



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

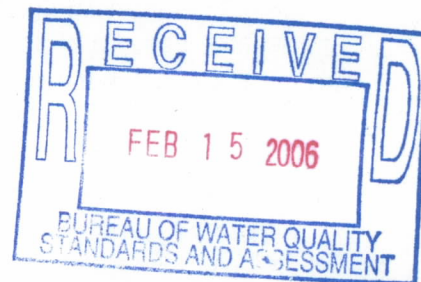
REGION 2
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FEB - 9 2006

Ms. Leslie J. McGeorge, Administrator
Water Monitoring and Standards
New Jersey Department of
Environmental Protection
CN 402
Trenton, New Jersey 08625-0402



Dear Ms. McGeorge:

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-1.15(c). These revisions were both adopted by the New Jersey Department of Environmental Protection (NJDEP) and became effective on June 20, 2005. They were submitted to EPA on August 22, 2005. The submission was accompanied by a letter, dated July 26, 2005 from New Jersey Deputy Attorney General Jane F. Engel, which certified that the 2005 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 July 26, 2005);
2. the applicable notices from the New Jersey Register (dated December 20, 2004 and June 20, 2005).

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 August 2, 2004. As part of the review process of the 2005 revisions, NJDEP provided an extended 90-day public comment period from December 20, 2004 to March 20, 2005 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:

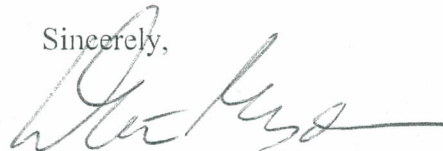
- the upgrade of the antidegradation designation of the Shark River Brook and its named and unnamed tributaries (a total of seven segments) to Category One (C1), based on "exceptional water supply significance" (N.J.A.C. 7:9B-1.15), which is approved as being consistent with the requirements under 40 C.F.R. § 131.10(a) - (e); and,
- the deletion of the twofold fresh and saline use classifications, FW2-TM/SE1 and FW2-NT/SE1, applicable to portions of the Shark River Brook and Shark River based on monitoring data available on the levels of salinity, which is 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, subject to the results of consultation under section 7(a)(2) of the Endangered Species Act.

EPA initiated consultation with the U.S. Fish and Wildlife Service (FWS) on September 9, 2005, 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. Upon completion of consultation, EPA will notify the State of the results. 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
and Protection

cc: Debra Hammond, NJDEP
Lauren Wisniewski, OST-SHPD