NJDEP Upgrades Protections for 600 Miles of Rivers and Streams

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New Jersey Environmental Law Blog

- Administrative & Regulatory
- Environmental, Energy & Resources
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Friday, May 8, 2020

Effective April 6, 2020, the New Jersey Department of Environmental Protection (“NJDEP”) adopted rule amendments to the Surface Water Quality Standards, N.J.A.C. 7:9B. The amendments upgraded the designation of approximately 600 miles of rivers and streams to “Category One” (“C1”) waterways. NJDEP identified 14 counties and 67 municipalities “potentially affected” by the C1 upgrades.

C1 waters and certain other tributaries are afforded heightened protections from pollution and development. The amendments will have significant and immediate impacts on existing properties and proposed developments along the newly designated C1 waterways and certain other tributaries. Importantly, a C1 designation requires 300-foot protection zones (riparian buffers) on each side of the waterway as required under the New Jersey Flood Hazard Area Control Act Rules, N.J.A.C. 7:13. In this respect, certain developments and projects (e.g., constructing new roads, buildings, and utilities) within these riparian zones will be subject to stricter permit limitations. In addition, a C1 designation requires that the existing water quality cannot be changed. Accordingly, sewage treatment plants that
discharge into the new C1 waters will need to make significant upgrades to their operations to comply with the more rigorous water quality standards.

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