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## **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

### **WATER RESOURCE MANAGEMENT**

#### **DIVISION OF WATER MONITORING AND STANDARDS**

##### **Surface Water Quality Standards, N.J.A.C. 7:9B**

##### **Surface Water Quality Criteria**

##### **Notice of Administrative Changes and Corrections - N.J.A.C. 7:9B-1.4., 1.5, 1.7 and 1.14**

**Take notice** that the Department of Environmental Protection (Department) is making administrative changes to the Surface Water Quality Standards (SWQS), N.J.A.C. 7:9B, to incorporate site-specific criteria at N.J.A.C. 7:9B-1.14(g). The Department is additionally making administrative corrections to correct an error in the pH criteria at N.J.A.C. 7:9B-1.14(d) and to correct and update cross-references and citations, as discussed further below.

##### **Site-specific criteria; N.J.A.C. 7:9B-1.14(g)**

The SWQS contain water quality criteria applicable to the State's waters. In addition to criteria applicable to waters statewide, the rules include site-specific criteria. Site-specific criteria are alternative criterion established in place of an existing Statewide criterion to protect existing or designated uses for specific waterbodies. In accordance with N.J.A.C. 7:9B-1.14(g), site-specific criterion developed through a Total Maximum Daily Load (TMDL) adopted as an amendment to the applicable Areawide Water Quality Management Plan(s) (WQMP) in accordance with the Department's Water Quality Management Planning rules, N.J.A.C. 7:15, are incorporated into that subsection of the SWQS through publication of a notice of administrative change in the New Jersey Register. TMDLs are required under Section 303(d) of the Federal Clean Water Act, 33 U.S.C.

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1313(d), to be developed for waterbodies that cannot meet water quality standards after the implementation of technology-based effluent limitations.

The Department is amending N.J.A.C. 7:9B-1.14(g) to incorporate site-specific criteria for total phosphorus and chlorophyll-*a* developed through the TMDL process applicable to specific waterbodies as described below. The existing site-specific criteria for copper is recodified without change as N.J.A.C. 7:9B-1.14(g)1, with the two new site-specific criteria for total phosphorus and chlorophyll-*a* codified at N.J.A.C. 7:9B-1.14(g)2 and 3 respectively.

**Total Phosphorus in the non-tidal Raritan River Basin; N.J.A.C. 7:9B-1.14(g)2**

On May 24, 2016, the Department adopted amendments to the Lower Raritan/Middlesex County, Mercer County, Monmouth County, Northeast, Upper Delaware and Upper Raritan WQMPs establishing TMDLs to address total phosphorus, dissolved oxygen, pH and total suspended solids impairments in the non-tidal Raritan River Basin (see 46 N.J.R. 1485(c); 48 N.J.R. 1321(a)). Findings incorporated into the TMDL report included the determination that site-specific criteria for total phosphorus were appropriate for the following five waterbodies; Carnegie Lake (Mercer and Middlesex Counties), Gordon Pond (Middlesex County), Grovers Mill Pond (Mercer County), Peddie Lake (Mercer County) and Plainsboro Pond (Middlesex County). The site-specific total phosphorus criterion identified as an annual average concentration for each of these waterbodies in the TMDL report is as follows: Carnegie Lake (Mercer and Middlesex Counties), 0.050 mg/L; Gordon Pond (Middlesex County), 0.053 mg/L; Grovers Mill Pond (Mercer County), 0.040 mg/L; Peddie Lake (Mercer County), 0.059 mg/L; and Plainsboro Pond (Middlesex County), 0.043 mg/L. To reflect these site-specific criteria developed through the TMDL for the non-tidal Raritan River Basin, N.J.A.C. 7:9B-1.14(g) is amended to incorporate at N.J.A.C. 7:9B-1.14(g)2 the above identified site-specific criteria

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for total phosphorus applicable to these waterbodies. The new paragraph additionally identifies the TMDL through which the site-specific criteria were developed for ease of reference.

**Chlorophyll *a* and Total Phosphorus in the non-tidal Passaic River Basin, N.J.A.C. 7:9B-1.14(g)3**

On April 24, 2008, the Department adopted amendments to the Northeast, Upper Raritan, Sussex County and Upper Delaware WQMPs establishing TMDLs to address total phosphorus impairments in the non-tidal Passaic River Basin (see 39 N.J.R. 1814(b); 40 N.J.R. 2574(b)). As indicated in the New Jersey Register notices and in the TMDL document summarized in those notices, the TMDL determined that two waterbodies in the area of study, Wanaque Reservoir and Dundee Lake, were the critical locations representative of the upstream watershed draining into Wanaque Reservoir and Dundee Lake, where total phosphorus is causing excessive primary productivity. For other waterbodies in the study area, it was determined that the in-stream numeric criterion does not apply because total phosphorus, although exceeding the SWQS numeric criterion, is not rendering the waters unsuitable for the designated uses of those waters. Accordingly, total phosphorus was removed as a basis for impairment for the other waters in the study area. For the Wanaque Reservoir and Dundee Lake, the TMDL determined that chlorophyll-*a* would be utilized as a response indicator as the best means to ensure protection of the designated uses in these two waterbodies and the streams draining into these two waterbodies, with the TMDL establishing site-specific criteria for chlorophyll-*a* of 10 µg/L as a seasonal average in the Wanaque Reservoir and 20 µg/L as a seasonal average in Dundee Lake.

To reflect the site-specific criteria developed through the TMDL for the non-tidal Passaic River Basin, N.J.A.C. 7:9B-1.14(g) is amended to incorporate at N.J.A.C. 7:9B-1.14(g)3 the site-specific criteria for chlorophyll-*a* applicable in the Wanaque Reservoir and Dundee Lake. As

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indicated above, the TMDL for the Passaic River Basin additionally determined that certain waters in the TMDL study area need not be subject to the statewide total phosphorus criterion of 0.1 mg/L. Accordingly, those waterbodies that are excepted from the statewide criterion are identified at N.J.A.C. 7:9B-1.14(g)3i. The new paragraph additionally identifies the TMDL through which the site-specific criteria were developed for ease of reference.

**Administrative correction; Saline coastal water classification for pH; N.J.A.C. 7:9B-1.14(d)5iii**

The general surface water quality criteria for freshwater 2 (FW2), saline waters of estuaries (SE) and saline coastal (SC) waters are codified at N.J.A.C. 7:9B-1.14(d), with the criteria for pH specified at N.J.A.C. 7:9B-1.14(d)5i - iii. For SC waters, the applicable criterion is that natural pH conditions shall prevail.

In 2009, the Department readopted the SWQS with amendments to incorporate new pH criteria applicable to FW2 and SE waters, with the new criteria then codified at N.J.A.C. 7:9B-1.14(d)4i and ii. As part of this rulemaking, the existing criterion applicable to SC waters was recodified from N.J.A.C. 7:9B-1.14(d)4ii to (d)4iii without any change to the criterion or the classification (see 41 N.J.R. 1565(a), 1587-1588; 41 N.J.R. 4735(a), 4765). However, while there was no change in the pH criteria or classification applicable to SC waters, the SC classification then codified at N.J.A.C. 7:9B-1.14(d)4iii did not continue to appear in the Administrative Code with that column left blank for this subparagraph. Through this Notice of Administrative Change and Correction, the Department is correcting this oversight by including SC under the classification column applicable to pH, currently codified at N.J.A.C. 7:9B-1.14(d)5iii.

**Other administrative corrections and changes; N.J.A.C. 7:9B-1.14(d)4 and N.J.A.C. 7:9B-1.14(g)**

As indicated above, the SWQS contain water quality criteria that apply statewide to the State's waters unless site-specific water quality criteria have been established for specific waterbodies. The statewide and site-specific criteria are codified in separate subsections of N.J.A.C. 7:9B-1.14; with statewide criteria specified in N.J.A.C. 7:9B-1.14(d) – (f), and site-specific criteria codified at N.J.A.C. 7:9B-1.14(g). As indicated at N.J.A.C. 7:9B-1.14(g), the site-specific criteria supersede the statewide criteria contained in (d) – (f) in the specifically identified waterbodies. In order to reflect those substances for which site-specific criteria have been developed that are applicable in place of the statewide standards in certain waters, the Department is adding a footnote applicable to total phosphorus in N.J.A.C. 7:9B-1.14(d)4ii, and to copper in N.J.A.C. 7:9B-1.14(f). The footnotes provide a cross-reference to N.J.A.C. 7:9B-1.14(g) to help ensure that those impacted by the rules are aware of the standard that is applicable to their proposed activity.

#### **References to the Water Quality Management Planning rules, N.J.A.C. 7:15**

The SWQS rules cross-reference to the Water Quality Management Planning rules in several sections; particularly, the “watershed-specific translators” definition at N.J.A.C. 7:9B-1.4, general policies at N.J.A.C. 7:9B-1.5(a)9, the antidegradation policies at N.J.A.C. 7:9B-1.5(d)1iv, waterway loadings in areawide water quality management plans at N.J.A.C. 7:9B-1.7 and the surface water quality criteria at N.J.A.C. 7:9B-1.14(g). In 2016, the Department repealed and replaced the Water Quality Management Planning (WQMP) rules with new rules at N.J.A.C. 7:15 (see 47 N.J.R. 2531(a); 48 N.J.R. 2244(a)). The Department is revising the cross-references in the above-mentioned sections of the SWQS to reflect the recodification of the referenced provisions in the current WQMP rules, as discussed below.

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The Department is revising the definition of “watershed-specific translators” to update the reference to the applicable provision of the recodified WQMP rules, from N.J.A.C. 7:15-6 to N.J.A.C. 7:15-5.

The Department is revising the policy at N.J.A.C. 7:9B-1.5(a)9 to update the reference to the applicable provision of the recodified WQMP rules, from N.J.A.C. 7:15-6.2 to N.J.A.C. 7:15-5.2.

The Department is revising the antidegradation policy at N.J.A.C. 7:9B-1.5(d)1iv to remove reference to the Statewide Water Quality Management Plan, which is no longer part of the WQMP rules, N.J.A.C. 7:15, and replace it with a reference to applicable provisions of the WQMP rules regarding the continuing planning process at N.J.A.C. 7:15-2.2.

The Department is revising provisions at N.J.A.C. 7:9B-1.7 to remove reference to the process for amendments to areawide water quality management plans under the WQMP rules previously codified at N.J.A.C. 7:15-3.4 and replace it with a reference to the applicable provisions of the WQMP rules regarding plan amendment procedures for 303(d) List and TMDLs at N.J.A.C. 7:15-5.4.

The Department is revising the provisions regarding site-specific water quality criteria at N.J.A.C. 7:9B-1.14(g) to remove reference to the Statewide Water Quality Management Plan, which is no longer part of the WQMP rules, N.J.A.C. 7:15, and replace it with a reference to the applicable provisions of the WQMP rules regarding amendment procedures for 303(d) List and TMDLs at N.J.A.C. 7:15-5.4.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### 7:9B-1.4 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

...

“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]**7:15-5**, to demonstrate compliance with the narrative criterion pursuant to N.J.A.C. 7:9B-1.14(d)4i to protect existing or designated uses for specified watershed(s).

...

#### 7:9B-1.5 Statements of policy

(a) General policies are as follows:

1 – 8 (No change.)

9. The Department uses the Integrated Water Quality Monitoring and Assessment Methods developed pursuant to N.J.A.C. [7:15-6.2]**7:15-5.2** 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) – (c) (No change.)

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

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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. – iii. (No change.)

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-**2.2**), 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. – vii. (No change.)

2. (No change.)

(e) – (h) (No change.)

#### 7:9B-1.7 Waterway loadings in areawide water quality management plans

Any total maximum daily load, wasteload allocation, or load allocation established as an amendment to an areawide water quality management plan under N.J.A.C. [7:15-3.4]**7:15-5.4** shall be consistent with all of the provisions of this subchapter.

#### 7:9B-1.14 Surface water quality criteria

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(a) – (c) (No change.)

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

N.J.A.C. 7:9B-1.14(d) General Surface Water Criteria for FW2, SE and SC Waters:

(Expressed as Maximum concentrations unless otherwise noted)

Substance	Criteria	Classifications
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1. – 3. (No change.)

4. Nutrients

i. (No change.)

ii. Phosphorus (mg/L)\*

(1) – (2) (No change.)

5. pH (Standard Units)

i. – ii. (No change.)

iii. Natural pH conditions shall prevail. **SC**

6. – 13. (No change.)

\* **See N.J.A.C. 7:9B-1.14(g) for site-specific criteria**

(e) (No change.)

(f) Surface water criteria for toxic substances are as follows:

1. – 6. (No change.)

7. Surface Water Quality Criteria for Toxic Substances:  
(µg/L)

...

Toxic Substance	CAS Number	Fresh Water (FW2) Criteria			Saline Water (SE & SC) Criteria		
		Aquatic		Human Health	Aquatic		Human Health
		Acute	Chronic		Acute	Chronic	

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Copper*	7440-50-8	(a)	(a)	1,300(h)(T)	4.8(d)(s)	3.1(d)(s)	
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...

\* **See N.J.A.C. 7:9B-1.14(g) for site-specific criteria**

(g) Site-specific surface water quality criteria listed below apply to specific waterbodies that supersede the State-wide criteria listed at (d) through (f) above. Any site-specific criterion developed through a Total Maximum Daily Load (TMDL) adopted as an amendment to the [Statewide Water Quality Management Plan or the] applicable Areawide Water Quality Management Plan in accordance with N.J.A.C. 7:15-[6.4]5.4 shall be incorporated into this section.

The Department shall publish a notice of administrative change in the New Jersey Register.

**1.**

Toxic Substance	CAS Number	Freshwater Criteria			Saline water Criteria			Waterbodies
		Aquatic		Human Health	Aquatic		Human Health	
		Acute	Chronic		Acute	Chronic		
Copper (µg/L dissolved)	(No change in text.)							

**2.**

Substance	Criteria	Duration	Waterbody	Associated HUC14 Name	Associated HUC14 Number
Total Phosphorus (mg/L) <sup>(A)</sup>	0.050	Annual average	Carnegie Lake (Mercer & Middlesex Counties)	Stony Bk (Princeton)	02030105090090
				Millstone R (Rt. 1 to Cranbury Bk)	02030105100140
				Millstone R (Heathcote Bk to Harrison St.)	02030105110020
	0.053	Annual average	Gordon Pond (Middlesex County)	Devils Brook	02030105100110
	0.040	Annual average	Grovers Mill Pond (Mercer County)	Bear Brook (below Trenton Road)	02030105100130
	0.059	Annual average	Peddie Lake (Mercer County)	Rocky Brook (below Monmouth Co line)	02030105100050
	0.043	Annual average	Plainsboro Pond (Middlesex County)	Cranbury Brook (below NJ Turnpike)	02030105100090

(A) In accordance with the Amendment to the Lower Raritan/Middlesex, Mercer County, Monmouth County, Northeast, Upper Delaware and Upper Raritan Water Quality Management Plans; Total Maximum Daily Load Report for the Non-Tidal Raritan River Basin Addressing Total Phosphorus, Dissolved Oxygen, pH and Total Suspended Solids Impairments Watershed Management Areas 8, 9 and 10; adopted May 24, 2016 at 48 N.J.R. 1321(a)). The TMDL Report may be downloaded at [https://www.nj.gov/dep/wms/bears/docs/raritan\\_tmdl\\_adopted.pdf](https://www.nj.gov/dep/wms/bears/docs/raritan_tmdl_adopted.pdf).

3.

Substance	Criteria	Duration	Waterbody	Associated HUC14 Name	Associated HUC14 Number
Chlorophyll <i>a</i> (µg/L) <sup>(B)</sup>	20	Seasonal average (June 15 <sup>th</sup> to September 1 <sup>st</sup> )	Dundee Lake	Passaic R Lwr (Dundee Dam to F.L. Ave)	02030103120080
	10	Seasonal average (June 15 <sup>th</sup> to September 1 <sup>st</sup> )	Wanaque Lake	Wanaque Reservoir (below Monks gage)	02030103070050

(B) Chlorophyll *a* is a watershed-specific translator applicable for the lakes identified above where the total phosphorus criterion of 0.1 mg/L does not apply to the upstream waterbodies identified in Table (i) below in accordance with the Amendment to the Northeast, Upper Raritan, Sussex County and Upper Delaware Water Quality Management Plans; Total Maximum Daily Load Report for the Non-Tidal Passaic River Basin Addressing Phosphorus Impairments. Watershed Management Areas 3, 4 and 6; adopted April 24, 2008 at 40 N.J.R. 2574(b)). The TMDL Report may be downloaded at [https://www.nj.gov/dep/wms/bears/docs/passaic\\_tmdl.pdf](https://www.nj.gov/dep/wms/bears/docs/passaic_tmdl.pdf).

i. The total phosphorus criterion of 0.1 mg/L at N.J.A.C. 7:9B-1.14(d)4ii(1) does not apply to the following waterbodies

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<b>Waterbody</b>	<b>Associated HUC14 Name</b>	<b>Associated HUC14 Number</b>
<b>Passaic River from source to Dundee Lake Dam, including all named and unnamed tributaries</b>	<b>Passaic R Upr (above Osborn Mills)</b>	<b>02030103010010</b>
	<b>Passaic R Upr (Dead R to Osborn Mills)</b>	<b>02030103010070</b>
	<b>Passaic R Upr (Plainfield Rd to Dead R)</b>	<b>02030103010110</b>
	<b>Passaic R Upr (Snyder to Plainfield Rd)</b>	<b>02030103010120</b>
	<b>Passaic R Upr (40d 45m to Snyder Ave)</b>	<b>02030103010130</b>
	<b>Passaic R Upr (Columbia Rd to 40d 45m)</b>	<b>02030103010150</b>
	<b>Passaic R Upr (Hanover RR to Columbia Rd)</b>	<b>02030103010160</b>
	<b>Passaic R Upr (Rockaway to Hanover RR)</b>	<b>02030103010170</b>
	<b>Passaic R Upr (Pine Bk br to Rockaway)</b>	<b>02030103010180</b>
	<b>Passaic R Upr (Pompton R to Pine Bk)</b>	<b>02030103040010</b>
	<b>Passaic R Lwr (pump stn to Pompton R)</b>	<b>02030103120100</b>
	<b>Passaic R Lwr (Goffle Bk to pump stn)</b>	<b>02030103120110</b>
	<b>Passaic R Lwr (Fair Lawn Ave to Goffle)</b>	<b>02030103120070</b>
	<b>Passaic R Lwr (Dundee Dam to F.L. Ave)</b>	<b>02030103120080</b>
<b>High Mountain Brook, entire length</b>	<b>Meadow Brook/High Mountain Brook</b>	<b>02030103070060</b>
<b>Meadow Brook, entire length</b>	<b>Meadow Brook/High Mountain Brook</b>	<b>02030103070060</b>
<b>Wanaque River from Wanaque Reservoir dam to Pequannock River including all named and unnamed tributaries</b>	<b>Meadow Brook/High Mountain Brook</b>	<b>02030103070060</b>
	<b>Wanaque R/Posts Bk (below reservoir)</b>	<b>02030103070070</b>
<b>Posts Brook including all named and unnamed tributaries</b>	<b>Wanaque R/Posts Bk (below reservoir)</b>	<b>02030103070070</b>
<b>Ramapo River from Pompton Lake to Pompton River including all named and unnamed tributaries</b>	<b>Ramapo R (below Crystal Lake bridge) <sup>P</sup></b>	<b>02030103100070 <sup>P</sup></b>
<b>Pompton River from confluence with Pequannock River to Passaic River, including all named and unnamed all tributaries</b>	<b>Pequannock R (below Macopin gage) <sup>P</sup></b>	<b>02030103050080 <sup>P</sup></b>
	<b>Pompton River</b>	<b>02030103110020</b>
<b>Beaver Brook including all named and unnamed all tributaries</b>	<b>Lincoln Park tribs (Pompton River)</b>	<b>02030103110010</b>
<b>Preakness (Singac) Brook, entire length</b>	<b>Preakness Brook / Naachtpunkt Brook</b>	<b>02030103120030</b>
<b>Goffle Brook, entire length</b>	<b>Goffle Brook</b>	<b>02030103120050</b>
<b>Molly Ann Brook, entire length</b>	<b>Molly Ann Brook</b>	<b>02030103120040</b>
<b>Deepavaal Brook, entire length</b>	<b>Deepavaal Brook</b>	<b>02030103120060</b>
<b>Peckman River, entire length</b>	<b>Peckman River (above CG Res trib)</b>	<b>02030103120010</b>
	<b>Peckman River (below CG Res trib)</b>	<b>02030103120020</b>
<b>Canoe Brook, entire length</b>	<b>Canoe Brook</b>	<b>02030103010140</b>
<b>Slough Brook, entire length</b>	<b>Slough Brook</b>	<b>02030103010190</b>
<b>Crooked Brook including all named and unnamed all tributaries</b>	<b>Montville tribs.</b>	<b>02030103030160</b>
<b>Rockaway River, from downstream boundary of Jersey City (Boonton) Reservoir to Passaic River including all named and unnamed tributaries</b>	<b>Rockaway R (Passaic R to Boonton dam)</b>	<b>02030103030170</b>

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<b>Whippany River from Washington Valley Road to Passaic River including all named and unnamed all tributaries</b>	<b>Greystone / Watnong Mtn tribs</b>	<b>02030103020030</b>
	<b>Whippany R (Lk Pocahontas to Wash Val Rd)</b>	<b>02030103020040</b>
	<b>Whippany R (Malapardis to Lk Pocahontas)</b>	<b>02030103020050</b>
	<b>Whippany R (Rockaway R to Malapardis Bk)</b>	<b>02030103020100</b>
<b>Dead River, entire length</b>	<b>Dead River (above Harrisons Brook)</b>	<b>02030103010080</b>
	<b>Dead River (above Harrisons Brook)</b>	<b>02030103010100</b>
<b>Harrisons Brook, entire length</b>	<b>Harrisons Brook</b>	<b>02030103010090</b>
<b>Primrose Brook, entire length</b>	<b>Primrose Brook</b>	<b>02030103010020</b>
<b>Loantaka Brook, entire length</b>	<b>Loantaka Brook</b>	<b>02030103010040</b>
<b>Great Brook including all named and unnamed all tributaries</b>	<b>Great Brook (above Green Village Rd)</b>	<b>02030103010030</b>
	<b>Great Brook (below Green Village Rd)</b>	<b>02030103010050</b>
<b>Malapardis Brook, entire length</b>	<b>Malapardis Brook</b>	<b>02030103020060</b>
<b>Black Brook, entire length</b>	<b>Black Brook (Hanover)</b>	<b>02030103020070</b>
<b>Black Brook including all named and unnamed all tributaries</b>	<b>Black Brook (Great Swamp NWR)</b>	<b>02030103010060</b>
<b>Troy Brook including all named and unnamed tributaries</b>	<b>Troy Brook (above Reynolds Ave)</b>	<b>02030103020080</b>
	<b>Troy Brook (below Reynolds Ave)</b>	<b>02030103020090</b>

**P Partial HUC14**

(h) (No change.)

Date \_\_\_\_\_

\_\_\_\_\_  
 Bruce Friedman  
 Director, Division of Water Monitoring and Standards  
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