

“NPDES” means National Pollutant Discharge Elimination System.

“NT” means nontrout waters.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the growth and development of organisms.

“Outstanding National Resource Waters” or “ONRW” means high quality waters that constitute an outstanding national resource (for example, waters of National/State Parks and Wildlife Refuges and waters of exceptional recreational or ecological significance). Waters classified as FW1 waters and Pinelands waters are Outstanding National Resource Waters.

“Persistent” means relatively resistant to degradation, generally having a half life of over 96 hours.

“Pinelands waters” means all waters within the boundaries of the Pinelands Area, except those waters designated as FW1 in N.J.A.C. 7:9B-1.15(j), as established in the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.) and shown on Plate 1 of the “Comprehensive Management Plan” adopted by the New Jersey Pinelands Commission in November 1980.

“PL” means the general surface water classification applied to Pinelands Waters.

“Point source” or “PS” means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et. seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, agricultural and construction waste or runoff or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works as defined at N.J.A.C. 7:14A-1.2. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Potable surface water intake” means any structure or apparatus used to withdraw surface waters directly or indirectly that is conveyed to a potable treatment plant or is used for other potable purposes.

“Primary contact recreation” means water related recreational activities that involve significant ingestion risks and

includes, but is not limited to, wading, swimming, diving, surfing, and water skiing.

“Public hearing” means a legislative type hearing before a representative or representatives of the Department providing the opportunity for public comment, but does not include cross-examination.

“Regulatory mixing zones” means areas of surface waters established pursuant to this chapter for the purpose of initial mixing, dispersion, or dissipation of wastewater effluent at or near the discharge point. Regulatory mixing zones may be established for applicable criteria.

“River mile” or “R.M.” means the distance, measured in statute miles, between two locations on a stream, with the first location designated as mile zero. For example, mile zero for the Delaware River is located at the intersection of the center line of the navigation channel and a line between the Cape May Light, New Jersey, and the tip of Cape Henlopen, Delaware.

“Saline waters” means waters having salinities generally greater than 3.5 parts per thousand at mean high tide.

“SC” means the general surface water classification applied to coastal saline waters.

“SE” means the general surface water classification applied to saline waters of estuaries.

“Secondary contact recreation” means recreational activities where the probability of water ingestion is minimal and includes, but is not limited to, boating and fishing.

“Shellfish” means those mollusks commonly known as clams, oysters, or mussels.

“Shellfish waters” means waters classified as Approved, Seasonally Approved, Special Restricted, Seasonally Special Restricted or Condemned in accordance with the Shellfish Growing Water Classification rules N.J.A.C. 7:12.

“Site-specific criteria” means an alternative criterion established, at N.J.A.C. 7:9B-1.14(g), in place of an existing Statewide criterion, to protect existing or designated uses for specified waterbody(ies).

“State Act” means the New Jersey “Water Pollution Control Act,” N.J.S.A. 58:10A-1 et seq., as amended.

“Stream temperature” means the temperature of a stream outside of a designated heat dissipation area.

“Surface water classifications” means names assigned by the Department as set forth at N.J.A.C. 7:9B-1.15(c) through (j) to waters having the same designated uses and water quality criteria (for example, FW1, PL, FW2-NT, SE1, SC).

“Surface Water Quality Standards” (SWQS) means the rules in this chapter, N.J.A.C. 7:9B, which set forth desig-

nated uses, use classifications, and water quality criteria for the State's waters based upon such uses, and the Department's policies concerning these uses, classifications and criteria.

"Surface waters" means water at or above the land's surface which is neither groundwater nor contained within the unsaturated zone, including, but not limited to, the ocean and its tributaries, all springs, streams, rivers, lakes, ponds, wetlands, and artificial waterbodies.

"Thermal alterations" means the increase or decrease in the temperature of surface waters, above or below the natural temperature, that may be caused by the activities of man.

"Tidal waters" means fresh or saline water under tidal influence, up to the head of tide.

"TM" means trout maintenance.

"Total maximum daily load" or "TMDL" means a total maximum daily load formally established pursuant to Section 7 of the Water Quality Planning Act (N.J.S.A. 58:11A-7) and Section 303(d) of the Clean Water Act, 33 U.S.C. §§ 1251 et seq. A TMDL is the sum of individual wasteload allocations for point sources, load allocations for nonpoint sources of pollution, other sources such as tributaries, or adjacent segments, and allocations to a reserve or margin of safety for an individual pollutant.

"Total recoverable metal" means the concentration of metal in an unfiltered sample following treatment with hot dilute mineral acid (as defined in "Methods for Chemical Analysis of Water and Wastes", EPA-600/4-79-020, March 1979, incorporated herein by reference).

"Toxic substance" or "toxic pollutant" means any pollutant identified pursuant to the Federal Act, or any pollutant or combination of pollutants, including disease causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly by ingestion through food chains, may, on the basis of the information available to the Department, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organisms or their offspring. Toxic pollutants shall, include but not be limited, to those pollutants identified pursuant to Section 307 of the Federal Act or Section 4 of the State Act, or in the case of "sludge use or disposal practices," any pollutant identified pursuant to Section 405(d) of the Federal Act.

"TP" means trout production.

"Trout maintenance waters" means waters designated at N.J.A.C. 7:9B-1.15(c) through (i) for the support of trout throughout the year.

"Trout production waters" means waters designated at N.J.A.C. 7:9B-1.15(c) through (i) for use by trout for spawning or nursery purposes during their first summer.

"Unsaturated zone" means the subsurface volume between the land's surface and the top of the saturated zone (water table), where moisture does not fill all the pore spaces in the formation or soil.

"USEPA" means the United States Environmental Protection Agency.

"Wasteload allocation" or "WLA" means the portion of a receiving water's total maximum daily load for a specific pollutant that is allocated to one of its existing or future point sources of pollution. WLAs constitute a type of water quality-based effluent limitation.

"Water effect ratio" or "WER" means the ratio of an acute (or chronic) toxicity value derived from a site study to the acute (or chronic) toxicity value derived from a laboratory study for a particular toxic substance. The WER is multiplied by the aquatic life protection criterion for a given toxic substance to derive a site-specific aquatic life protection criterion.

"Water quality-based effluent limitations" means effluent limitations established so that the quality of the waters receiving a discharge will meet the surface water quality criteria and policies of this chapter after the introduction of the effluent.

"Waters of the State" means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

"Watershed-specific translators" means numeric translators developed, as part of a total maximum daily load (TMDL) in accordance with N.J.A.C. 7:15-6, to demonstrate compliance with narrative criteria pursuant to N.J.A.C. 7:9B-1.14(d)5i to protect existing or designated uses for specified watershed(s).

"Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. The Department shall evaluate the parameters of hydrology, soils, and vegetation to determine the presence and extent of wetlands.

"Zone" means the general surface water classification applied to the main stem Delaware River and Delaware Bay.

Amended by R.1989 d.420, effective August 7, 1989.
See: 20 N.J.R. 1597(a), 21 N.J.R. 2302(b).
Amended by R.1993 d.610, effective December 6, 1993.
See: 24 N.J.R. 3983(a), 25 N.J.R. 5569(a).

Amended by R.1996 d.383, effective August 5, 1996.

See: 27 N.J.R. 4506(b), 28 N.J.R. 3782(b).

Added "Dissolved metal" and amended "Nondegradation waters" to include color as a criterion for set asides.

Amended by R.1998 d.234, effective May 18, 1998.

See: 29 N.J.R. 5128(a), 30 N.J.R. 1778(a).

Rewrote the section.

Administrative correction.

See: 31 N.J.R. 42(a).

Amended by R.2002 d.19, effective January 22, 2002.

See: 32 N.J.R. 4397(a), 34 N.J.R. 537(a).

Rewrote the section.

Petition for Rulemaking.

See: 36 N.J.R. 3932(a), 4849(a).

Amended by R.2006 d.372, effective October 16, 2006.

See: 37 N.J.R. 3480(a), 4121(a), 4368(a), 38 N.J.R. 4449(a).

Added definitions "Best management practices", "Carcinogen", "Non-carcinogen" and "Water effect ratio"; substituted definition "Category One waters" for "Category one waters"; and deleted definitions "Epilimnion" and "Hypolimnion".

Amended by R.2008 d.161, effective June 16, 2008.

See: 39 N.J.R. 1845(a), 40 N.J.R. 3630(b).

Rewrote definition "Category One waters"; and added definitions "Exceptional ecological significance", "Exceptional fisheries resource(s)", "Exceptional water supply significance", and "HUC 14".

Amended by R.2009 d.372, effective December 21, 2009.

See: 41 N.J.R. 1565(a), 41 N.J.R. 4735(a).

Deleted definitions "Ambient temperature", "Anadromous fish", "Bioconcentration", "Flow-through bioassay", "Limiting nutrient" and "Thermocline"; in definition "Best management practices", deleted a comma following "measures" and "controls", and substituted "nonpoint" for "non-point"; in definition "Category One waters", substituted "(i)" for "(g)" and deleted a comma following "supply significance" and "water quality"; added definitions "DRBC Water Quality Regulations", "Site-specific criteria" and "Watershed-specific translators"; in definition "FW1", substituted "N.J.A.C. 7:9B-1.15(j)" for "N.J.A.C. 7:9B-1.15(h) Table 6"; in definition "Nontrot waters", updated the N.J.A.C. references and deleted a comma following "chemical"; in definition "Pinelands waters", substituted "N.J.A.C. 7:9B-1.15(j)" for "N.J.A.C. 7:9B-1.15(h) Table 6"; rewrote definition "Shellfish waters"; and in definitions "Surface water classifications", "Trout maintenance waters" and "Trout production waters", updated the N.J.A.C. references.

7:9B-1.5 Statements of policy

(a) General policies are as follows:

1. These Surface Water Quality Standards apply to all surface waters of the State.

2. Water is vital to life and comprises an invaluable natural resource which is not to be abused by any segment of the State's population or economy. It is the policy of the State to restore, maintain and enhance the chemical, physical and biological integrity of its waters, to protect the public health, to safeguard the aquatic biota, protect scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial, agricultural and other reasonable uses of the State's waters.

3. The restoration, maintenance and preservation of the quality of the waters of the State for the protection and preservation of public water supplies is a paramount interest of the citizens of New Jersey. In order to provide adequate, clean supplies of potable water, it is the policy of the State that all fresh waters be protected as potential sources of public water supply. Therefore, point and nonpoint sources of pollutants shall be regulated to attain

compliance with the Surface Water Quality Standards human health criteria outside of regulatory mixing zones.

4. Toxic substances in waters of the State shall not be at levels that are toxic to humans or the aquatic biota, or that bioaccumulate in the aquatic biota so as to render them unfit for human consumption.

5. The introduction of carcinogenic, mutagenic, or teratogenic substances into the environment is of particular concern to the Department. Human health-based ambient criteria have been established in freshwaters due to consumption of fish and water, and in saline water due to consumption of fish. For carcinogens, the criteria have been established at levels which would result in no greater than a one-in-one-million lifetime excess cancer risk. For non-carcinogens, the criteria have been established which would result in no appreciable risk of deleterious effect.

6. Existing uses shall be maintained and protected. Designated uses shall, as soon as technically and economically feasible, be attained wherever these uses are not precluded by natural conditions. Where existing criteria are inadequate to support the existing or designated uses, the criteria shall be changed to support the existing uses.

7. The restoration of saline waters to levels which permit unrestricted shellfish harvesting is an objective of the Department.

8. The Department encourages the use of reclaimed water for beneficial reuse to help preserve the highest quality water and reduce the export of freshwater out of basins in support of meeting water supply needs and natural resource protection.

9. The Department uses the Integrated Water Quality Monitoring and Assessment Methods developed pursuant to N.J.A.C. 7:15-6.2 to evaluate water quality data and identify waters where water quality does not meet the Surface Water Quality Standards in this chapter as required by Section 303(d) and 305(b) of the Federal Clean Water Act.

(b) Interstate waters policies are as follows:

1. The designated uses and water quality criteria for the fresh and saline waters under the jurisdiction of the Delaware River Basin Commission shall be as established in accordance with N.J.A.C. 7:9B-1.13 and 1.14(c) through (g).

2. The designated uses and water quality criteria for waters under the jurisdiction of the Interstate Environmental Commission in the New Jersey/New York metropolitan area shall be as established in this subchapter, or in accordance with the prevailing Water Quality Regulations of the Interstate Environmental Commission, including all amendments and future supplements thereto, whichever are more stringent.

(c) General technical policies are as follows:

1. The natural water quality shall be used in place of the promulgated water quality criteria of N.J.A.C. 7:9B-1.14 for all water quality characteristics that do not meet the promulgated water quality criteria as a result of natural causes.

2. Water quality criteria are expected to be maintained during periods when nontidal or small tidal stream flows are at or greater than the MA7CD10 flow, except as provided below:

- i. For acute aquatic life protection criteria, the design flow shall be the MA1CD10 flow;
- ii. For chronic aquatic life protection criteria for ammonia, the design flow shall be the MA30CD10 flow; and
- iii. For human health criteria for carcinogens listed at N.J.A.C. 7:9B-1.14(f)7, the design flow shall be the flow which is exceeded 75 percent of the time for the appropriate "period of record" as determined by the United States Geological Survey.

3. Water quality criteria are expected to be maintained in intermittent streams during all natural flow conditions. When an intermittent stream does not contain natural flow of sufficient magnitude to determine water quality, the criteria to be maintained in the intermittent stream will be those pertaining to the measurable natural flow immediately downstream of the intermittent stream.

4. All analytical data to be incorporated by the Department in water quality monitoring or other activities shall be from laboratories approved or certified by the Department for the analysis of those specific parameters. If certification is not offered for the specific parameter, the laboratory performing the analysis shall, at a minimum, hold certification in the category of certification covering that type of parameter.

5. The Department shall utilize the parameter specific criteria contained in N.J.A.C. 7:9B-1.14 in the development of chemical specific water quality based effluent limitations for point source discharges. Whenever parameter specific criteria have not been adopted, the Department will utilize the best available scientific information in the development of chemical specific water quality based effluent limitations for point source discharges. Ambient criteria published by the United States Environmental Protection Agency pursuant to section 304(a) of the Federal Clean Water Act represent the minimum acceptable best scientific information to be used in the development of water quality based effluent limitations for point source discharges.

6. When the Department promulgates a new or revised maximum contaminant level (MCL) in the Safe Drinking Water Act rules at N.J.A.C. 7:10 for a parameter for which there is an established human health based criterion at N.J.A.C. 7:9B-1.14(f)7, the Department shall modify the

human health based criterion based on the toxicity factor used to establish the MCL and shall incorporate the modified criterion into N.J.A.C. 7:9B-1.14(f)7. The Department shall publish a notice of administrative change in the New Jersey Register.

7. The Department shall utilize a geometric mean to assess compliance with the bacterial quality indicators at N.J.A.C. 7:9B-1.14(d)1ii and iii. The geometric mean shall be calculated using a minimum of five samples collected over a 30-day period. The single sample maximum shall be used for beach notification in accordance with N.J.A.C. 8:26 and to identify where additional ambient water quality sampling is needed to calculate a geometric mean.

8. Temperature criteria at N.J.A.C. 7:9B-1.14(d) apply unless an alternative effluent limitation is approved in accordance with Section 316(a) of the Clean Water Act, 33 U.S.C. §1326(a).

i. Properly treated wastewater discharge shall be deemed in compliance with the temperature criteria if the ambient stream temperature measured outside the regulatory heat dissipation area does not increase by more than:

- (1) 0.6 degrees Celsius in FW2-TP waters;
- (2) 1.2 degrees Celsius in FW2-TM waters;
- (3) 2.8 degrees Celsius in FW2-NT waters;
- (4) 2.2 degrees Celsius in SE and SC waters from September through May; and
- (5) 0.8 degrees Celsius in SE and SC waters from June through August.

ii. Thermal alterations to lakes, ponds, or reservoirs shall not be permitted unless it can be shown to be beneficial to the designated and existing uses.

(d) Antidegradation policies applicable to all surface waters of the State are as follows:

1. Existing uses shall be maintained and protected. Designated uses shall be maintained or, as soon as technically and economically feasible, be attained wherever these uses are not precluded by natural conditions.

i. The maintenance, migration, and propagation of threatened or endangered species (as defined under the Federal Endangered Species Act of 1973 as amended, 16 U.S.C. §§1531 et seq., and/or the New Jersey Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1 et seq.) is considered an existing use that must be maintained.

ii. No irreversible changes may be made to existing water quality that would impair or preclude attainment of the designated uses of a waterway.

iii. No changes shall be allowed in waters which constitute an outstanding National or State resource or in waters that may affect these outstanding resource waters.

iv. Where water quality exceeds levels necessary to support the designated uses, including but not limited to, propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the Department finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the Department's continuing planning process as set forth in the Statewide Water Quality Management Plan (see N.J.A.C. 7:15), which includes, but is not limited to, the NJPDES Regulations (N.J.A.C. 7:14A), that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located.

v. Where a lower classification of water (including the different antidegradation waters) may impinge upon a higher classification/antidegradation of water, the Department shall ensure that the quality and uses of the higher classification/antidegradation water are protected.

vi. A waterway or waterbody from which water is transferred to another waterway or waterbody shall be treated as a tributary to the waterway or waterbody receiving the transferred water.

vii. Modifications of water quality-based effluent limitations established to implement this antidegradation policy may be granted pursuant to N.J.A.C. 7:9B-1.8 and 1.9.

2. Antidegradation policies applicable to a waterbody are as follows:

i. The quality of nondegradation waters shall be maintained in their natural state (set aside for posterity) and shall not be subject to any manmade wastewater discharges. The Department shall not approve any activity, which, alone or in combination with any other activities, might cause changes, other than toward natural water quality, in the existing surface water quality characteristics.

ii. For Pinelands waters, the Department shall not approve any activity which alone or in combination with any other activities, might cause changes, other than toward natural water quality, in the existing surface water quality characteristics. This policy shall apply as follows:

(1) This policy is not intended to interfere with water control in the operation of cranberry bogs or blueberry production.

(2) New or expanded discharges are not allowed, unless authorized by the Pinelands Commission in accordance with Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-4.61 through 4.70.

iii. Category One Waters shall be protected from any measurable changes (including calculable or predicted changes) to the existing water quality. Water quality characteristics that are generally worse than the water quality criteria, except as due to natural conditions, shall be improved to maintain or provide for the designated uses where this can be accomplished without adverse impacts on organisms, communities or ecosystems of concern.

iv. For Category Two Waters, water quality characteristics that are generally better than, or equal to the water quality standards shall be maintained within a range of quality that shall protect the existing/designated uses as determined by studies acceptable to the Department, relating existing/designated uses to water quality. Where such studies are not available or are inconclusive, water quality shall be protected from changes that might be detrimental to the attainment of the designated uses or maintenance of the existing uses. Water quality characteristics that are generally worse than the water quality criteria shall be improved to meet the water quality criteria.

v. For waters of mainstem of the Delaware River designated as Special Protection Waters pursuant to the DRBC Water Quality Regulations Article 3 Section 3.10.3A2, the antidegradation policies are as specified in the DRBC Water Quality Regulations.

(e) Water quality-based effluent limitation policies are as follows:

1. Water quality-based effluent limitations may be established so as to minimize total expenditures, subject to social and environmental constraints, so that the provisions of the water quality standards (which includes the antidegradation policies) are met. This policy may result in the assignment of different levels of treatment to different dischargers where this proves more beneficial on a study area basis.

2. Modifications of water quality-based effluent limitations established to implement the water quality standards (which includes the antidegradation policies) granted pursuant to N.J.A.C. 7:9B-1.8 and 1.9, shall provide for effluent limits at least as stringent as those required pursuant to sections 301, 306, and 307 of the Federal Clean Water Act or the minimum BOD[5] effluent standards at N.J.A.C. 7:14A-12.4, where applicable, whichever are more stringent.

3. Water quality-based effluent limitations developed in accordance with N.J.A.C. 7:14A-13.6 shall not interfere with the attainment of the Surface Water Quality Standards, including the antidegradation policies.

4. When a discharge is made to a tidal waterway in the reach where the salinity varies from less than 3.5 ppt. to greater than 3.5 ppt., or the salinity data are inconclusive, the Department shall establish as water quality-based

effluent limitations the more stringent of the limitations, on a parameter specific basis, required for the upstream FW waters or the downstream SE waters.

5. Where the effluent limitations developed pursuant to N.J.A.C. 7:14A-13.6 are below the level of detectability of the procedures in N.J.A.C. 7:18, the Department will use an effluent limitation of nondetectable in any NJPDES permit.

6. Compliance schedules may be issued in accordance with N.J.A.C. 7:14A-6.4 when it is demonstrated by a discharger that new or revised water quality-based effluent limitations, based on ambient criteria adopted or revised after July 1, 1977, cannot be consistently met with the facility's existing treatment process. No schedule of compliance may be allowed for parameter specific water quality-based effluent limitations where the parameter specific ambient water quality criterion, which was the basis for developing that limitation, was adopted prior to July 1, 1977, and has not been revised since adoption.

7. The Department may require characterization monitoring in NJPDES permits for mercury and PCBs using the USEPA approved method 1631 for mercury (Guidelines Establishing Test Procedures for the Analysis of Pollutants; Measurement of Mercury in Water; Revisions to EPA Method 1631, 40 CFR 136, Fed. Reg. 67:65876, October 29, 2002), incorporated herein by reference, as amended and supplemented, available at <http://www.epa.gov/waterscience/methods/1631.html>, and method 1668A for PCBs (Method 1668, Revision A: Chlorinated Biphenyl Congeners in Water, Soil, Sediment, and Tissue by HRGC/HRMS.EPA-821-R-00-002, December 1999), incorporated herein by reference as amended and supplemented, available at <http://www.epa.gov/Region8/water/wastewater/biohome/biosolidsdown/methods/1668a5.pdf>.

(f) Whole Effluent Toxicity Requirements shall be established for NJPDES point sources in accordance with N.J.A.C. 7:14A-13.6(d).

(g) Nutrient policies are as follows:

1. These policies apply to all FW waters of the State.

2. Except as due to natural conditions, nutrients shall not be allowed in concentrations that render the waters unsuitable for the existing or designated uses due to objectionable algal densities, nuisance aquatic vegetation, abnormal diurnal fluctuations in dissolved oxygen or pH, changes to the composition of aquatic ecosystems or other indicators of use impairment caused by nutrients.

3. The Department may develop watershed-specific translators or site-specific criteria through a Total Maximum Daily Load (TMDL). Site specific criteria shall be incorporated at N.J.A.C. 7:9B-1.14(g).

4. The Department shall establish water quality based effluent limits for nutrients, in addition to or more stringent

than the effluent standard in N.J.A.C. 7:14A-12.7, as necessary to meet a wasteload allocation established through a TMDL, or to meet the criteria at N.J.A.C. 7:9B-1.14(d)5.

5. Activities resulting in the nonpoint discharge of nutrients shall implement the best management practices determined by the Department to be necessary to protect the existing or designated uses.

(h) A permittee may request that a regulatory mixing zone be established by the Department for applicable criteria except as otherwise provided in this section. Regulatory mixing zones may be evaluated as part of the development of water quality-based effluent limitation(s) to provide for the initial dispersion of the effluent in the receiving water body at or near the discharge point.

1. The following are the general conditions for establishing regulatory mixing zones:

i. Regulatory mixing zones shall be established in accordance with this subsection;

ii. Water quality criteria may be exceeded within the regulatory mixing zone; however, surface water quality criteria must be met at the edge of the regulatory mixing zone;

iii. The regulatory mixing zone shall be no larger than that portion of the receiving water where complete mixing occurs;

iv. Regulatory mixing zones shall not be used for, or considered as a substitute for, minimum treatment technology required by the Federal and State Acts or other applicable Federal or State laws or regulations;

v. Regulatory mixing zones shall be established to assure that significant mortality does not occur to free swimming or drifting organisms;

(1) In individual regulatory mixing zones, discharges which meet acute effluent toxicity of $LC_{50} \geq 50$ percent shall be deemed to comply with this requirement.

(2) In cases of extended regulatory mixing zones resulting from multiple, conjoined individual regulatory mixing zones, site-specific studies to demonstrate no significant mortality shall be required, taking into account factors including, time of travel, concentration, and the toxicity of the parameters in question;

vi. The existing and designated uses outside the regulatory mixing zone shall not be adversely affected;

vii. The total area and volume of a waterbody assigned to a regulatory mixing zone shall be limited to that which will not adversely affect beneficial uses or interfere with biological communities or populations of important species (for example, commercially or recrea-

tionally significant species; or threatened or endangered species);

viii. Regulatory mixing zones, including those for shore hugging plumes, shall not extend into recreational areas, potable surface water intakes (1,500 feet upstream and 500 feet downstream or to the farthest point of backwatering due to the intake, whichever is more protective), shellfish harvesting areas, threatened or endangered species habitat, and other important biological or natural resource areas;

ix. The regulatory mixing zone shall not inhibit or impede the passage of aquatic biota; and

x. Overlapping regulatory mixing zones shall not inhibit or impede the passage of aquatic biota.

2. Spatial limitations for regulatory mixing zones delineate the maximum area in which the initial mixing may occur. A site-specific study performed in accordance with (h)3 below will be used to determine dilution in tidal water bodies and in nontidal water bodies where mixing is not shown to be rapid and complete. A maximum area shall be applied in any one of the following four situations:

i. Heat dissipation areas shall be established as follows:

(1) For discharges to FW2-NT, FW2-TM, and SE waters, not more than one-quarter of the cross section and/or volume of the water body at any time or more than two-thirds of the surface from shore to shore at any time.

(2) For discharges to lakes, ponds, reservoirs, bays or coastal waters, the heat dissipation areas shall be developed on a case-by-case basis.

(3) A discharger may be granted a larger heat dissipation area pursuant to Section 316(a) of the Clean Water Act, 33 U.S.C. §1326.

ii. For discharges to tidal water bodies:

(1) Regulatory mixing zones for chronic and human health criteria are limited to one fourth of the distance between the discharge port closest to the shoreline and the shoreline during average tidal conditions, or 100 meters, whichever is greater; and

(2) Regulatory mixing zones for acute criteria are limited by the distances calculated in accordance with the USEPA "Technical Support Document For Water Quality-Based Toxics Control" USEPA, EPA/505/2-90-001, March 1991, incorporated herein by reference. In no case shall a regulatory mixing zone for acute criteria extend more than 100 meters from the discharge point or include more than five percent of the total surface area of a water body based on critical ambient tidal conditions during low slack, astronomical spring tide for the applicable exposure period.

iii. For discharges to non-tidal water bodies:

(1) Regulatory mixing zones for chronic and human health criteria shall be based on the design flows at (c)2 above. If rapid, complete mix is demonstrated, the entire available design flow may be used in dilution calculations. If rapid, complete mix is not demonstrated, only that portion of the design flow that can be demonstrated to mix with the effluent within 100 meters from the discharge point may be used in dilution calculations; and

(2) Regulatory mixing zones for acute criteria shall be based on the MA1CD10 design flow. If rapid, complete mix is demonstrated, the entire available design flow may be used in dilution calculations. If rapid, complete mix is not demonstrated, only that portion of the design flow that can be demonstrated to mix with the effluent within a downstream distance calculated in accordance with the USEPA "Technical Support Document For Water Quality-Based Toxics Control" USEPA, EPA/505/2-90-001, March 1991 may be used. In no case shall a regulatory mixing zone for acute criteria extend more than 100 meters from the discharge point or include more than five percent of the total surface area of a water body based on the design flow.

iv. Site-specific spatial dimensions of the regulatory mixing zone for an approved multiport diffuser shall be determined by the Department. The dimensions of the site-specific regulatory mixing zone and the allowable dilution at the edge of the regulatory mixing zone may be established using appropriate diffuser models (for example, CORMIX, PLUMES), tracer studies, or other field studies approved by the Department in accordance with (h)3 below.

3. A regulatory mixing zone study shall be conducted in accordance with a workplan pre-approved by the Department. General protocols for conducting mixing zone studies are described in the USEPA "Technical Support Document For Water Quality-Based Toxics Control" USEPA, EPA/505/2-90-001, March 1991. In addition, the following principles apply:

i. The design flows to be used in calculating available dilution in nontidal waters shall be based on the design flows specified at (c)2 above; and

ii. In tidal waters, the regulatory mixing zone for an acute criteria shall be based on critical ambient tidal conditions during low slack, astronomical spring tide for the applicable exposure period. Regulatory mixing zones for chronic and human health criteria shall be based on average conditions during a normal tidal cycle.

4. In order to determine waste load allocations and NJPDES/DSW permit effluent limitations that will comply with the regulatory mixing zone requirements, instream

pollutant concentrations at the boundary of the regulatory mixing zone shall be determined as follows:

i. The instream concentrations shall be determined using either a general mass balance equation or a mathematical model, if available; or the information generated during the course of a study as described at (h)2 above.

ii. If the regulatory mixing zone is based upon the guidance and procedures in the USEPA "Technical Support Document For Water Quality-Based Toxics Control" USEPA, EPA/505/2-90-001, March 1991, the Technical Support Document will also be used to determine instream concentrations at the boundary of the regulatory mixing zone.

5. Regulatory mixing zones are prohibited as follows:

i. For indicators of pathogenic quality, including fecal coliform, E. Coli and enterococci;

ii. In intermittent streams;

iii. For new or increased discharges to lakes, ponds, and reservoirs;

iv. For discharges to areas of waters with documented occurrences of any threatened or endangered species listed pursuant to the Federal or State Threatened and Endangered Species Acts (Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq.; New Jersey Endangered and Non Game Species Conservation Act of 1973, N.J.S.A. 23:2A-1 et seq.; or the Endangered Plant Species List Act, N.J.S.A. 13:1B-15.151 et seq.), if those discharges would likely have an adverse effect on the species or its associated habitat;

v. For heat dissipation areas in FW2-TP waters;

vi. For heat dissipation areas within 1,500 feet of the shoreline in SC waters;

vii. For new discharges of the following pollutants:

- (1) alpha-BHC (alpha-HCH);
- (2) beta-BHC (beta-HCH);
- (3) gamma-BHC (gamma HCH/Lindane);
- (4) Chlordane;
- (5) 4,4'-DDD (p,p'-TDE);
- (6) 4,4'-DDE;
- (7) 4,4'-DDT;
- (8) Dieldrin;
- (9) Hexachlorobenzene;
- (10) Hexachlorobutadiene;
- (11) Mercury;
- (12) Mirex;

(13) Pentachlorobenzene;

(14) Polychlorinated biphenyls (PCBs);

(15) 1,2,4,5-Tetrachlorobenzene;

(16) 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD); and

(17) Toxaphene; and

viii. For new or expanded discharges, within 1,500 feet upstream of a potable surface water intake (including any reservoir) and 500 feet downstream or to the farthest point of backwatering due to the intake, whichever is more protective.

Amended by R.1989 d.420, effective August 7, 1989.

See: 20 N.J.R. 1597(a), 21 N.J.R. 2302(b).

Amended by R.1993 d.610, effective December 6, 1993.

See: 24 N.J.R. 3983(a), 25 N.J.R. 5569(a).

Amended by R.1994 d.84, effective February 22, 1994.

See: 25 N.J.R. 405(a), 26 N.J.R. 1124(a).

Amended by R.1998 d.234, effective May 18, 1998.

See: 29 N.J.R. 5128(a), 30 N.J.R. 1778(a).

In (c), added a new 6; in (e), deleted former 2 through 4, recodified former 5 as 2, inserted a new 3 and recodified former 6 through 8 as 4 through 6; and in (f), deleted former 4 and recodified former 5 as 4.

Administrative correction.

See: 31 N.J.R. 42(a).

Amended by R.2002 d.19, effective January 22, 2002.

See: 32 N.J.R. 4397(a), 34 N.J.R. 537(a).

Rewrote the section.

Administrative change.

See: 34 N.J.R. 1902(a).

Amended by R.2006 d.372, effective October 16, 2006.

See: 37 N.J.R. 3480(a), 4121(a), 4368(a), 38 N.J.R. 4449(a).

Rewrote (a)5; in (b)1, substituted "7:9B-1.13 and 1.14(c) through (g)" for "7:9B-1.13, 1.14(c), and 1.14(d)"; in (b)2, substituted "Environmental" for "Sanitation" two times; rewrote (c)2; added (c)7, (c)8 and (e)7; and rewrote (h)2i.

Amended by R.2009 d.372, effective December 21, 2009.

See: 41 N.J.R. 1565(a), 41 N.J.R. 4735(a).

Rewrote the section.

Case Notes

Proposed disturbance of isolated wetlands for construction of stormwater outfall and associated stormwater conveyance structure met permit requirements. *Clothier v. Department of Environmental Protection*, 95 N.J.A.R.2d (EPE) 229.

7:9B-1.6 Establishment of water quality-based effluent limitations

(a) Water quality-based effluent limitations shall be established for NJPDES point sources in accordance with N.J.A.C. 7:14A.

(b) For new and/or expanding NJPDES point sources, the water quality-based effluent limitations shall comply with the anti-degradation policies at N.J.A.C. 7:9B-1.5(d).

(c) Water quality-based effluent limits for chlorine produced oxidants based on the criteria in N.J.A.C. 7:9B-1.14(f) are not applicable where:

1. The aquatic community of a waterbody is exposed to one or more point source discharges of non-contact cooling

(b) Surface water quality criteria for PL waters are as follows:

1. These waters shall be maintained as to quality in their existing state or that quality necessary to attain or protect the designated uses, whichever is more stringent.

i. For Nitrate-Nitrogen a level of 2 mg/L shall be maintained in the surface waters unless it is shown that a lower level must be maintained to protect the existing surface water quality.

ii. A pH level between 3.5 and 5.5 shall be maintained unless it is demonstrated that a pH level outside of that range is necessary to protect the existing/designated uses.

2. The water quality criteria for existing discharges are the water quality criteria contained in "Surface Water Quality Standards" as adopted in March 1981, except that:

i. The criteria for Nitrate-Nitrogen and pH promulgated in N.J.A.C. 7:9B-1.14(b)1 for PL waters apply instead of the 1981 criteria; and

ii. The criteria for phosphorous, bacterial quality, and toxic substances promulgated in N.J.A.C. 7:9B-1.14(c) through (g) apply instead of the 1981 criteria, as though the freshwater portions of the PL waters were classified as FW2 and the saline portions were classified as SE1.

(c) Unless site-specific criteria are established at (g) below, Statewide criteria apply for FW2, SE, and SC waters as listed in accordance with (d) through (f) below.

(d) Surface water quality criteria for FW2, SE, and SC Waters:

N.J.A.C. 7:9B-1.14(d) General Surface Water Quality Criteria for FW2, SE and SC Waters:
(Expressed as Maximum concentrations unless otherwise noted)

<u>Substance</u>	<u>Criteria</u>	<u>Classifications</u>	
1. Bacterial quality (Counts/100 ml)	i. Shellfish Harvesting: Bacterial Indicators shall not exceed, in all shellfish waters, the standard for approved shellfish waters as established by the National Shellfish Sanitation Program as set forth in its current manual of operations.	Shellfish Waters	
	ii. Primary Contact Recreation:		
	(1) Enterococci levels shall not exceed a geometric mean of 35/100 ml, or a single sample maximum of 104/100 ml.	SE1 and SC	
	(2) E. Coli levels shall not exceed a geometric mean of 126/100 ml or a single sample maximum of 235/100 ml.	All FW2	
	iii. Secondary Contact Recreation:		
	(1) Fecal coliform levels shall not exceed a geometric mean of 770/100 ml.	SE2	
	(2) Fecal coliform levels shall not exceed a geometric mean of 1500/100ml.	SE3	
	2. Dissolved oxygen (mg/L)	i. Not less than 7.0 at any time;	FW2-TP
		ii. 24 hour average not less than 6.0. Not less than 5.0 at any time (see paragraph viii below);	FW2-TM
		iii. 24 hour average not less than 5.0, but not less than 4.0 at any time (see paragraph viii below);	FW2-NT (except as in iv below), FW2-NT (except as in iv below), SE1
iv. Not less than 4.0 at any time;		Tidal portions of FW2-NT tributaries to the Delaware River, between Rancocas Creek and Big Timber Creek inclusive.	
v. Not less than 5.0 at any time;		SC	
vi. Not less than 4.0 at any time;		SE2	
vii. Not less than 3.0 at any time;		SE3	
viii. Supersaturated dissolved oxygen values shall be expressed as their corresponding 100 percent saturation values for purposes of calculating 24 hour averages.		FW2-TM, FW2-NT, SE1	
3. Floating, colloidal, color and settleable solids; petroleum hydrocarbons and other oils and grease	i. None noticeable in the water or deposited along the shore or on the aquatic substrata in quantities detrimental to the natural biota. None which would render the waters unsuitable for the designated uses.	All Classifications	
4. pH (Standard Units)	i. 6.5-8.5	FW2 waters listed at 1.15(d), (f), (g) and (i), All SE	

<u>Substance</u>	<u>Criteria</u>	<u>Classifications</u>
	ii. 4.5 – 7.5	FW2 waters listed at 1.15(c), (e) and (h)
5. Phosphorus, Total (mg/L)	iii. Natural pH conditions shall prevail. i. Lakes: Phosphorus as total P shall not exceed 0.05 in any lake, pond or reservoir, or in a tributary at the point where it enters such bodies of water, except where watershed or site-specific criteria are developed pursuant to N.J.A.C. 7:9B-1.5(g)3. ii. Streams: Except as necessary to satisfy the more stringent criteria in paragraph i above or where watershed or site-specific criteria are developed pursuant to N.J.A.C. 7:9B-1.5(g)3, phosphorus as total P shall not exceed 0.1 in any stream, unless it can be demonstrated that total P is not a limiting nutrient and will not otherwise render the waters unsuitable for the designated uses.	FW2 FW2
6. Radioactivity	i. Prevailing regulations including all amendments and future supplements thereto adopted by the U.S. Environmental Protection Agency pursuant to Sections 1412, 1445, and 1450 of the Public Health Services Act, as amended by the Safe Drinking Water Act (PL 93-523).	All Classifications
7. Solids, Suspended (mg/L) (Non-filterable residue)	i. 25.0 ii. 40.0 iii. None of which would render the water unsuitable for the designated uses.	FW2-TP, FW2-TM FW2-NT All SE, SC
8. Solids, Total Dissolved (mg/L)(Filterable Residue)	i. No increase in background which may adversely affect the survival, growth or propagation of the aquatic biota. Compliance with water quality-based WET limitations or LC ₅₀ ≥ 50 percent, whichever is more stringent, shall be deemed to meet this requirement. ii. No increase in background which would interfere with the designated or existing uses, or 500 mg/L, whichever is more stringent. iii. None of which would render the water unsuitable for the designated uses.	FW2 FW2 All SE
9. Sulfate (mg/L)	i. 250	FW2
10. Taste and odor producing substances	i. None offensive to humans or which would produce offensive taste or odors in water supplies and biota used for human consumption. None which would render the waters unsuitable for the designated uses.	All Classifications
11. Temperature	i. Temperatures shall not exceed a daily maximum of 22 degrees Celsius or rolling seven-day average of the daily maximum of 19 degrees Celsius, unless due to natural conditions ii. Temperatures shall not exceed a daily maximum of 25 degrees Celsius or rolling seven-day average of the daily maximum of 23 degrees Celsius, unless due to natural conditions iii. Temperatures shall not exceed a daily maximum of 31 degrees Celsius or rolling seven-day average of the daily maximum of 28 degrees Celsius, unless due to natural conditions iv. No thermal alterations which would cause temperatures to exceed 29.4 degrees Celsius (85 degrees Fahrenheit) Summer seasonal average v. No thermal alterations which would cause temperatures to exceed 26.7 degrees Celsius (80 degrees Fahrenheit) Summer seasonal average	FW2-TP FW2-TM FW2-NT SE SC
12. Toxic Substances (general)	i. None, either alone or in combination with other substances, in such concentrations as to affect humans or be detrimental to the natural aquatic biota, produce undesirable aquatic life, or which would render the waters unsuitable for the designated uses.	All Classifications

Amended by R.2006 d.372, effective October 16, 2006.

See: 37 N.J.R. 3480(a), 4121(a), 4368(a), 38 N.J.R. 4449(a).

In (b)2ii, inserted “, bacterial quality,” and “through (g)””; added (c); recodified former (c) and (d) as (d) and (h); in (d), added colon at end of table title; rewrote (d)1 and (d)11; deleted (d)13; recodified former (d)14 as (d)13; deleted footnote following (d)13, and added (e) through (g).

Amended by R.2009 d.372, effective December 21, 2009.

See: 41 N.J.R. 1565(a), 41 N.J.R. 4735(a).

Rewrote (d), (f)7, and (g); and in (h), substituted “the DRBC Water Quality Regulations” for “‘Delaware River Basin Commission, Administrative Manual—Part III, Water Quality Regulations,’ Article 3, dated October 23, 1996, including all amendments and future supplements thereto” throughout.

Administrative correction.

See: 42 N.J.R. 68(a).

Case Notes

Initial Decision (2008 N.J. AGEN LEXIS 74) adopted, which concluded that DEP did not engage in illegal rulemaking when it decided in 2002 to require N.J.A.C. 7:9B-1.14(d)(5)(ii), the phosphorus standard, to be enforced as written, rather than in the manner it previously had been enforced; DEP emphasized that technology to fully implement the rule did not exist when the rule was adopted in 1985. DEP did not attempt to impose new requirements that were not contained in or readily inferable from the regulation itself, and proper enforcement of the rule resulting in harsher restrictions on permittees did not mean the agency acted outside its authority. *Sussex County Mun. Utilities Auth./Upper Wallkill v. N.J. Dep’t of Env’tl. Prot.*, OAL Dkt. No. EWR 11017-03, 2008 N.J. AGEN LEXIS 683, Final Decision (April 28, 2008).

Operator of sewage treatment facility did not rebut the presumption in N.J.A.C. 7:9B-1.14(d)(5)(ii) for applying the 0.1 mg/L standard for phosphorus, as the operator failed to obtain pre-approval for its stream impairment assessments as required by the Technical Manual; thus, DEP properly declined to consider them. *Sussex County Mun. Utilities Auth./Upper Wallkill v. N.J. Dep’t of Env’tl. Prot.*, OAL Dkt. No. EWR 11017-03, 2008 N.J. AGEN LEXIS 683, Final Decision (April 28, 2008).

7:9B-1.15 Surface water classifications for the waters of the State of New Jersey

(a) This section contains the surface water classifications for the waters of the State of New Jersey. Surface water classifications are presented in tabular form. Subsections (c) through (i) contain surface water classifications by major drainage basin. Subsection (j) lists FW1 waters by tract within basins and subsection (k) identifies the Outstanding National Resource Waters of the State. Interstate waters of the mainstem Delaware River are under the jurisdiction of the DRBC and designations are contained in the DRBC Water Quality Regulations.

(b) The following are instructions for the use of N.J.A.C. 7:9B-1.15(c) through (j) below, respectively:

1. The surface water classification subsections give the surface water classifications and antidegradation designations for waters of the State.
2. Within each basin the waters are listed alphabetically and segment descriptions begin at the headwaters and proceed downstream.
3. To find a stream:
 - i. Determine which major drainage basin the stream is in;

ii. Look for the name of the stream in the appropriate table and find the classification;

iii. For unnamed or unlisted streams, find the stream or other waterbody that the stream of interest flows into and look for the classification of that stream or waterbody. The classification of the stream of interest may then be determined by referring to (b)5 below. If the second stream or waterbody is also unlisted, repeat the process until a listed stream or waterbody is found. Use (b)5iv below to classify streams entering unlisted lakes.

4. To find a lake or other non-stream waterbody:

i. Determine which major drainage basin the waterbody is in;

ii. Look for the waterbody name in the appropriate table;

iii. If the waterbody is not listed, use (b)5ii, 5iii, 5vi, and 5vii below to determine the appropriate classification.

5. To find waterways or waterbodies not listed at N.J.A.C. 7:9B-1.15(c) through (i), use the following instructions:

i. Unnamed or unlisted freshwater streams that flow into streams classified as FW2-TP, FW2-TM, or FW2-NT take the classification of the classified stream they enter, unless the unlisted stream is a PL water which is covered in (b)5vii below. If the stream could be a C1 water, see (b)5vi below.

ii. All freshwater lakes, ponds and reservoirs that are five or more acres in surface area, that are not located entirely within the Pinelands Area boundaries (see (b)5vii below) and that are not specifically listed as FW2-TP or FW2-TM are classified as FW2-NT. This includes lakes, ponds and reservoirs on segments of streams which are classified as FW2-TM or FW2-TP such as Saxton Lake on the Musconetcong River. If the waterbody could be a C1 water, also check (b)5vi below.

iii. All freshwater lakes, ponds and reservoirs, that are less than five acres in surface area, upstream of and contiguous with FW2-TP or FW2-TM streams, and which are not located entirely within the Pinelands Area boundaries (see (b)5vii below) are classified as FW2-TM. All other freshwater lakes, ponds and reservoirs that are not otherwise classified in this subsection or the following tables are classified as FW2-NT. If the waterbody could be a C1 water, also check (b)5vi below.

iv. Unnamed or unlisted streams that enter FW2 lakes, ponds and reservoirs take the classification of either the listed tributary stream flowing into the lake with the highest classification or the listed tributary stream leaving the lake with the highest classification, whichever has the highest classification, or, if there are no listed tributary or outlet streams to the lake, the first

listed stream downstream of the lake. If the stream is located within the boundaries of the Pinelands Area, see (b)5vii below; if it could be a C1 water, also see (b)5vi below.

v. Unlisted saline waterways and waterbodies are classified as SE1 in the Atlantic Coastal Basin. Unlisted saline waterways, which enter SE2 or SE3 waters in the Passaic, Hackensack and New York Harbor Complex basin are classified as SE2 unless otherwise classified in (f) below. Freshwater portions of unlisted streams entering SE1, SE2 or SE3 waters are classified as FW2-NT. This only applies to waters that are not PL waters (see (b)5vii below). If the waterbody or waterway could be a C1 water, also see (b)5vi below.

vi. All waterbodies that have been designated by the Department as Category One are specifically listed in (c) through (i).

vii. All waterways or waterbodies, or portions of waterways or waterbodies, that are located within the boundaries of the Pinelands Area established at N.J.S.A. 13:18A-11a are classified as PL unless they are listed as FW1 waters in (j) below. A tributary entering a PL stream is classified as PL only for those portions of the tributary that are within the Pinelands Area. Lakes are classified as PL only if they are located entirely within the Pinelands Area.

6. The following 10 classifications are used for the sole purpose of identifying the water quality classification of the waters listed in the tables in (c) through (j) below:

- i. "FW1" means those fresh waters, as designated in (j) below, and as defined at N.J.A.C. 7:9B-1.4.
- ii. "FW2-TP" means FW2 trout production.
- iii. "FW2-TM" means FW2 trout maintenance.
- iv. "FW2-NT" means FW2 nontrout.
- v. "PL" means Pinelands Waters.
- vi. "SE1" means saline estuarine waters whose designated uses are listed in N.J.A.C. 7:9B-1.12(d).
- vii. "SE2" means saline estuarine waters whose designated uses are listed in N.J.A.C. 7:9B-1.12(e).
- viii. "SE3" means saline estuarine waters whose designated uses are listed in N.J.A.C. 7:9B-1.12(f).
- ix. "SC" means the general surface water classification applied to saline coastal waters.
- x. FW2-NT/SE1 (or a similar designation that combines two classifications) means a waterway in which there may be a salt water/fresh water interface. The exact point of demarcation between the fresh and saline waters must be determined by salinity measurements and is that point where the salinity reaches 3.5 parts per thousand at mean high tide. The stream is classified as FW2-NT in the fresh portions (salinity less than or equal to 3.5 parts

per thousand at mean high tide) and SE1 in the saline portions.

7. The following water quality designations are used in (c) through (i), respectively, below:

- i. "(C1)" means Category One waters;
- ii. "(tp)" indicates trout production in waters which are classified as FW1. This is for information only and does not affect the water quality criteria for those waters;
- iii. "(tm)" indicates trout maintenance in waters which are classified as PL or FW1. For FW1 waters this is for information only and does not affect the water quality criteria for those waters.

(c) The following surface water classifications are for waters of the Atlantic Coastal Basin:

<u>Waterbody</u>	<u>Classification</u>
ABRAMS CREEK (Marmora)—Entire length, except portion outside the boundaries of the MacNamara Wildlife Management Area	FW2-NT/SE1(C1)
(Griscom)—Portions of the Creek and tributaries outside of the MacNamara Wildlife Management Area	FW2-NT/SE1
ABSECON BAY (Absecon)—All waters within Absecon Wildlife Management Area	SE1(C1)
ABSECON CREEK (Egg Harbor)—North and South Branches from their origins downstream to the boundary of the Pinelands Protection and Preservation Area	PL
(Absecon)—Boundary of the Pinelands Protection and Preservation Area to Mill Road Dam	FW2-NT
(Absecon)—Mill Road Dam to Absecon Bay, except portions within Absecon Wildlife Management Area	SE1 FW2-NT/SE1(C1)
ARNOLD POND (Barnegat)	
ATLANTIC OCEAN (Offshore)—Waters from the shoreline out to the three mile limit, except areas described below	SC
(Beach Haven)—Waters of the Atlantic Ocean out to the State's three mile limit from Beach Haven Inlet to Cape May Point, excluding the following waters:	SC(C1)
1. (Atlantic City)—All of the Ocean waters inshore of a line that begins at the center of Convention Hall, Atlantic City bearing approximately 153 degrees T (True North) and extends 2.0 nautical miles to a point with coordinates of latitude 39 degrees 19.4 minutes N., longitude 74 degrees 25.1 minutes W., from this point, approximately 2 nautical miles offshore, the line runs parallel to the shoreline in a southwesterly direction for approximately 2.1 nautical miles to a point with coordinates of latitude 39 degrees 18.4 minutes N., longitude 74 degrees 27.5 minutes W., then bearing approximately 333 degrees T (reciprocal 153 degrees T) for approximately 1.9 nautical miles to the outermost tip of the Ventnor City Fishing Pier located at the Boardwalk and South Cambridge Ave., City of Ventnor, then along that pier to the shore and terminating.	
2. (Ocean City)—All of the ocean waters inshore of a line which begins at the City of Ocean City's Beach Patrol, First Aid and Rest Room	