

The 2014 New York State CWA Section 303(d) List of Impaired Waters

The Final NYS 2014 Section 303(d) List was "partially approved and partially disapproved" by USEPA on January 13, 2015. In its letter of partial approval/partial disapproval, USEPA stated that it approved New York State's listing of all waterbody segments and associated pollutants included in its Final 2014 Section 303(d) List. However EPA also noted that it was disapproving the State's decision not to list Jones Inlet/Jones Bay for nitrogen.

Pursuant to its partial disapproval, USEPA opened a public comment period to receive comments on its disapproval regarding the exclusion of Jones Inlet/Jones Bay on the Final NYS 2014 Section 303(d) List. After examining comment received during this period, USEPA will make a final determination regarding the listing of Jones Inlet/Jones Bay.

Submission and Approval

Prior to the USEPA partial approval/partial disapproval, a Draft 2014 Section 303(d) List was made available for public comment for a 45 day period that ended March 14, 2014. After considering comments received from the public, a Proposed Final List was submitted to USEPA prior to the April 1, 2014, date for State submittal of 2014 Lists. Additional discussion during the USEPA review of the List led to other revisions and the re-submittal of a revised Final List to USEPA in September 2014. Except for the decision to not include Jones Inlet/Jones Bay, this version of the List was found by USEPA to meet the requirements of Section 303(d) of the Clean Water Act and was approved in January 2015. Public comments received during the public notice of the Draft List and other issues raised by USEPA during their review of the List are addressed in a response summary.

Changes from Previous (2012) List

The 2014 NYS Section 303(d) List contains a total of 839 waterbody/pollutant listings; an approximate 1% increase from the 828 listings in the 2012 List. The total number of individual waterbodies listed increased by about 3% from 626 to 643 (some waters are impaired by multiple pollutants; hence the larger number of waterbody/pollutant listings.) This increase is largely the result of previously unassessed waterbodies that are not necessarily newly impaired, but have only been recently identified as such. In addition, 5 of the new listings are additional waters related to a previously listed waterbody (Hempstead Bay). These observations are not intended to minimize the importance of these new listings, but to point out that the additions do not necessarily reflect a declining trend in statewide water quality, rather they reflect an increase in the coverage of the monitoring and assessment effort or the capturing of a water quality problem across multiple segments.

The actual change in the List includes the addition of 19 listings and the delisting of 8 waterbody/pollutants; a net addition of 11 listings. Six other listings were moved from one part of the list to another.

The justifications for the 8 waterbodies removed from the list vary and include:

- completion of a TMDL to address an impairment (4 of the delistings),
- water quality assessments reflecting that fish consumption advisories have been removed and uses in these waters are fully supported due to restoration measures (2 delistings), and
- the correction of the list to remove waters that were improperly listed in previous Lists (2 segments).

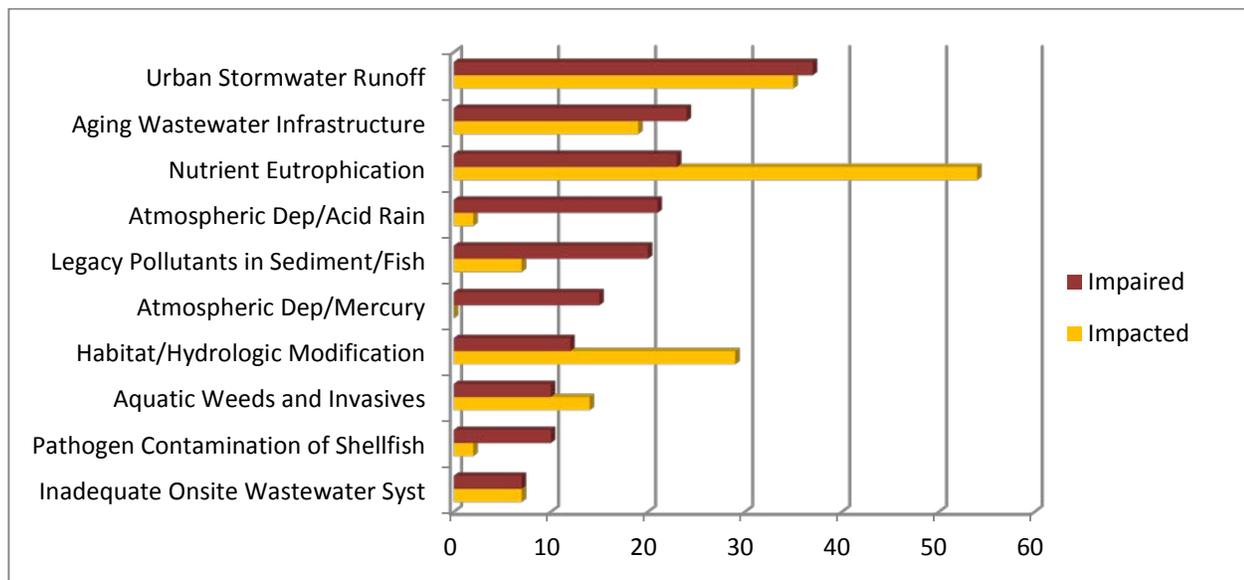
As was noted above, most of the new additions to the list are previously unassessed waterbodies that are not necessarily newly impaired, but have only been recently identified as such. More than half of the new listings were added due to nutrient impairment; either phosphorus (6) or nitrogen (5). New listings were also added for impairment due to unspecified aquatic toxicity (3), PCBs (2), pathogens (1), low D.O./oxygen demand (1), and pesticides (1). Most of the new listings were added to Part 1 of the List as Individual Waterbodies Requiring TMDL Development (11). Three (3) waterbodies were added to Part 2b – Fish Consumption Waters. Five (5) waters were added to Part 3 – Waterbodies for which TMDLs May be Deferred; either because verification of the impairment (1) or verification of the cause/pollutant (3), or development of an alternative restoration strategy (1) is needed

Sources of Impairment

The ten most prevalent causes/sources of water quality impairment in the assessed waters of New York State remain unchanged from previous years and are listed below.

- Urban Stormwater Runoff
- Aging/Inadequate Wastewater Treatment Infrastructure
- Nutrient Eutrophication
- Atmospheric Deposition and Acid Rain
- Legacy Pollutants in Sediments and Fish
- Atmospheric Deposition of Mercury
- Habitat/Hydrologic Modification
- Nuisance Aquatic Weed Growth and Invasive Species
- Pathogen Contamination of Shellfish
- Inadequate Onsite Wastewater Treatment

The graph below shows the frequency for which a specific cause/source is noted as a significant contributing factor in New York State waters. It illustrates the occurrence of each cause/source as a percentage of all waters assessed as impaired (red) or impacted (yellow).

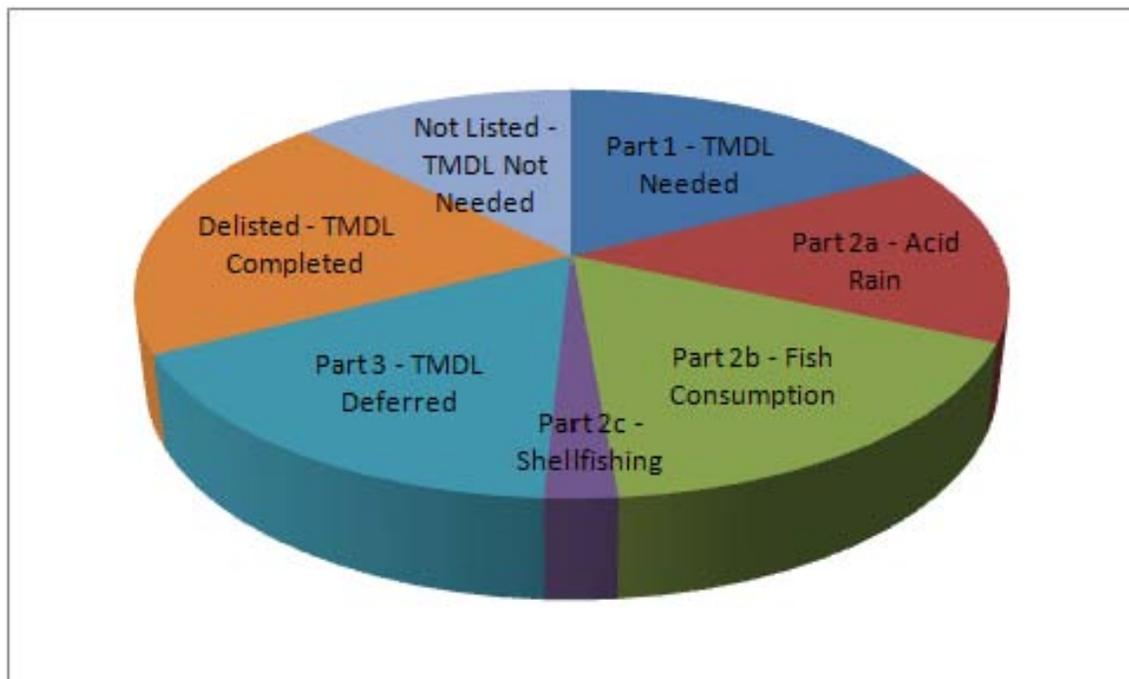


Note: Frequency totals do not equal 100% because categories are not mutually exclusive.

All Impaired Waters

Not all impaired waters are included on the Section 303(d) List. Waterbody impairments for which TMDLs have been completed, or for which other strategies are more appropriate than a TMDL, or for which TMDLs are not appropriate are not included on the list. About 15% of all waterbodies in New York State are assessed as impaired; while only about 11% are included on the Section 303(d) List. A breakdown of all impaired water in the state is presented below.

Summary of All Impaired Waterbody/Pollutant Combinations in New York State	
Section 303(d) List of Impaired/TMDL Waters	Delisted/Non-listed Impaired Waters That Do Not Require a TMDL
Waters Needing a TMDL (629) Part 1 – Individual TMDLs (218) Part 2 – Categorical TMDLs (412) 2a – Acid Rain (175) 2b – Fish Consumption (209) 2c – Shellfishing (27)	Water With Completed TMDLs (255) Category 4a – TMDL Completed NE Regional Mercury TMDL (103) Shellfishing/Pathogen TMDLs (51) Adirondack Acid Rain TMDL (41) Other Nutrient TMDLs (60)
Waters Where TMDLs are Deferred (210) Part 3 – TMDL Development Deferred Pending... 3a – Need to Verify Impairment (41) 3b – Need to Verify Cause/Poll (90) 3c – Pending Other Measures (35) Apdx B – Low D.O. Waters (44)	Waters Where TMDLs are Not Necessary (187) Category 4b – Other Measures (67) Category 4c – TMDL Not Appropriate (120)
The number of Impaired Waterbody/Pollutant Combinations exceeds the number of impaired waterbodies since waterbodies may be counted multiple times if more than one pollutant causes an impairment to uses of that waterbody.	



Causes and Sources Resulting in Impairment to Waters in NYS

Total Number of Impaired Water Listings in New York State - 1,281

17% (216) of impaired water listings are the result of Acid Rain, and
8% (103) are the result of Atmospheric Deposition of Mercury. So...

25% of impaired water listings are result of Atmospheric Deposition of Pollutants.

16% (209) of impaired water listings are due to past discharges of toxics (PCBs, dioxin, etc) that remain in sediments and result in fish consumption advisories. So...

41% of impaired water listings are the result of past/historical or air discharges.

And since...

9% (120) are the result of habitat/hydrologic modification...

51% of impaired water listings are result of something other than discharges to waters.

Of the remaining 49% of impaired water listings that are the result of discharges to water (633 listings)...

8% (51) of listings are for pathogens from Urban/Storm Runoff that have been addressed in TMDLs,

9% (60) of listing are for other pollutants that have been addressed by waterbody-specific TMDLs, and

54% (339) of listings are the result of Municipal Discharge, CSOs and/or Urban/Storm Runoff sources.

- Urban/Storm Runoff contributes to 49% of impairment due to discharges,
- Municipal Discharges contribute to 18% of impairment due to discharges,
- CSO discharges contribute to 16% of impairment due to discharges.

So...

71% of impaired water listings that are the result of discharges to water

are being addressed by TMDLs and/or MS4/stormwater and/or municipal compliance programs.

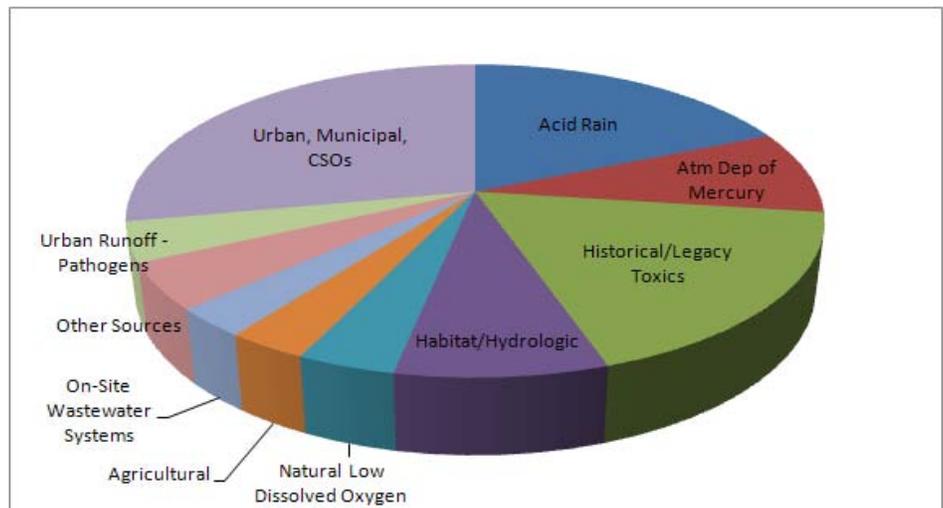
Of the remaining 29% (183) impaired water listings that are the result of discharges to water...

24% (44) of listings may be the result of naturally occurring low dissolved oxygen,

19% (34) of listings are the result of pollutants from Agricultural sources, and

19% (34) of listings are the result of pollutants from On-site Wastewater Treatment Systems.

The remaining 39% (71) of impaired waters listings due to discharges are the result of pollutants from erosion, sanitary discharges, industrial discharges, landfill/land disposal, unknown sources, and other sources.



Impaired Listings by Basin

