



Special Protection Waters

“Keeping the Clean Water Clean”

The Delaware River Basin Commission (DRBC) adopted Special Protection Waters (SPW) regulations in 1992 to protect existing high water quality in areas of the Delaware River Basin deemed “to have exceptionally high scenic, recreational, ecological and/or water supply values.”

What Areas Have Been Designated As SPW?

The SPW regulations adopted in 1992 apply to a 121-mile stretch of the Delaware River from Hancock, N.Y. downstream to the Delaware Water Gap, and its drainage area. This corridor includes the two sections of the river federally designated as “Wild and Scenic” in 1978 as well as an eight-mile reach between Milrift and Milford, Pa. which is not federally designated.

Based on water quality data collected from 2000 through 2004, the DRBC in 2005 designated as SPW on a temporary basis the 76-mile stretch of the non-tidal lower Delaware River between the Delaware Water Gap National Recreation Area and the head of tide at Trenton, N.J. This temporary designation was made pending a determination of numeric values for existing water quality in the Lower Delaware, evaluation of options for implementing the rule; consideration of rule clarifications needed to ensure the program’s uniform application in all areas of the basin that drain to SPW; and rulemaking to adopt the amendments to DRBC’s Water Quality Regulations that are needed to fully implement the program. The most recent extension, through July 31, 2008, will allow an additional two-and-a-half months for the Commission to fully address comments received in response to its notice of proposed rulemaking published last October.



DRBC's Special Protection Waters

The entire 197-mile non-tidal Delaware River, including the Lower Delaware, is now covered by all or a portion of the SPW anti-degradation regulations.

Brief Description of SPW Regulations

The regulations discourage direct discharges of wastewater to the designated waterways, stipulating that no new or expanded wastewater discharges shall be permitted in waters classified as SPW until all non-discharge/load reduction alternatives have been fully evaluated and rejected because of technical and/or financial infeasibility.

(more)

Non-discharge alternatives include land applications like spray irrigation where treated wastewater is applied to the ground.

The SPW regulations also require that the minimal level of wastewater treatment for all new and expanding wastewater treatment projects discharging directly to Special Protection Waters will be “Best Demonstrable Technology,” including ultraviolet light disinfection or an equivalent disinfection process that results in no harm to aquatic life, does not produce toxic chemical residuals, and results in effective bacterial and viral destruction.

The regulations tighten the review threshold for new industrial and municipal wastewater treatment plants discharging to the Special Protection Waters Drainage Area, requiring that plants designed to discharge a daily average rate of 10,000 gallons a day or more apply for commission approval. In the rest of the basin, the review threshold remains 50,000 gallons a day or more.

The SPW regulations adopted in 1992 focused on controlling point (or “end-of-pipe”) sources of pollution to maintain existing high water quality. In 1994, the regulations were amended to add language addressing the complex issue of non-point source pollutants.

Non-point source pollutants are found in stormwater runoff, especially after heavy rains. Often the runoff increases with new development where landscapes are altered and land that once soaked up rain and melting snow is paved over. The impervious surfaces significantly increase the amount and speed of the water flowing over the land, flushing such contaminants as parking lot motor oil and lawn pesticides into rivers and streams. In much of the drainage area now subject to the SPW regulations, development has risen sharply.

One of the main mechanisms of the regulations to control non-point source pollution is the requirement that projects located in the drainage area of Special Protection Waters subject to DRBC review (i.e., discharge projects with a design capacity of at least 10,000 gallons per day or withdrawal projects when the daily average gross withdrawal during any 30 consecutive day period exceeds 100,000 gallons) be covered by a Non-Point Source Pollution Control Plan (NPSPCP) that has been approved by the Commission. The NPSPCP describes the Best Management Practices that will be used at the project site and service area to control the increases in non-point source pollutant loadings resulting from the project.

Questions?

**Contact Ken Najjar, DRBC Planning and Implementation Branch Head;
(609) 883-9500 ext. 256, kenneth.najjar@drbc.state.nj.us**

Visit the DRBC web site at www.drbc.net for more information.