

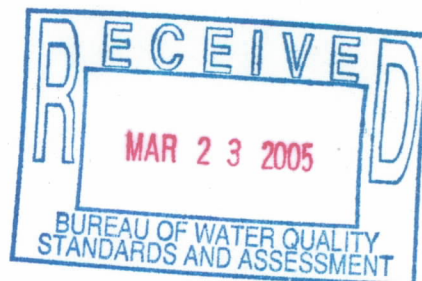


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR 18 2005

Ms. Lisa Jackson
Assistant Commissioner
Land Use Management
New Jersey Department of
Environmental Protection
CN 402
Trenton, New Jersey 08625-0402



Dear Assistant Commissioner Jackson:

The U.S. Environmental Protection Agency (EPA) has completed its review of the revisions to the New Jersey Surface Water Quality Standards (NJSWQS). N.J.A.C. 7:9B. These revisions were both adopted by the New Jersey Department of Environmental Protection (NJDEP) and became effective on August 2, 2004. They were submitted to EPA on August 23, 2004. The submission was accompanied by a letter, dated August 18, 2004, from New Jersey Deputy Attorney General Jane F. Engel, which certified that the 2004 revisions had been adopted in accordance with New Jersey law. In taking this action, EPA considered the following documents submitted in connection with the revised NJSWQS:

1. the letter from the New Jersey Deputy Attorney General Jane F. Engel, certifying that the standards were duly adopted pursuant to New Jersey law (dated August 18, 2004);
2. the applicable notices from the New Jersey Register (dated November 3, 2003 and August 2, 2004).

Under Section 303(c) of the Clean Water Act (CWA), 33 U.S.C. § 1313(c), states are to submit revised or new water quality standards to EPA for approval no less frequently than every three years. Federal regulations at 40 C.F.R. §§ 131.20 - 131.22 implement these requirements. New Jersey's previous review and revision of its water quality standards regulations were completed and adopted on November 3, 2003. As part of the review process of the 2004 revisions, NJDEP held a public hearing on December 15, 2003 to receive public input and comment on the proposed revisions to the NJSWQS. Based on our review, NJDEP's procedures are consistent with, and satisfy the procedural requirements of the applicable federal regulations.

The revisions to the NJSWQS enhance and improve the NJSWQS program, including:

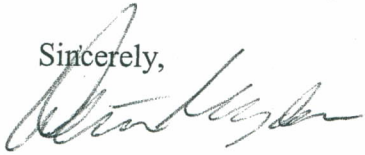
- the upgrade of seven tributaries to the lower Delaware River, including both named and unnamed tributaries to Category One (C1), based on "exceptional ecological significance" (N.J.A.C. 7:9B-1.15), which are approved as being consistent with the requirements under 40 C.F.R. § 131.10(a) - (e).
- the upgrade of the antidegradation designation for significant drainage areas of the Manasquan River, Metedeconk River and natural drainage to the Oradell Reservoir to C1 based upon "exceptional water supply significance" (N.J.A.C. 7:9B-1.15), which are approved as being consistent with the requirements under 40 C.F.R. § 131.10(a) - (e).
- the upgrade of the stream classification for two streams in the Delaware Basin to FW2-TP (Trout Production), and C1 designation, (N.J.A.C. 7:9B-1.15), which are approved as being consistent with the requirements under 40 C.F.R. § 131.10(a) - (e).
- the upgrade of South Branch Rockaway Creek from FW2-TM (C1) to FW2-TP (C1) based on trout production (N.J.A.C. 7:9B-1.15), which are approved as being consistent with the requirements under 40 C.F.R. § 131.10(a) - (e).

By this letter, I am pleased to approve the above revisions to the NJSWQS pursuant to Section 303(c) of the CWA.

EPA initiated consultation with the U.S. Fish and Wildlife Service (FWS) on December 6, 2004, under Section 7(a)(2) of the Endangered Species Act. Section 7(a)(2) requires that federal agencies, in consultation with the Services, insure that their actions are not likely to jeopardize the existence of federally listed species or result in the adverse modification of designated critical habitat of such species. In correspondence dated February 16, 2005, the FWS provided written concurrence that the revisions to the NJSWQS are not likely to adversely affect threatened/ endangered species (Enclosure 1). Similar Section 7(a)(2) consultation with NOAA Fisheries was not required for this approval, as there were no endangered species, or waterbodies under NOAA's jurisdiction.

EPA Region II looks forward to continuing to work with NJDEP to further improve the NJSWQS. If you have any questions, please call me at (212) 637-3725 or have your staff contact Mr. Mario Del Vicario, Chief, Community and Ecosystem Protection Branch at (212) 637-3779.

Sincerely,



Walter Mugdan, Director
Division of Environmental Planning & Protection

Enclosure

cc: Debra Hammond, NJDEP

~~Steven Lubow, NJDEP~~ — MALLER

Tom Gardner, OST-SHPD