



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

No. 45 Estate Mars Hill, FrederikstedSt. Croix, Virgin Islands 00840

Office of the Commissioner

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PUBLIC NOTICE

I. NOTICE OF THE DEPARTMENT OF PLANNING AND NATURAL RESOURCES INTENT TO ESTABLISH A LIST OF WATERS FOR THE UNITED STATES VIRGIN ISLANDS UNDER SECTION 303(d) OF THE CLEAN WATER ACT AS AMENDED BY THE WATER QUALITY ACT OF 1987.

II. DATE OF NOTICE: [April 1, 2022](#)

III. DESCRIPTION OF NOTICE:

Section 303(d) of the Clean Water Act (CWA), as amended by the Water Quality Act of 1987, requires every state and territory to: develop a methodology for assessing the conditions of its waters; to develop a list of water-quality limited waters requiring Total Maximum Daily Loads (TMDLs); establish a priority ranking of these waters; identify pollutants causing their impairment; and identify waters targeted for TMDL development over the next two (2) years. TMDLs include a determination of pollutant loadings compatible with achievement of applicable state water quality standards. State and Territorial 303(d) lists and TMDLs are submitted to the United States Environmental Protection Agency (EPA) for approval or disapproval.

The U.S. Virgin Islands Department of Planning and Natural Resources (DPNR) developed the proposed 2022 Assessment Methodology Document and the 2022 303(d) List of Impaired Waters and today notices its intent to establish these documents for the U.S. Virgin Islands pursuant to Section 303(d) of the Clean Water Act and solicits public comment on this intent.

At this time, the Department of Planning and Natural Resources also announces that the Division of Environmental Protection is soliciting water quality related data to use in the development of the 2022 Integrated Water Quality Monitoring and Assessment Report. The U.S. Virgin Islands has integrated the reporting requirements of Clean Water Act Section 305(b) and Section 303(d) into a single product, which is termed the Integrated Water Quality Monitoring and Assessment Report. This report requires the consideration of as much information as possible that may be available in each jurisdiction with respect to the waters, aquatic organisms, and aquatic ecological systems.

The Water Quality Monitoring and Assessment Report presents the extent to which waters of the U.S. Virgin Islands are attaining water quality standards pursuant to Section 305(b) and identifies waters that are impaired and need Total Maximum Daily Loads as required under Section 303(d) of the Act. U.S. Virgin Islands Water Quality Standards can be found under Title 12, Chapter 7, Subchapter 186, Sections 186-1 through 186-13 of the Virgin Islands Code. The Integrated Report also identifies waters that are being removed from the 303(d)

List because they are now attaining water quality standards. Data received through this solicitation may be used to: confirm an existing impairment; refine the extent of an existing impairment; list a new impairment; or, delist an impairment. Previous reports are available from the Division of Environmental Protection website.

The 303(d) List included as part of the Integrated Water Quality Monitoring and Assessment Report is used to establish priorities for the implementation of water quality improvement measures including the development of total maximum daily loads. A TMDL establishes allowable pollutant loads or other quantifiable parameters that a water body can assimilate without exceeding applicable surface water quality standards. TMDLs establish the basis for water quality based on controls such as permit limits or best management practices to control the amount of pollutants being discharged into the water body. This report is used to inform the United States Congress of the progress the Territory is making towards meeting water quality goals. This notice solicits data for development of the 2022 Integrated Water Quality Monitoring and Assessment Report expected to be adopted in 2022.

Interested persons should mail or deliver data packages, comments on the draft methodology and/or comments on the draft 303(d) list to the Department at:

The Department of Planning and Natural Resources
4611 Tutu Park Mall,
Suite 300, 2nd Floor
St. Thomas, U.S. Virgin Islands 00802

Comments and data packages can also be accepted via e-mail at Mary.Stiehler@dpnr.vi.gov .

Data packages, which include data collected prior to September 30, 2021, will be accepted until May 2, 2022, for the development of the 2022 Integrated Water Quality Monitoring and Assessment Report. Data collected after September 30, 2021, and data packages submitted after May 2, 2022, may be considered for subsequent Water Quality Monitoring and Assessment Reports and/or other Division assessments.

The Division will use all appropriate and readily available data collected by governmental and non-governmental entities. In determining which data are appropriate and readily available, the Department will consider quality assurance/quality control, monitoring design, age of data, accurate sampling location information, data documentation and use of electronic data management. A data package must include:

- 1) A Division approved or comparable to a Division-approved Quality Assurance/Quality Control (QA/QC) project plan;
- 2) Data provided in electronic format. The Department prefers that all data be entered into USEPA's central data exchange at <https://cdx.epa.gov/>. Recognizing that this may not be possible for all data collectors, the Division will accept data in Excel, Access, and/or delimited text file formats. Station location data should be identified by latitude and longitude; and
- 3) A citable report summarizing the data that includes name, address, and telephone number of the entity that generated the data set.

IV. HOW TO OBTAIN A COPY OF THE PROPOSED 2022 ASSESSMENT METHODOLOGY DOCUMENT & 303(d) LIST OF IMPAIRED WATERS OR REVIEW THE ADMINISTRATIVE RECORD

The proposed 2022 Assessment Methodology Document and the 2022 303(d) List of Impaired Waters is available by mail, email or for public inspection by appointment at the DPNR Division of Environmental Protection offices on St. Thomas and St. Croix. To request a copy of the proposed list, submit data or to submit

comments, contact:

The Department of Planning and Natural Resources
Water Pollution Control Program
4611 Tutu Park Mall,
Suite 300, 2nd Floor
St. Thomas, U.S. Virgin Islands 00802

Questions may be submitted electronically to Mary.Stiehler@dpnr.vi.gov .

The administrative record containing background technical information is on file and may be inspected at the Division of Environmental Protection office between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except holidays. Arrangements to examine the administrative record may be made at the above address. A copy of the 2022 303(d) list and the administrative record will also be available at the DPNR offices on St. Thomas.

V. REQUEST FOR PUBLIC COMMENT

The proposed 2022 Assessment Methodology Document and the 2022 303(d) List of Impaired Waters, which the Department of Planning and Natural Resources (DPNR) intends to establish pursuant to Clean Water Act (CWA) Section 303(d) for the U.S. Virgin Islands as soon as possible after the close of the public notice period, is available for review and public comment over the next **30 days**. Comments must be submitted in writing to DPNR at the above-mentioned addresses, on or before May 2, 2022.

VI. DPNR'S RESPONSE TO COMMENTS

Following the close of the 30-day comment period, a written response to comments and petitions will be developed as soon as possible. All petitions and comments received during the public notice period will be considered. This response to comments and petitions will be available to the public by mail, email or for public inspection by appointment at the DPNR Division of Environmental Protection offices on St. Thomas and St. Croix.