate Sanitation District shall not be charged against the effluent quality in computing the values for compliance with these regulations.

2.05(a). pH within the range from 6.0 to 9.0 may be required if the receiving waters are outside this range.

2.05(b). Fecal coliform content shall not exceed 200 per 100 ml on a 30 consecutive day average; 400 per 100 ml on a 7 consecutive day average; and 800 per 100 ml on a 6 consecutive hour average, but no sample may contain more than 2400 per 100 ml. The only portion of the Interstate Sanitation District to which this provision shall not apply at all times is that referred to in Section 3.01(a)(2) hereof. For the aforementioned portion of the District, these disinfection requirements shall apply when disinfection is required to protect the best intended uses of the waters in question. For example, in the case of discharge into waters used primarily for bathing, this bacterial standard need not be required except during the bathing season.

2.05(c). Biochemical Oxygen Demand shall not exceed 30 mg/l on a 30 consecutive day average, 45 mg/l on a 7 consecutive day average, and 50 mg/l on a 6 consecutive hour average. Further, all sewage or other polluting matter discharged or permitted to flow into waters of the District shall first have been so treated as to effect a reduction in the oxygen demand of the effluent sufficient to maintain the dissolved oxygen content in the waters of the District and in the general vicinity of the point of discharge of the sewage or other polluting matter into those waters, at a depth of about five feet below the surface, of not less than the dissolved oxygen concentration set forth in Section 2.03.

2.05(d). Total Suspended Solids content shall not exceed 30 mg/l on a 30 consecutive day average, 45 mg/l on a 7 consecutive day average, and 50 mg/l on a 6 consecutive hour average.

2.05(e). Effluents shall contain no floating solids.

2.05(f). All wastes shall be of a character that will not violate or cause violation of the requirements contained in Section 1 "General".

2.05(g). An effluent discharge which does not satisfy the requirements of the Commission shall not be considered to be in violation thereof if caused by temporary excess flows due to storm water conveyed to treatment plants through combined sewer systems, provided that the **discharger is operating the facility with reasonable care, maintenance, and efficiency and has acted and continues to act with due diligence and speed to correct the condition resulting from the storm water flow.**

2.06. Unless there has been rainfall in greater than trace amounts or significant melting of frozen precipitation during the immediately preceding 24 hours, no discharges to the waters of the Interstate Sanitation District shall occur from combined sewer regulating devices.

3. Consistency with States

3.01(a). The following waters of the Interstate Sanitation District are hereby classified as Class A:

(1) the East River east of the Whitestone Bridge and extending out and including the Long Island Sound waters west of a line from the easterly side of New Haven Harbor at Morgan Point in Connecticut to the easterly side of Port Jefferson Harbor in New York;

(2) the Hudson River from the New York–New Jersey State line opposite Hastings–on–Hudson to the northerly line of Rockland County on the westerly side and the northerly line of Westchester County on the easterly side;

(3) the Hudson River from its confluence with the Harlem River to the New York–New Jersey State line opposite Hastings–on–Hudson;

(4) the Raritan River east of the Victory Bridge and into Raritan Bay and to the lower end of the Arthur Kill on a line drawn from the southernmost point of Staten Island to the southernmost point of Perth Amboy;

(5) Sandy Hook Bay;

(6) the lower New York Bay northerly to a line drawn from the tip of Fort Wadsworth on Staten Island to the tip of Seagate in Brooklyn;

(7) the Atlantic Ocean and the estuaries and tidal waters thereof west of the easterly side of Fire Island Inlet and continuing into lower New York Bay.

3.01(b). The following waters of the Interstate Sanitation District are hereby classified as Class B-1:

(1) the Hudson River south of a line from the confluence with the Harlem River into the upper New York Harbor and the portion of the Lower Bay which is north of a line from Fort Wadsworth in Staten Island to the tip of Seagate in Brooklyn. For the purposes of these regulations, the upper New York Harbor terminates at the mouth of the Kill Van Kull (at a north-south line drawn from the northernmost point of Staten Island to the easternmost point at Constable Hook in Bayonne) and to the mouth of the East River (a true east-west line) passing through the southernmost tip of Manhattan Island at the Battery and extending to the east shore of the East River in Brooklyn);

(2) the waters of the East River north of a true east-west line passing through the southernmost tip of Manhattan Island to the Battery extending to the Whitestone Bridge (except that Newtown Creek shall remain B-2) and including the Harlem River to its confluence with the Hudson River;

(3) the lower portion of the Arthur Kill north of a line from the southernmost part of Staten Island to the southernmost part of Perth Amboy and south of Outerbridge Crossing.

3.01(c). The following waters of the Interstate Sanitation District are hereby classified as Class B-2:

the waters of the Arthur Kill north of Outerbridge Crossing and into and including the Newark Bay up to the mouths of the Passaic and Hackensack Rivers and into the Kill Van Kull west of a north-south line drawn from the northernmost point of Staten Island to the easternmost point at Constable Point in Bayonne.

3.02. The classifications made by these regulations shall be governed by and implement any water and related land resource plans, water use plans, or pollution control plans adopted by appropriate agencies of the signatory states. To this end, particular waters within a geographic area designated by these regulations as belonging to a given class or subclass shall, notwithstanding such designation, be deemed to belong to the class or subclass which is appropriate for the use or uses prescribed in the state water and related land resource plan, water use plan, or pollution control plan of the state in which the waters in question are situated and which is applicable thereto.

4. Commission Requirements Consolidated

4.01. It is the purpose and effect of these regulations to contain all of the water quality requirements of the Commission, whether in force because expressly set forth in the Tri-State Compact or in force because adopted by the Commission pursuant to the provision of the Compact variously known as Article XVII or Article VII.3. Accordingly, requirements contained in the Compact and still in force are repeated in these regulations and made part hereof. In accordance with Article XVII or Article VII.3 of the Compact, the other provisions of these regulations are in addition to or in substitution for requirements previously in force.

5. Variances

5.01. Any person or other entity discharging effluents is relieved of the requirements for such effluent contained in Section 2.05(c) and (d) if at all times of the year the waters into which the discharge enters meet the requirements of Section 2.03 of these regulations.

The foregoing applies only if the discharger who is discharging biochemical oxygen demand or total suspended solids or both has a permit from the U.S. Environmental Protection Agency or the state pursuant to Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (33 USC 1342), which permit has requirements or limitations relating to discharge of biochemical oxygen demand, total suspended solids, or both, as the case may be, and the discharger is complying with those requirements or limitations.

5.02. Nothing in these regulations shall be construed to encourage or give the sanction of the Interstate Sanitation Commission to the degradation of any waters which are of a quality consistent with these regulations. Accordingly, it is the responsibility of any discharger determining that he will proceed under these variance provisions to plan and operate his facilities and processes with due regard for present and changing conditions of and affecting the waters in his area. It shall not be a defense to a violation that the discharger did not anticipate or was not aware of changes which have resulted in the applicability of Sections 2.05(c) and (d) to his effluent discharge.

6. Policy

6.01. It is recognized that requirements with respect to the treatment and discharge of liquid wastes are subject to change from time to time and that an upgrading of requirements and standards may occur as circumstances make appropriate.