

INTERSTATE SANITATION COMMISSION:
WATER QUALITY REGULATIONS

Pursuant to the authority conferred upon the Interstate Sanitation Commission by the provision variously denominated Article XVII or Article 7.3 of the Tri-State Compact, the following classifications of waters of the Interstate Sanitation District and requirements therefor are in effect from and after April 15, 1971.

1. General

1.01. All waters of the Interstate Sanitation District (whether of Class A, Class B, or any subclass thereof) shall be of such quality and condition that they will be free from floating solids, settleable solids, oil, grease, sludge deposits, color or turbidity to the extent that none of the foregoing shall be noticeable in the water or deposited along the shore or on aquatic substrata in quantities detrimental to the natural biota; nor shall any of the foregoing be present in quantities that would render the waters in question unsuitable for use in accordance with their respective classifications.

1.02. No toxic or deleterious substances shall be present, either along or in combination with other substances, in such concentrations as to be detrimental to fish or inhibit their natural migration or that will be offensive to humans or which would produce offensive tastes or odors or be unhealthful in biota used for human consumption.

2. Classification of Waters

2.01. There are two classes of waters within the Interstate Sanitation District: Class A (waters suitable for

recreation, shellfish culture and development of fishlife), and Class B (waters not suitable primarily for recreation, shellfish culture and development of fishlife). Class B shall be divided into two subclasses to be known respectively as "B-1" and "B-2." In addition to the general requirements set forth in Section 1 of these regulations, requirements for each class, subclass and effluent are as set forth below.

2.02. Streams and other water bodies shall have a minimum dissolved oxygen content in accordance with their respective classifications as follows:

A: 5 parts per million.

B-1: 4 parts per million.

B-2: 3 parts per million.

2.03. In addition to meeting the dissolved oxygen requirements set forth in Section 2.02 hereof, waters shall in all respects be suitable for their best intended uses, as follows:

A: Suitable for primary contact recreation. Also suitable in designated areas for shellfish harvesting.

B-1: Suitable for fishing and secondary contact recreation.

B-2: Suitable for fish survival, passage of anadromous fish and for any other reasonable purposes compatible with their use for navigation.

2.04. As used in these regulations:

2.04 (a). "Primary Contact Recreation" means recreational activity that involves significant ingestion risk, including but not limited to wading, swimming, diving, surfing and water skiing.

2.04 (b). "Secondary Contact Recreation" means recreational activity in which the probability of significant contact with the water or water ingestion is minimal including but not limited to boating, fishing and shoreline recreational activity involving limited contact with surface waters.

2.05. Effluents discharged or flowing into waters of any class shall meet the following requirements:

2.05 (a). pH within the range from 6.5 to 8.5 may be required if the receiving waters are outside this range.

2.05 (b). Fecal Coliform levels shall not exceed 200 per 100 ml at any time when disinfection is required to protect the best intended uses of the waters in question.

2.05 (c). Biochemical Oxygen Demand removal shall not be less than 80 percent. In addition, a discharge from an industrial source shall meet any requirements for effluent quality imposed by permit or otherwise pursuant to state law.

2.05 (d). Settleable Solids removal shall be at least 90 percent.

2.05 (e). All wastes shall be of a character that will not violate or cause violation of the requirements contained in Section 1 "General."

3. Consistency With States

3.01 (a). The following waters of the Interstate Sanitation District are hereby classified as Class A:

- (1) the East River east of the Whitestone Bridge and extending out and including the Long Island Sound waters west of a line from the easterly side of New Haven harbor at Morgan Point in Connecticut to the easterly side of

Port Jefferson harbor in New York;

- (2) the Hudson River from the New York-New Jersey State Line opposite Hastings-on-Hudson to the Bear Mountain Bridge;
- (3) the Raritan River east of the Victory Bridge and into Raritan Bay and to the lower end of the Arthur Kill on a line drawn from the southernmost point of Staten Island to the southernmost point of Perth Amboy;
- (4) Sandy Hook Bay;
- (5) the lower New York Bay northerly to a line drawn from the tip of Fort Wadsworth on Staten Island to the tip of Seagate in Brooklyn;
- (6) the Atlantic Ocean and the estuaries and tidal waters thereof west of the easterly side of Fire Island Inlet and continuing into lower New York Bay.

3.01(b). The following waters of the Interstate Sanitation District are hereby classified as Class B-1:

- (1) the Hudson River south of a line from New York-New Jersey State line opposite Hastings-on-Hudson south and including the portion of the Harlem River to the Washington Bridge and into the Upper New York Harbor and the portion of the Lower Bay which is north of a line from Fort Wadsworth in Staten Island to the tip of Seagate in Brooklyn. For the purposes of these regulations, the Upper New York Harbor terminates at the mouth of the Kill Van Kull (at a north-south line drawn from the northernmost point of Staten Island to the easternmost point at Constable Hook in Bayonne) and to the mouth of the East River (a true east-west line passing through the southernmost tip of Manhattan Island at the Battery and extending to the east shore of the East River in Brooklyn);
- (2) the waters of the Upper East River north and east of a line between Hunts Point in the Bronx and Sanford Point in Queens and including those waters up to the Whitestone Bridge;
- (3) the lower portion of the Arthur Kill north of a line from the southernmost part of

Staten Island to the southernmost part of Perth Amboy and south of Outer Bridge.

3.01(c). The following waters of the Interstate Sanitation District are hereby classified as Class B-2:

- (1) the waters of the Arthur Kill north of Outer Bridge and into and including the Newark Bay up to the mouths of the Passaic and Hackensack Rivers and into the Kill Van Kull west of a north-south line drawn from the northernmost point of Staten Island to the easternmost point at Constable Point in Bayonne;
- (2) the lower East River north of a true east-west line passing through the southernmost tip of Manhattan Island to the Battery extending to the east shore of the East River in Brooklyn up to west of the line drawn from Hunts Point, Bronx, to Sanford Point in Queens and into the Harlem River up to and including the waters south of the Washington Bridge.

3.02. The classifications made by these regulations shall be governed by and implement any water and related land resource plans, water use plans, or pollution control plans adopted by appropriate agencies of the signatory states. To this end particular waters within a geographic area designated by these regulations as belonging to a given class or subclass shall, notwithstanding such designation, be deemed to belong to the class or subclass which is appropriate for the use or uses prescribed in the state water and related land resource plan, water use plan, or pollution control plan of the state in which the waters in question are situated and which is applicable thereto.

4. Extent to Which Previous Requirements Superseded

4.01. These regulations impose requirements which are in addition to those prescribed in Article VII of the Tri-State

Compact. Requirements of said Article VII remain in effect and will be enforced by the Interstate Sanitation Commission except to the extent that they are inconsistent with or less stringent than requirements set forth in these regulations.

5. Policy

5.01. It is recognized that requirements with respect to the treatment and discharge of liquid wastes are subject to change from time to time and that an upgrading of requirements and standards may occur as circumstances make appropriate.

5.02. Nothing in these regulations shall be construed to encourage or give the sanction of the Interstate Sanitation Commission to the degradation of any waters which may be of a quality higher than necessary to meet the requirements of these regulations.