Delaware River Basin Commission

Resolution for the Minutes 2020-09:

Revised Schedule for Aquatic Life Designated Use Project

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DRBC Resolution 2017-04

Resolution to recognize that evidence supports further study on the <u>inclusion of</u> <u>propagation as a designated use</u> in Zones 3 and 4 and the upper portion of Zone 5 of the Delaware River Estuary; to provide for such <u>studies to be undertaken</u> in consultation with co-regulators and dischargers; and to direct the Executive Director to <u>initiate DRBC rulemaking to revise the designated aquatic life uses</u> consistent with the results of the identified studies and the objectives and goals of the federal Clean Water Act.



DRBC Resolution 2017-04 Studies Required Before Rulemaking

6(a). Input on the **dissolved oxygen requirements of aquatic species**

6(b). Field studies of the occurrence, spatial and temporal distribution of the life stages of Estuary fish species

6(c). Input from consultations pursuant to the **Endangered Species Act** ("ESA")

Modeling Studies

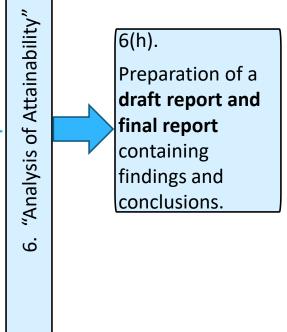
Fish/DO Studies

6(d). Development and calibration of a **eutrophication model** for the Delaware River Estuary and Bay;

6(e). Determination of the nutrient **loadings from point and nonpoint sources** necessary to support key aquatic species;

Cost/Feasibility Studies 6(f). Evaluation of the **capital and operating costs for treatment** capable of achieving higher levels of dissolved oxygen;

6(g). Evaluation of the physical, chemical, biological, social and economic factors affecting the attainment of uses,





Resolution for the Minutes of September 2020

Recognition:

- Reaffirms the goals of Resolution No. 2017-04.
- Commission has expended significant sums from its general fund for the DRBC staff and external resources.
- Commission has pursued and has been awarded grants and contracts from multiple public and private sources.
- Commission and its contractors have completed or made substantial progress on a majority of the scientific studies and tasks.

Source: https://www.nj.gov/drbc/library/documents/ResForMinutes091020 EstuaryDesignatedUse.pdf



Resolution for the Minutes of September 2020

Increased project scope:

- Identified additional model development tasks that are necessary for development of a robust model.
- Model coding/linkage enhancements have been identified and need to be resolved.
- Hydrologic conditions for the planned 2018-2019 calibration period were exceptionally wet; need to develop the dry to normal conditions observed in prior years for analysis of attainability.



Resolution for the Minutes of September 2020

Delays and Constraints:

- Receipt of effluent data from point source dischargers completed in May 2020.
- Shortfalls in signatory party contributions since 2017, coupled with budget uncertainties and cutbacks associated with the COVID-19 pandemic.
- Supplemental data collection activities required for model development were suspended due to the COVID-19 pandemic in 2020.



Revision to Designated Use Schedule

Schedule in Resolution No. 2017-04

- Full draft analysis of attainability within 3.5 years \rightarrow March 2021
- Issue final rule and implementation strategy within 6 years \rightarrow September 2023
- Revised schedule in Resolution for the Minutes of 2020-09 (18-month extension)
 - Full draft analysis of attainability within 5 years \rightarrow September 2022
 - Issue final rule and implementation strategy within 7.5 years \rightarrow March 2025
- Revised schedule depends on the availability of resources and resumption of normal data collection activities suspended due to COVID-19 pandemic.

