

CHAPTER 9B

SURFACE WATER QUALITY STANDARDS

Authority

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

Source and Effective Date

R.1996 d.87, effective January 18, 1996.
See: 27 N.J.R. 3521(a), 28 N.J.R. 1202(a).

Executive Order No. 66(1978) Expiration Date

Chapter 9B, Surface Water Quality Standards, expires on April 18, 1998.

Chapter Historical Note

Chapter 9B, Surface Water Quality Standards, was recodified with amendments from N.J.A.C. 7:9-4 by R.1993 d.610, effective December 6, 1993. See: 24 N.J.R. 3983(a), 24 N.J.R. 4471(a), 25 N.J.R. 404(a), 25 N.J.R. 5569(a). Pursuant to Executive Order No. 66(1978), Chapter 9B was readopted as R.1996 d.87, effective January 18, 1996. See: Source and Effective Date.

Cross References

Flood control, storm water systems, degradation of water quality, see N.J.A.C. § 7:13-2.8.

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SUBCHAPTER 1. SURFACE WATER QUALITY STANDARDS

7:9B-1.1 Scope of subchapter

Unless otherwise provided by rule or statute, this subchapter shall constitute the rules of the Department of Environmental Protection governing matters of policy with respect to the protection and enhancement of surface water resources, class definitions and quality criteria, use designation and quality criteria for the main stem of the Delaware River including the Delaware Bay, the classification of surface waters of the State, procedures for establishing water quality based effluent limitations, modification of water quality based effluent limitations, procedures for reclassifying specific segments for less restrictive uses and procedures for reclassifying specific segments for more restrictive uses pursuant to N.J.S.A. 13:1D-1 et seq., the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.

Amended by R.1993 d.610, effective December 6, 1993.
See: 24 N.J.R. 3983(a), 25 N.J.R. 5569(a).

7:9B-1.2 Construction

This subchapter shall be liberally construed to permit the Department and its various divisions to discharge their statutory functions.

Amended by R.1993 d.610, effective December 6, 1993.
See: 24 N.J.R. 3983(a), 25 N.J.R. 5569(a).

7:9B-1.3 Severability

If any subchapter, section, subsection, provision, clause, or portion of this chapter, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the subchapter, section, subsection, clause, portion, or application directly involved in the controversy in which such judgment shall have been rendered and it shall not affect or impair the remainder of this chapter or the application thereof to other persons.

New Rule, R.1993 d.610, effective December 6, 1993.
See: 24 N.J.R. 3983(a), 25 N.J.R. 5569(a).

7:9B-1.4 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Acute toxicity" means a lethal or severe adverse sublethal effect (for example, immobilization of daphnids) to an organism exposed to a toxic substance for a relatively short period of time. Acute toxicity is measured by Short-Term Bioassays, generally of 48 or 96 hour duration.

"Agricultural water supply" means water used for field crops, livestock, horticulture, and silviculture.

“Ambient temperature” means the temperature of a waterbody beyond the portion of the waterbody that is affected by the localized heated waste discharge or discharge complex; or the temperature of a waterbody that would exist without the addition of heated discharges.

“Anadromous fish” means fish that spend most of their life in saline waters and migrate to fresh waters to spawn.

“Application factor” means a number applied to an LC50 or an EC50 to estimate the concentration of a substance that will not be harmful to any life stage(s) of the test organisms in waters of varying quality, or to other organisms within the aquatic environment that may be more sensitive than the test organism.

“Aquatic substrata” means soil material and associated biota underlying the water.

“Bioaccumulation” means the increase of the concentration of a substance within the tissues of an organism, to levels in excess of that substance’s ambient environmental concentration, directly from the water or through the ingestion of food (usually other organisms).

“Bioassay” means a toxicity test using aquatic organisms to determine the concentration or amount of a toxic substance causing a specified response in the test organisms under stated test conditions.

“Biota” means the animal and plant life of an ecosystem; flora and fauna collectively.

“Calculable changes” means changes to water quality characteristics as demonstrated by any acceptable mathematical, predictive method.

“C1” means Category One waters.

“C2” means Category Two waters.

“Category one waters” means those waters designated in the tables in N.J.A.C. 7:9B-1.15(c) through (h), for purposes of implementing the antidegradation policies in this subchapter, for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resource(s). These waters may include, but are not limited to:

1. Waters originating wholly within Federal, Interstate, State, County, or Municipal parks, forests, fish and wildlife lands, and other special holdings that have not been designated as FW1 in this subchapter;

2. Waters classified in this subchapter as FW2 Trout production waters and their tributaries;

3. Surface waters classified in this subchapter as FW2 Trout Maintenance or FW2 Nontrout that are upstream of waters classified in this subchapter as FW2 Trout Production;

4. Shellfish waters of exceptional resource value; or

5. Other waters and their tributaries that flow through, or border, Federal, State, County or Municipal parks, forest, fish and wildlife lands, and other special holdings.

“Category two waters” means those waters not designated as Nondegradation, Pinelands Waters, or Category One in this subchapter for purposes of implementing the Antidegradation Policies.

“Chlorine produced oxidants” means the sum of free and combined chlorine and bromine as measured by the methods approved under N.J.A.C. 7:18. In fresh waters the oxidants measured are comprised predominantly of hypochlorous acid (HOCl), hypochlorite ion (OCl⁻), monochloramine and dichloramine. In saline waters the oxidants measured are comprised predominately of the oxidants listed for fresh waters plus hypobromous acid (HOBr⁻), hypobromous ion (OBr) and bromamines.

“Chronic toxicity” means death or other adverse impacts that affect the growth, survival, or reproductive success of an organism or its progeny after a relatively long exposure period to toxic substances. Chronic toxicity is measured using Intermediate-Term or Long-Term Bioassays.

“Criteria” means those elements of the Surface Water Quality Standards, expressed as constituent concentrations, levels, or narrative statements, representing a quality of water that supports a particular use. When the criteria are met, water quality will generally protect the designated use.

“Cumulative substance” means a substance that may be bioaccumulated within an organism to concentrations that exert a toxic effect on that organism or render it unfit for consumption.

“DAC” means a discharge allocation certificate issued pursuant to N.J.A.C. 7:14A-3.3.

“Department” means the New Jersey Department of Environmental Protection.

“Designated use” means those surface water uses, both existing and potential, that have been established by the Department for a waterway or waterbody.

“Diadromous fish” means fish that spend most of their life in one type of water, either fresh or saline, and migrate to the other type to spawn.

“Disinfection” means the removal, destruction, or inactivation of pathogenic and indicator organisms.

“Dissolved metal” means the concentration of metal that passes through a 0.45 µm membrane filter (as defined in “Methods for Chemical Analysis of Water and Wastes,” EPA-600/4-79-020, March 1979).