

**ASSEMBLY, No. 2911**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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INTRODUCED FEBRUARY 1, 2018

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**SYNOPSIS**

Requires, after study, DEP to adopt total maximum daily loads for Barnegat Bay ecosystem, and requires DEP to adopt nutrient standards for NJ marine waters.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the water quality of the Barnegat Bay  
2 ecosystem, and supplementing P.L.1977, c.74 (C.58:10A-1 et  
3 seq.).  
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*  
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8 1. Within one year after the effective date of this act, the  
9 Department of Environmental Protection shall conduct a study and  
10 prepare a report that evaluates the water quality of the Barnegat Bay  
11 ecosystem to determine whether the bay is impaired as described  
12 pursuant to section 303(d) of the federal Clean Water Act, 33  
13 U.S.C. s.1313. The study shall examine whether the waters of the  
14 Barnegat Bay ecosystem meet State water quality standards, and  
15 shall focus on the impairments caused by phosphorus, nitrogen and  
16 excessive sediment. The study shall also evaluate whether there are  
17 declining trends in the water quality of the Barnegat Bay ecosystem.  
18 The department shall evaluate the efficacy of (1) controls on point  
19 sources that discharge into the bay and its tributaries, and (2)  
20 practices and programs that control nonpoint source pollution in the  
21 watershed. The department shall also make recommendations for  
22 any Legislative action that may be necessary to restore the water  
23 quality of the Barnegat Bay ecosystem.

24 The study and report shall be transmitted, pursuant to section 2  
25 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, and the chairs  
26 of the Senate Environment and Energy Committee and the  
27 Assembly Environment and Solid Waste Committee, or their  
28 successors.  
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30 2. If the Department of Environmental Protection, pursuant to  
31 section 1 of this act, finds that Barnegat Bay is an impaired  
32 waterbody, the department shall, within two years after the effective  
33 date of this act, develop total maximum daily loads for the Barnegat  
34 Bay ecosystem.

35 Any total maximum daily load developed pursuant to this section  
36 shall include (1) an implementation plan describing demonstrable  
37 reduction measures, and (2) a schedule with annual benchmarks to  
38 ensure implementation of the total maximum daily load in a timely  
39 manner.  
40

41 3. a. Nothing in this act shall delay, or be construed to delay,  
42 the implementation of existing or new best management practices to  
43 reduce sediments and nutrients from point sources and nonpoint  
44 sources affecting the Barnegat Bay ecosystem. The Department of  
45 Environmental Protection shall use existing mechanisms to the  
46 maximum extent practicable to reduce sediments and nutrients  
47 during the study and the development of the total maximum daily  
48 loads pursuant to this act.

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b. In carrying out its responsibilities pursuant to this act, the Department of Environmental Protection shall use or consider all relevant and available information, including publicly-submitted, peer-reviewed information, and draw upon all existing State and federally funded studies of the Barnegat Bay ecosystem.

4. The department shall adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), and within 180 days after the effective date of this act, numeric and narrative nutrient standards for the marine waters of the State.

5. This act shall take effect immediately.

## STATEMENT

This bill requires the Department of Environmental Protection (DEP) to conduct a study and prepare a report that evaluates the water quality of Barnegat Bay to determine whether the bay is impaired as described pursuant to section 303(d) of the federal Clean Water Act, 33 U.S.C. s.1313. The study will examine whether the waters of Barnegat Bay meet State water quality standards, and will focus on the impairments caused by phosphorus, nitrates and excessive sediment. Upon a finding that the Barnegat Bay is impaired, the bill requires the department to develop total maximum daily loads for the bay. The bill also directs the DEP to adopt numeric and narrative nutrient standards for marine waters within 180 days after the bill is enacted into law.