

## CHAPTER 15

## WATER QUALITY MANAGEMENT PLANNING

## Authority

N.J.S.A. 13:1D-1 et seq., 58:10A-1 et seq., and 58:11A-1 et seq.

## Source and Effective Date

R.1994 d.525, effective September 22, 1994.  
See: 26 N.J.R. 3106(a), 26 N.J.R. 4182(c).

## Executive Order No. 66(1978) Expiration Date

The expiration date for Chapter 15, Water Quality Management Planning, was extended by gubernatorial directive from September 22, 2000 to April 30, 2001. See: 32 N.J.R. 3830(a).

## Chapter Historical Note

The original text of this chapter (Industrial Pollution Control Financing Law) was adopted pursuant to N.J.S.A. 13:1B-3 and 13:1D-1 et seq. and was filed and became effective on September 25, 1974 as R.1974 d.268. See: 6 N.J.R. 394(b). On October 7, 1980, R.1980 d.433 repealed this text. See: 12 N.J.R. 454(b), 12 N.J.R. 643(a). Chapter 15, Water Quality Management Planning and Implementation Process, was adopted by R.1984 d.110, effective April 2, 1984. See: 15 N.J.R. 765(b), 16 N.J.R. 1988(a). Pursuant to Executive Order No. 66(1978), Chapter 15 expired April 2, 1989. Chapter 15, Statewide Water Quality Management Plan was adopted as a new rule by R.1989 d.517, effective October 2, 1989. See: 20 N.J.R. 2198(a), 20 N.J.R. 2478(a), 21 N.J.R. 3099(a). Petition for Rulemaking: Requesting amendment to the process for review and amendment of Areawide Water Quality Management Plans and associated permits. See: 21 N.J.R. 3183(b).

Public Notice: Amendment to the Statewide Water Quality Management Program Plan. See: 21 N.J.R. 3184(a). Public Notice: Opportunity for interested party review for rule amendments. See: 25 N.J.R. 411(a).

Pursuant to Executive Order No. 66(1978), Chapter 15 was readopted as R.1994 d.525. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

The Executive Order No. 66(1978) expiration date for Chapter 15, Water Quality Management Planning, was extended by gubernatorial directive from September 22, 1999 to September 22, 2000. See: 31 N.J.R. 3087(a).

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**7:15-1.1 Scope**

(a) This chapter prescribes water quality management policies and procedures established pursuant to the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and N.J.S.A. 13:1D-1 et seq. Specifically, this chapter prescribes policies and procedures concerning the following subjects:

1. The content of the continuing planning process (“CPP”) and its relationship to this chapter and the Statewide Water Quality Management (“WQM”) Plan;
2. The relationship between the Statewide, areawide, and county water quality management (WQM) plans and this chapter;
3. The role of the Department and designated planning agencies in WQM planning activities;
4. The review of projects and activities for consistency with WQM plans and this chapter, including the issuing of consistency determinations for specified kinds of projects;
5. The preparation, adoption, amendment, revision, and certification of WQM plans;
6. The adoption of other Department rules, wastewater facilities priority systems and project priority lists, sludge management plans, effluent limitations, wastewater management plans, 201 Facilities Plans, and other documents in WQM Plans;
7. Coordination of WQM planning with Coastal Zone, Hackensack Meadowlands, and Pinelands programs;

8. Mechanisms to resolve conflicts among State agencies, designated planning agencies, applicants, and other parties affected by this chapter;

9. Selected aspects of wastewater management, including treatment works deemed to be consistent with WQM plans and this chapter; WQM Plan amendment requirements for treatment works not identified in WQM plans; construction of individual subsurface sewage disposal systems and other small domestic treatment works in future sewer service areas; and eligibility for financial assistance.

10. The identification of WQM plan amendments that require the adoption or amendment of wastewater management plans in areawide WQM plans;

11. The assignment of the duty to prepare and update wastewater management plans to certain sewerage agencies and municipalities, and the establishment of alternative assignments of such wastewater management plan responsibility; and

12. The required contents of wastewater management plans, and schedules and procedures for their submission, adoption, and updating.

Administrative Correction to (a)9: Changed “septic” to “subsurface sewage disposal”.

See: 22 N.J.R. 2001(b).

Amended by R.1993, d.59, effective February 1, 1993.

See: 24 N.J.R. 344(b), 25 N.J.R. 547(a).

In (a)9, deleted reference to NJPDES permittees required for certain domestic treatment works.

**7:15-1.2 Construction**

This chapter shall be liberally construed to permit the Department to discharge its statutory functions, and to effectuate the provisions of the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., N.J.S.A. 13:1D-9, the Statewide WQM Plan, and the areawide WQM plans.

**7:15-1.3 Purpose**

(a) The purpose of this chapter is to:

1. Implement the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and N.J.S.A. 13:1D-9;
2. Establish policies, procedures and standards which, wherever attainable, help to restore and maintain the chemical, physical and biological integrity of the waters of the State, including groundwaters, and the public trust therein, to protect public health, to safeguard fish and aquatic life and scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial and other uses of water;
3. Prevent, control, and abate water pollution;

4. Conserve the natural resources of the State, promote environmental protection, and prevent the pollution of the environment of the State;

5. Encourage, direct, supervise and aid areawide WQM planning;

6. Integrate and unify the Statewide and areawide WQM planning processes, and provide for continuing WQM planning;

7. Ensure that projects and activities affecting water quality are developed and conducted in a manner consistent with this chapter and adopted WQM Plans;

8. Coordinate and integrate WQM plans with related Federal, State, regional and local comprehensive land use, functional and other relevant planning activities, programs and policies;

(c) The Department shall prepare a list of those water quality limited segments identified in accordance with (a) and (b) above. The list shall identify the boundaries of the water quality limited segments and the pollutants or pollutant parameters causing or expected to cause violations of the surface water quality standards in N.J.A.C. 7:9B. The list may include information regarding proposed approaches for the development of TMDL models for the identified water quality limited segments. The list shall include, to the extent known through information available to the Department, potential causes or sources of the violation of surface water quality standards, including specific or general categories of pollutant sources.

(d) The Department shall use the most recent listing of WQLS adopted by the Department and approved by the USEPA as the basis for a new WQLS listing, and such WQLS shall continue to be considered WQLS unless specifically deleted with data and justification as described in (e) below. The Department may list new WQLS, also with data and justification as described in (e) below.

(e) The Department may utilize all or any of the following data sources in preparing the list described in (c) above:

1. Ambient surface water quality and flow data collected by an applicant or permittee in accordance with a QA/QC project work plan approved under N.J.A.C. 7:14A-2.12, or for which appropriate QA/QC procedures existed, were followed and can be verified;

2. Ambient surface water quality and flow data collected by the Department or by another government agency for which appropriate QA/QC procedures existed, were followed and can be verified;

3. Effluent quality and flow data, and permitted effluent quality and flow data, such as those submitted to the Department in compliance with monitoring or site-specific water quality study requirements of the NJPDES rules at N.J.A.C. 7:14A;

4. Any additional data which the Department may identify as applicable pursuant to 40 CFR 130.7(b)(5); or

5. Other data not included in (e)1 through 4 above, for the purpose of supporting conclusions otherwise based on data from (e)1 through 4 above or for the purpose of identifying segments pursuant to (f) below for which further investigation is appropriate prior to determining whether or not the segment is a WQLS.

(f) The Department may identify and include on the list described in (c) above additional waterbody segments for which data regarding impairment or non-attainment of surface water quality standards are incomplete or inconclusive but for which data are sufficient to warrant further investigation.

### 7:15-6.3 Ranking of water quality limited segments

(a) The Department shall rank all water quality limited segments listed pursuant to N.J.A.C. 7:15-6.2(c). The ranking system shall incorporate the following considerations:

1. The relative number, locations, NJPDES permit expiration dates, and types of existing and anticipated point source discharges, and immediate NJPDES permit program needs such as wasteload allocations (WLAs) for permits;

2. The severity of the water quality impairment or potential impairment of the waterbody segment, including risks to human health and aquatic life, vulnerability or fragility of a particular segment as an aquatic habitat, or water pollution problems identified by the Department;

3. The extent to which water quality impairment or the threat of impairment is expected or projected to increase in the absence of further discharge controls;

4. The extent and types of existing and anticipated nonpoint discharges, including immediate nonpoint source control program needs for individual or aggregate load allocations (LAs) regarding such sources, which may support the implementation of best management practices (BMPs);

5. The designated uses of the waterbody segment established in N.J.A.C. 7:9B-1 as well as existing uses, degree of public interest and support or the recreational, economic, and aesthetic importance of a particular waterbody segment;

6. The quality, quantity and extent of available data in determining whether a waterbody segment shall be included on the list; and

7. For purposes of this subchapter and N.J.A.C. 7:15-7, stormwater point sources shall, in general, be considered as nonpoint sources. However, a stormwater point source may be treated as a point source if:

- i. There is a continuous, or regular and frequent, discharge from that stormwater point source in non-storm periods (more than three days after precipitation or the melting of frozen precipitation ends);

- ii. The Department determines that the discharge in non-storm periods is a significant contributor of pollutants. In making this determination, the Department may consider the location of the discharge with respect to waters of the State, the size and frequency of the discharge, the quantity and nature of pollutants being discharged, the quality of the receiving waters, and other relevant factors; and

- iii. The Department determines that the development of numeric effluent limitations may be feasible for the discharge.

(b) The Department shall identify those waterbody segments targeted for development of a TMDL during the two

years subsequent to the adoption of the list in accordance with N.J.A.C. 7:15-6.4.

#### 7:15-6.4 Public process

(a) The waterbody segment list described in N.J.A.C. 7:15-6.2 and 7:15-6.3, including the relative rank of each water quality limited segment, shall be adopted as an amendment to the Statewide WQM Plan in accordance with (c) through (g) below.

(b) The Department may also adopt as an amendment to the Statewide WQM Plan in accordance with (c) through (g) below, or otherwise publish for public comment, sublists of waterbody segments which fall into the following categories:

1. Waterbody segments for which data will be collected during the two years following adoption of the list, including the parameters to be addressed;

2. Waterbody segments for which a TMDL will be developed during the two years following adoption of the list, including the parameters to be addressed and the proposed approach for the TMDL model to be developed;

3. Waterbody segments for which NJPDES discharge permits based on a TMDL will be developed during the two years following adoption of the list, including the parameters to be addressed; and

4. Waterbody segments for which the TMDL/WLA/LA process, including issuance of NJPDES discharge permits as appropriate, has been completed since the last adoption of the waterbody segment list. This component of the list shall specify the parameters that have been addressed.

(c) The lists described in (a) and (b) above shall be subject to public comment. The Department shall provide public notice and a summary of the listed waterbody segments in the New Jersey Register and in a daily or weekly newspaper of general circulation within the affected area(s). The Department shall send copies of the public notice to the applicable designated planning agency or agencies, if any, the USEPA, adjacent affected states where appropriate, any individual sources of pollutants or use impairments included within the WQLS list and applicable agencies or individuals identified in accordance with N.J.A.C. 7:14A-15.10(e). The Department shall provide documentation to the Regional Administrator of the USEPA in accordance with 40 CFR 130.7(b)6.

(d) Public notice shall include the following:

1. The name and address of the Bureau or Office in the Department from which the complete listing may be obtained and to which comments may be addressed;

2. A summary of listed waterbody segments and relevant parameters to be addressed in the TMDLs; and

3. A brief description of the procedures for comment on the waterbody segments lists, the parameters to be addressed in the TMDL, and the proposed TMDL approach.

(e) Interested persons may submit written comments to the Department within 30 days of the date of the public notice. Interested persons may request that the public comment period be extended up to 30 additional days. Requests for extensions to the comment period shall be submitted in writing to the Department within 30 days of the date of the public notice and specify a rationale for the extension. If the Department determines that there is sufficient cause for an extension based upon the request, it may grant the extension for 30 days or any shorter period as it deems appropriate.

(f) Interested persons may request that the Department hold a non-adversarial public hearing. Such requests shall be submitted in writing to the Department within 30 days of the date of the public notice and specify a rationale for the hearing. If the Department determines there is significant public interest in holding a public hearing, then a public hearing will be held. A public notice providing at least 30 days notice of the hearing will be published in a daily or weekly newspaper of general circulation within the affected area and mailed to the applicable designated planning agency or agencies, if any, as well as to any person who submitted comments in response to the original public notice. The public comment period shall automatically be extended to 15 days after the public hearing unless a later date is specified in the public notice.

(g) The Commissioner shall render a decision on the proposed list(s) which shall be deemed final agency action. The Commissioner shall either:

1. Adopt the list(s) as proposed, in part or in whole.
2. Adopt the proposed list(s) with minor changes which do not effectively destroy the value of the public notice; or
3. Disapprove the proposed list(s), in part or in whole.

Public Notice: Adoption of 1998 Section 303(d) List.  
See: 30 N.J.R. 4282(b).

## SUBCHAPTER 7. TOTAL MAXIMUM DAILY LOADS

### Authority

N.J.S.A. 13:1D-1 et seq., 58:10A-1 et seq., and 58:11A-1 et seq.

### Source and Effective Date

R.1997 d.108, effective May 5, 1997.  
See: 28 N.J.R. 729(a), 28 N.J.R. 2779(a), 28 N.J.R. 3494(a), 28 N.J.R. 3858(a), 29 N.J.R. 2142(a).