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State of New Jersey  
Department of Environmental Protection and Energy  
Environmental Regulation  
Office of Regulatory Policy  
CN423  
Trenton, NJ 08625-0423

Scott A. Weiner  
Commissioner

Martin A. Bierbaum  
Director

**M E M O R A N D U M**

**TO:** Interested Parties

**FROM:** Martin A. Bierbaum, Administrator  
Office of Regulatory Policy *MAB OCT 20 1992*

**SUBJECT:** Surface Water Quality Standards Proposal (SWQS)  
Basis and Background for the SWQS Proposal  
Practical Quantitation Levels (PQLs)-IPR  
Basis and Background for Determination of PQLs;  
Invitation for Informal Input-Total Phosphorus

Attached are the: (1) Surface Water Quality Standards Proposal (SWQS); (2) Basis and Background for the 1992 Proposed Revisions to the Surface Water Quality Standards; (3) Practical Quantitation Levels-Interested Party Review; (4) Basis and Background Document for the Determination of Surface Water Practical Quantitation Levels; and (5) Invitation for Informal Input-Total Phosphorus.

All the above listed documents are provided for your review and comment. Please send comments to:

Richard J. McManus  
Director, Office of Legal Affairs  
NJ Department of Environmental Protection and Energy  
CN-402  
Trenton, New Jersey 08625

before the close of the public comment period on Friday,  
December 18, 1992.

An addendum (attached) is included for the SWQS Proposal. Please be advised to add these sections where appropriate.

The Department is initiating procedures which should reduce the time and resources necessary to respond to public comments on these documents. The Department invites any commenter, who has access to any of the word processing software packages listed below, to submit comments on the proposed rule to the Department on paper as well as on diskettes (either 3.5 or 5.25 inch). The Department will then be able to upload the comments onto the Department's

office automation equipment, thereby saving the Department considerable time in not having to retype the comments. The Department would then use the paper version of the comments to ensure that the uploading was accomplished successfully. Please note that this is not a requirement, and that the Department will accept all comments submitted in writing prior to the end of the comment period noted above.

The word processing software which are compatible with the Department's office automation equipment are as follows: MultiMate; MultiMate 4.0; WordPerfect 4.2; WordPerfect 5.0; WordPerfect 5.1; Word for DOS; DisplayWrite RFT; OfficeWriter; Professional Write 2.0; Word for Windows; WordStar; Wang PC; and ASCII. Any commenter with access to any other software is encouraged to contact Mr. Richard J. McManus, at the address given above, to check the compatibility with any other software.

The Department appreciates your cooperation in this initiative to improve the efficiency of the Department's efforts to respond to comments. If this effort is successful, the Department may consider expanding this option for submitting comments on other matters.

Thank you for your attention to this matter.

attachments

## A D D E N D U M

This is the additional language necessary to complete the Surface Water Quality Standards proposal (N.J.A.C. 7:9-4).

### N.J.A.C. 7:9-6.3 And 7:14A-1.9

Please add the following language to the end of the Summary section of the proposal:

N.J.A.C. 7:9-6.3, the definition section of the Groundwater Quality Standards (GWQS), is being amended to include definitions for surface waters and vadose waters. These changes are being proposed simultaneously in the SWQS, GWQS and NJPDES Regulations to maintain regulatory consistency. These additional definitions are being proposed in the SWQS to explicitly include wetlands as waters of the State in recognition of the fact that wetlands are waters of the State for which SWQS will have to be developed.

The proposed modifications to N.J.A.C. 7:14A-1.9, the definition section of the New Jersey Pollution Discharge Elimination System Regulations, are part of the Department's efforts to explicitly include wetlands in the definition waters of the State and to maintain Departmental consistency between regulations.

Please add the following language to the end of the Social Impact section of the proposal:

There are no social impacts anticipated from the proposed changes to the definition sections of the GWQS (N.J.A.C. 7:9-6.3) and NJPDES Regulations (7:14A-1.9) because the proposed changes do not modify the scope or regulatory scheme of the subject regulations.

Finally, no social impacts are anticipated as a result of the change in language from "total metal" to "total recoverable metal" at 7:14A-3.14. The change from "total metal" to "total recoverable metal" will result in such small changes to permit limitations that social impacts are not expected.

Please add the following language to the Economic Impact section of the proposal:

Changes being proposed to the definition sections of N.J.A.C. 7:9-6.3 and 7:14A-1.9 are not changing the scope or regulatory scheme of the subject regulations

and should not result in any economic impacts. The change from "total metal" to "total recoverable metal" at N.J.A.C. 7:14A-3.14 will result in small differences in regulatory limitations established by the Department which are not expected to result in any significant economic impacts.

Please add the following language to the Environmental Impact section of the proposal:

The additional or modified definitions being proposed for N.J.A.C. 7:9-6.3 and 7:14A-1.9 are not expected to result in any environmental impacts. These changes do not modify either the scope or regulatory scheme of the subject regulations. The change in language from "total metal" to "total recoverable metal" at 7:14A-3.14 will result in small differences to regulatory limitations established by the Department which are not expected to result in any significant environmental impacts.

**Proposed Changes To N.J.A.C. 7:9-4.7**

Please add the legislative citation (L. 1990, C. 28) at the end of the second sentence of the last paragraph on page 4.

Please add the following language to the end of the paragraph at the bottom of page 4 and the top of page 5 of the Summary.

The change in language from reference to "effluent limitations" to "total maximum daily loads, wasteload allocations, and load allocation" does not change the effluent restrictions being referred to. It simply changes what they are being called. Before the recent amendments to the Water Pollution Control Act (WPCA) the definition of effluent limitations in the WPCA was broad enough to incorporate all effluent restrictions developed by the Department's various programs. The recent amendments to the WPCA changed the definition of "effluent limitation" so that only those restrictions "established by permit, or imposed as an interim enforcement limit pursuant to an administrative order, including and administrative consent order." This narrowing of the restrictions which fall under the definition of an "effluent limitations" required a change in what restrictions established in water quality management plans were called.

**Proposed Changes To N.J.A.C. 7:9-4.7**

Please add the following language to the end of the first paragraph of the Regulatory Flexibility section of the proposal:

Existing small businesses located on waters proposed for reclassification to Category One which do not change their discharges or treatment facilities are not expected to need to hire additional professional services as a result of this proposal. Existing small businesses that modify their wastewater treatment facility, increase their wastewater flow or increase their pollutant loading would need to hire professional services (e.g., engineers, planners, or environmental consultants) to modify their existing treatment facilities with the receiving waters remaining as Category Two. It is anticipated that no additional professional services, above and beyond those necessary to expand/modify existing treatment facilities would be required by small businesses.

