

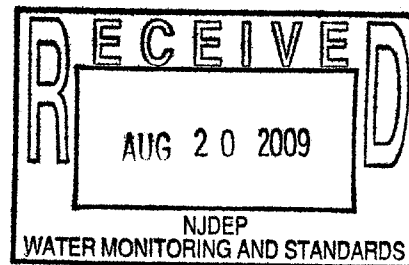


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

AUG 13 2009

Ms. Leslie J. McGeorge, Administrator
Water Monitoring and Standards
New Jersey Department of Environmental Protection
P.O. Box 409
Trenton, New Jersey 08625-0409



Dear Ms. McGeorge:

On April 8, 2009, The U.S. Environmental Protection Agency ("EPA") received New Jersey's 2008 Integrated Water Quality Monitoring and Assessment Report with appendices ("Integrated Report"). The Integrated Report including Appendix A: "New Jersey's 2008 Integrated List of Waters" ("Integrated List"), Appendix B: "New Jersey's 2008 303(d) List of Water Quality Limited Waters with Priority Ranking" ("List of Water Quality Limited Waters") and supporting documentation are sent to satisfy the requirements of Clean Water Act ("CWA") Sections 303(d) and 305(b). Subsequent revisions to the Integrated Report and documentation were received by EPA on June 29, 2009, July 9, 2009 and July 15, 2009. The initial submittal and these revisions together constitute the "Integrated Report submittal."

Section 303(d) of the CWA and EPA's implementing regulations at 40 CFR 130.7 require each State to identify those waters within its boundaries for which technology-based and other controls are not stringent enough to implement any water quality standards applicable to such waters. Under EPA's regulations at 40 CFR 130.7(b)(4), each State is required to identify the pollutants causing the impairment of the listed waters. Section 303(d) further requires States to establish a priority ranking for TMDL development for such waters, taking into account the severity of the pollution and the designated uses of the listed waters. Finally, States are required to identify the waters targeted for development of Total Maximum Daily Loads ("TMDLs") over the next two years. 40 CFR 130.7(b)(4).

New Jersey's 2008 Integrated Report submittal continues to follow EPA's suggested approach of assigning each of the State's waters to one of five assessment categories which New Jersey labels "Sublists 1 through 5." All of the waters of the state are divided among 950 U.S.G.S.-defined HUC-14 subwatersheds and 20 segments of the Delaware River totaling 970 assessment units (AUs). Each AU is assessed to determine attainment of its assigned designated uses and if any designated use is determined to be impaired, then that AU is placed on Sublist 5 and the pollutant(s) causing the impairment(s) are identified on the List of Water Quality Limited Waters. Therefore, the Integrated List's Sublist 5 and the List of Water Quality Limited Waters

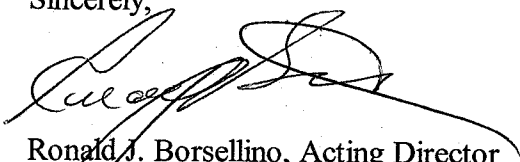
together comprise New Jersey's CWA Section 303(d) list. The New Jersey 2008 CWA Section 303(d) list identifies 2,304 assessment unit/pollutant combinations still requiring TMDLs with 69 assessment unit/pollutant combinations identified for TMDL development on the two-year schedule.

EPA's only action is on the identification of impaired waters and their associated impaired designated uses, with the pollutants responsible for these impairments, and the priority ranking with two-year schedule for TMDL development as found on Sublist 5 of the Integrated List, the List of Water Quality Limited Waters, and Appendix D: "New Jersey's 2008 Two Year TMDL Schedule (2008-2010)." EPA has conducted a complete review of these lists and supporting documentation to determine if New Jersey's 2008 list of water quality-limited waters still requiring TMDLs meets the requirements of Section 303(d) of the CWA and EPA's implementing regulations under 40 CFR 130.7. The statutory and regulatory requirements, and EPA's review of New Jersey's compliance with each requirement, are described in the enclosure.

Based on its review, EPA has determined that assessment units placed on Sublist 5 of the Integrated List and on the List of Water Quality Limited Waters identifying water quality-limited assessment units still requiring TMDLs and their associated pollutant impairments, and accompanying documentation, meet the requirements of Section 303(d) of the CWA and EPA's implementing regulations under 40 CFR 130.7. Therefore, EPA hereby approves Sublist 5 of the Integrated List and the List of Water Quality Waters, together, as New Jersey's 2008 CWA Section 303(d) list.

EPA also notes that the due date for submittal of the 2010 Integrated Report is less than eight months away. EPA would like to assist New Jersey in meeting this April 1, 2010 deadline. If you have any questions concerning this approval or the submittal of the 2010 Integrated Report, please do not hesitate to contact me at telephone number 212-637-3724 or your staff may contact Susan Schulz at 212-637-3829.

Sincerely,



Ronald J. Borsellino, Acting Director
Division of Environmental Planning and Protection

cc: Debra Hammond, NJDEP

Enclosure