

# DELAWARE RIVER BASIN COMMISSION

## GENERAL NOTICE

### Notice of Special Public Hearing

**AGENCY:** Delaware River Basin Commission

**ACTION:** Notice of Public Hearing

**SUMMARY:**

The Delaware River Basin Commission ("DRBC" or "Commission") will hold a special public hearing on a draft resolution to recognize significant water quality improvements in the Delaware River Estuary and provide for a formal review of the designated aquatic life uses and water quality criteria necessary to support these uses.

In order to fulfill their obligation under the federal Clean Water Act ("CWA") to designate and protect uses for surface waters including the shared waters of the Delaware River Estuary, the States of Delaware and New Jersey and the Commonwealth of Pennsylvania either defer to DRBC water quality standards that they have jointly established or provide for application of the more stringent of state and DRBC standards within the basin. In 1967 the DRBC established water quality standards for the Estuary, including as designated uses for Water Quality Zones 3, 4 and the upper portion of Zone 5, "the maintenance of resident fish and other aquatic life and the passage of anadromous fish". Significant water quality improvements have occurred since these uses and supporting water quality criteria were adopted, an achievement that has been the result of effective water management by DRBC, the federal government, and the four basin states, and substantial investment by public entities and private industry to upgrade treatment works.

A study of existing aquatic life uses in the Estuary with respect to resident and anadromous fish species was completed by DRBC in 2015. Based on this study, the Commission proposes to recognize formally that water quality and aquatic life uses in portions of the Estuary have substantially and significantly improved since 1967 and that the evidence supports further study on the inclusion of propagation as a designated use in Zones 3 and 4 and the upper portion of Zone 5.

The Commission's draft resolution outlines the need for additional studies, among others, to: determine the dissolved oxygen ("DO") requirements of resident and migratory fish species and the nutrient loadings from point and non-point sources that can be discharged while maintaining these DO levels in Estuary waters; evaluate the variety of factors affecting attainment of potential "higher" uses, including technical, social and economic factors; and identify and evaluate opportunities for early action to reduce oxygen depleting discharges to the Estuary in the short term.

The resolution also identifies goals for the Estuary that are shared by the Commission, the Estuary states, and the U.S. Environmental Protection Agency, including: protection of the water quality improvements achieved to date; continuous improvement in water quality in these shared waters; an update of the water quality standards, including designated uses and criteria, consistent with CWA goals as quickly as possible and practicable; early actions based on optimizing the use of existing infrastructure; and consultation with all stakeholders, including the regulated community, in updating and implementing regulatory changes.

Action on the proposed resolution can occur only at a duly noticed DRBC business meeting following the close of the written comment period.

**DATES:** The public hearing will be held at 2:00 P.M. on Wednesday, March 15, 2017. Individuals who wish to comment during the public hearing are asked to sign up in advance by contacting Ms. Paula Schmitt of the Commission staff, at paula.schmitt@drbc.nj.gov. The hearing will continue until all those wishing to testify have had an opportunity to do so. Written comments will be accepted and must be received by 5:00 P.M. on Thursday, April 13, 2017.

**ADDRESSES:** The public hearing will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, Pa. Written comment on items scheduled for hearing may be delivered by hand at the public hearing or: by hand, U.S. Mail or private carrier to: Commission Secretary, P.O. Box 7360, 25 Cosey Road, West Trenton, NJ 08628; by fax to Commission Secretary, DRBC at 609-883-9522; or by email (preferred) to paula.schmitt@drbc.nj.gov.

**FOR FURTHER INFORMATION:** The resolution can be viewed on the commission's web site at [www.drbc.net](http://www.drbc.net).

Dated: February 23, 2017

PAMELA M. BUSH, ESQ.

Commission Secretary

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