

RESOLUTION
TO GOVERN THE
MIDDLESEX COUNTY WASTEWATER MANAGEMENT PLAN
REVISION AND AMENDMENT PROCEDURES

WHEREAS, the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15) provide that the New Jersey Department of Environmental Protection (Department) and the designated planning agencies (DPA's) may propose amendments to the Statewide and Areawide Water Quality management (WQM) Plans whenever such amendments are necessary or desirable; and

WHEREAS, areawide WQM plans for designated areas may be amended by DPA's pursuant to their procedures for plan amendment consistent with N.J.A.C. 7:15-3.4 and approved by the Department; and

WHEREAS, the Middlesex County Board of Chosen Freeholders is the DPA for the Lower Raritan-Middlesex County Areawide Water Quality Management Planning Area;

NOW THEREFORE BE IT RESOLVED, that the following shall constitute the official procedures of the County of Middlesex for the maintenance, revision and amendment, as necessary, of the Lower Raritan-Middlesex County Areawide Water Quality Management Plan:

01. Short Title

This resolution shall be known and may be cited as the Lower Raritan-Middlesex County Water Quality Management Plan (LR-MC WQMP) Revision and Amendment Procedures.

02. Purpose

- A. This Resolution shall set forth the procedures by which the County of Middlesex shall maintain, revise and amend the Lower Raritan-Middlesex County Areawide Water Quality Management Plan, hereinafter known as the LR-MC WQMP.
- B. The LR-MC WQMP shall be maintained pursuant to the requirements of the New Jersey Water Quality Planning Act (N.J.S.A. 58:11A-1 et. seq.), the New Jersey Department of Environmental Protection (NJDEP), the Water Quality Management Planning rules (N.J.A.C. 7:15), and the New Jersey Statewide Water Quality Management Program Plan as amended and updated.

03. Responsible Agency

- A. The completion of studies, data collection and preparation of documents and reports constituting the maintenance and revision of the LR-MC WQMP shall be administered by the staff of the Planning Board of the County of Middlesex (MCPB) with input from the Lower Raritan-Middlesex County Water Resources Association. Revisions of the LR-MC WQMP are valid only upon their adoption by the Governor or his designee.
- B. The approval and adoption of amendments to the Areawide Water Quality Management Plan shall be accomplished through formal action of the Board of Chosen Freeholders of the County of Middlesex with advice of the Middlesex County Planning Board and adoption by the Governor or his designee.

04. Maintenance of the Areawide Water Quality Management Plan

- A. The Areawide Water Quality Management Plan shall be maintained in accordance with the requirements of N.J.A.C. 7:15.
- B. The Areawide Water Quality Management Plan shall include at a minimum the following:
 - 1. identification of existing and/or potential water quality problems related to surface and groundwater resources and an identification of the relative importance of each problem identified;
 - 2. identification of program strategies to include alternative technical management mechanisms and means for their implementation (institutional and financial) as required to address water quality problems; and
 - 3. identification of management agencies capable of and agreeing to carry out program strategies.
- C. The Areawide Water Quality Management Plan shall be reviewed periodically.
- D. Proposed amendments prepared by the Middlesex County Planning Board staff to the Areawide Water Quality Management Plan resulting from the activities completed under Section 04.A, B., C. above, and approved by the County Planning Board shall be forwarded to the Middlesex County Board of Chosen Freeholders and the DEP for action under section 06, Amendment Procedures.

05. Revision of the Middlesex County Wastewater Management Plan

- A. Revisions to the Areawide Water Quality Management Plan shall be considered and processed in accordance with this section.
- B. Revisions to the Areawide Water Quality Management Plan required to correct errors or to provide additional information or clarifications and not constituting a change or addition in policy direction of the Areawide Water Quality Management Plan, to transfer or to assign wastewater management plan responsibility, or revise schedules for submission of wastewater management plans shall be prepared by the staff, with consent of the Middlesex County Planning Board and shall be incorporated in the plan upon adoption by the Governor or his designee.
- C. The following substantive changes may be processed as revisions to the LR-MC WQMP where the Department (NJDEP) determines no significant individual or cumulative impacts will occur to environmentally sensitive areas or other natural resources (such as water supplies) due to the proposed revision (individually or in a combination with past revisions in the area), that the changes are consistent with N.J.A.C. 7:15-3.6 and 3.7, and that certain directly affected municipal and county agencies and other interests as identified by the NJDEP have been provided an opportunity to review and comment on the proposed revision:

1. Any increase in flow (including both increased loadings and no increased loadings) from industrial treatment works where no change in service area or discharge type (for example, discharge to surface water or ground water) is proposed and the discharge is not to a water body segment for which a Total Maximum Daily Pollutant Loading Allocation (TMDL) has been proposed or adopted under N.J.A.C. 7:15-7. The NJDEP may process such revisions prior to or simultaneously with a NJPDES permit for the same change in flow;
 2. The transfer of sewer service area from one domestic treatment works to another, provided that approved sewer service areas in the LR-MC WQMP are currently contiguous in the area to be transferred, neither domestic treatment works is subject to a sewer connection ban, the proposed revision includes only areas currently designated for sewer service, both the sending and receiving wastewater management planning agencies concur with the proposed revision, and no new or expanded treatment works other than sewer line extensions is proposed as part of the revision;
 3. Any increase of 20,000 gpd or less in planned wastewater flow to an on-site NJPDES-permitted discharge to ground water for a school or public institution, using the same general type of treatment works (for example, direct discharge to ground water, spray irrigation);
 4. Any change in the estimated wastewater flow (see N.J.A.C. 7:15-5.16(b)8) or design capacity (see N.J.A.C. 7:15-5.16(b)9) to a NJPDES-permitted discharge to ground water from less than 20,000 gpd to more than 20,000 gpd, provided (5) below is satisfied and the same general type of treatment works is proposed;
 5. Expansion of a future sewer service area to contiguous lots, where the expansion involves less than 100 acres, contributes less than 8,000 gallons per day of additional wastewater flow, and does not create a significantly new pattern of sewered development such that a significant potential or incentive is created for additional revisions or amendments to open new areas to sewered development.
- D. The documents that are automatically adopted into the LR-MC WQMP under N.J.A.C. 7:15-3.4(b)1 through 4, and 7:15-3.4(i) shall not be revised under this section.
- E. The procedure for revision of the LR-MC WQMP is as follows:
1. Revisions to the LR-MC WQMP shall be presented to the Middlesex County Planning Board for review, discussion and consideration of endorsement.
 - a. Descriptive materials regarding the revision shall be provided as required in Section 06.C.2 below.
 - b. The Lower Raritan-Middlesex County Water Resources Association (LR-MC WRA), all affected municipal and County agencies, and other interests shall be notified and invited to provide comment to the Planning Board regarding the proposed revision.
 2. Upon endorsement by Resolution of the Middlesex County Planning Board the revision shall be presented to the Middlesex County Board of Chosen Freeholders for approval by Resolution to be transmitted to the NJDEP within 15 days of such approval.

3. The Governor or his designee shall adopt revisions to the LR-MC WQMP (without need for public hearing). Such revisions shall take effect immediately, unless the adoption notice specifies otherwise.
4. Under N.J.A.C. 7:15-3.4, interested persons may submit petitions to amend WQM plans to reveal or modify such revisions.
5. All revisions to the LR-MC WQMP are valid only upon their adoption by the Governor or his designee.
6. The Governor or his designee shall certify the adopted LR-MC WQMP in accordance with the United States Environmental Protection Agency regulations.

06. Procedures for Amendment of the Areawide Water Quality Management Plan

- A. Where as a result of County review, new or changed circumstances; the receipt of a written, documented petition from any interested person; State or Federal requirements; or, the Consistency Review Process (as defined by the Statewide Water Quality Management Planning Rules at N.J.A.C. 7:15-3.1 or 3.2) a deficiency of the Areawide Water Quality Management Plan is determined to exist, an amendment to the plan shall be prepared.
- B. All changes to the Areawide Water Quality Management Plan other than revisions governed by Section 05. above, shall be defined as amendments to the Areawide Water Quality Management Plan and shall be subject to the requirements of Section 06.
- C. Petitions for amendments and revisions shall be submitted to the Middlesex County Planning Board. The County will forward applications to the NJDEP.
 1. A pre-application meeting may be requested by the applicant. If a pre-application meeting is desired, a completed NJDEP "Water Quality Management Plan Amendment and Revision Pre-Application Form" must be provided to the NJDEP and to Middlesex County. If a pre-application meeting is scheduled with the County or the NJDEP the other respective agency must be notified and be invited to attend by the applicant.
 2. Amendment and Revision applications shall include where appropriate, but not be limited to, the following materials: and if requested by an entity other than Middlesex County must be submitted by letter to the Chairman of the Middlesex County Planning Board, 40 Livingston Avenue, New Brunswick, NJ 08901 and concurrently to the Division of Watershed Management, Northern Planning Bureau; NJDEP, 401 East State Street, Box 418, Trenton, NJ 08625 in order for an amendment to the Lower Raritan-Middlesex County Water Quality Management Plan to be considered for adoption:
 - a. The name and location (municipality, street(s), block and lot) of the project.
 - b. Identification of the name, address and phone number of the principal contact person for the project.

- c. A written description of the project to include wastewater quantities to be generated (thirty (30) day average daily flow), the number of residential dwelling units and population to be served, the square footage of (and employment to be located in) non-residential uses to be served, and identification of the agency (ies) responsible for sewer and/or pumping facilities and wastewater treatment facilities design, construction, operation and maintenance.
- d. A map or maps at a suitable scale to provide clear representation of:
 1. the location and extent of the project proposed specifying actual property boundaries;
 2. the location and sizes of all sewers and/or pumping facilities required to serve the project;
 3. the location of all new wastewater treatment facilities required to serve the project; and
 4. the location and extent of all wetlands, surface water, and riparian areas, and critical habitat areas for endangered or threatened species as defined by the NJDEP that are within or impacted by the project;
 5. the location of stormwater management facilities that are within or impacted by the project; and
 6. such other information that may be deemed appropriate by the county staff, the M.C.P.B. or the DEP to be required to assure water quality objectives are met.

All mapping associated with the submission of a plan amendment must be submitted to Middlesex County in both hard copy and digitally in Arc View format in conformance with NJDEP map accuracy standards and with metadata in conformance with NJDEP requirements.

- e. Documentation must be provided that the governing body(ies) and planning board(s) of the municipality(ies) where the project is located or which would be potentially affected by the proposed project, have been notified in writing with descriptive information of the proposed project and have the opportunity to provide comment regarding the project to the Lower Raritan-Middlesex County Water Resources Association, the Middlesex County Planning Board and the Middlesex County Board of Chosen Freeholders as part of the plan amendment review and approval process.
 1. If a municipal approval action for a project results in a significant change to the project with respect to water resources management aspects addressed under N.J.A.C. 7:15 the project must be resubmitted to the County for consideration of the municipally required changes.

- f. Written communication must be provided from the sewerage facilities agency (ies) providing collection and/or treatment service to the Project indicating appropriate utilities service will be provided to the project. Such representation shall specify that the proposed provision of service will not preclude it (the agency (ies)) from meeting all service commitments as indicated in the Areawide Water Quality Management Plan and/or the agency (ies) Facilities Plan. All projects in Middlesex County or in a municipality outside the County presently or proposed to be a formal participant in the Middlesex County Utilities Authority service area must provide documentation of approval from the Middlesex County Utilities Authority.
 - g. No action may be taken until all required materials specified in a. through f. above have been submitted and deemed complete by the County and the NJDEP.
- D. The DEP and Middlesex County will review all amendment requests. Review of amendment requests by Lower Raritan-Middlesex County shall include review by the Middlesex County Planning Board and Lower Raritan-Middlesex County Water Resources Association under section 06.E below. Within ninety (90) days of receiving an amendment request, Middlesex County and the DEP may either:
1. Disapprove the amendment request and return it to the applicant. Either Middlesex County or the DEP may disapprove the amendment request.
 2. Request changes or more information from the applicant. Either Middlesex County or the DEP may request changes or additional information. When resubmitted the County and DEP again have ninety (90) days to render a decision.
 3. Decide to proceed further with the amendment request under section 06.F below.
- E. The Middlesex County Planning Board shall review and take a position on all amendments to the Areawide Water Quality Management Plan as may be prepared under this section subject to the following:
1. Whenever reasonably possible, all directly affected parties shall be informed by the Middlesex County Planning Board of the amendment and shall be invited to participate in the Lower Raritan-Middlesex County Water Resources Association (WRA) discussions of amendments. Such parties shall include the NJDEP, Division of Watershed Management – Northern Planning Bureau and every adjacent county planning agency and any agency which may have responsibility to implement the recommendations of an amendment.
 2. The WRA shall forward its comments and a record of the discussion regarding amendments of the LR-MC WQMP to the Middlesex County Planning Board.
- F. Should Middlesex County and DEP decide to proceed, the DEP shall prepare the public notice of the proposed amendment and the public hearing. Public notice of the proposed amendment shall be published in two newspapers of general circulation, as specified in 1 and 2 below, in the Lower Raritan area, at least thirty (30) days in advance. The Middlesex County Board of Chosen Freeholders shall hold a public hearing to receive public comment on proposed amendments to the Areawide Water Quality Management Plan. The public comment period extends for fifteen (15) days beyond the date of the hearing.

1. Public notice providing at least thirty (30) days notice of the public hearing on an amendment shall be arranged for publication by the DEP in the New Jersey Register;
 2. All notices providing at least thirty (30) days notice shall be published in The Home News Tribune and notices shall be published in additional newspaper(s) at follows:
 - For amendments affecting Piscataway, Franklin, South Plainfield, Middlesex Borough, and Dunellen, Green Brook, Bridgewater, Plainfield, North Plainfield, Scotch Plains, Fanwood, Bound Brook, South Bound Brook, Warren and Watchung – The Courier News;
 - For Plainsboro, Cranbury, Monroe, and Jamesburg – The Trenton Times;
 - For Carteret, East Brunswick, Edison, Helmetta, Highland Park, Metuchen, Milltown, New Brunswick, North Brunswick, Old Bridge, Perth Amboy, Sayreville, South Amboy, South Brunswick, South River, Spotswood, and Woodbridge – The Star Ledger
 3. Where proposed amendments to the Areawide Water Quality Management Plan affect areas of the Raritan River/Raritan Bay Basin or Arthur Kill Basin in one or more adjacent counties, the Boards of Freeholders in the affected counties shall be notified of such public hearing and be requested to comment on and officially endorse the amendments. Official endorsements shall also be requested from all affected municipalities and implementing agencies. Identification of additional endorsing parties (individual governmental entities, sewerage agencies and Board of Public Utility-regulated sewer or water utilities) may be made by DEP.
 4. Request(s) for endorsement(s) and a copy of the amendment shall be sent by certified mail (return receipt requested) within fifteen (15) days of notification of a decision to proceed to each party from which an endorsement is being requested, with a request that they endorse the proposed amendment within sixty (60) days of their receipt of the request. Additionally, an endorsement shall include a statement that the party concurs with, or does not object to, the proposed amendment. Tentative, preliminary, or conditional statements shall not be considered to be endorsements. An endorsement by a governmental unit shall be in the form of a resolution by that unit's governing body. Requests for endorsement(s) for amendments initiated by an entity other than the County shall be distributed by the initiating entity.
 5. A verbatim transcript of the public hearing shall be prepared.
 6. All costs associated with 06.F for notification, requests for endorsements and/or public hearing record arising from amendments initiated or requested by entities other than Middlesex County shall be arranged for by and at the expense of the party initiating or requesting the amendment.
- G. Within sixty (60) days following the end of the comment period, the Board of Chosen Freeholders shall consider the approval of the proposed amendment as an Amendment to the Areawide Water Quality Management Plan. Notification of applicant(s) if appropriate will also be provided.

- H. If approved by the Board of Chosen Freeholders any amendment to the Areawide Water Quality Management Plan shall be forwarded by the Middlesex County Board of Chosen Freeholders to the NJDEP for adoption. Amendments shall not take effect until adopted by the Governor or his designee. Pursuant to N.J.A.C. 7:15-3.4(f), approved amendments must be provided to the NJDEP within fifteen (15) days of approval along with background information for that amendment. Middlesex County approval resolutions must indicate that WQMP plan amendments approved by Middlesex County are valid only after the adoption of such amendments by the Governor or his designee.

- I. Any amendment not approved by the Board of Chosen Freeholders shall be returned to the Middlesex County Planning Board with all relevant comments received as a result of the public hearing, written responses submitted and/or the Freeholders' deliberations on the plan amendment. The NJDEP shall also be notified along with the applicant within fifteen (15) days of the decision.
 - 1. Where changes are necessary such changes shall be prepared by the Middlesex County Planning Board staff and be reviewed with the Lower Raritan-Middlesex County Water Resources Association.
 - 2. The Middlesex County Planning Board shall review the revised amendment(s) and if endorsed by the Planning Board, the revised amendment(s) shall be submitted to the Freeholders for approval consideration.
 - 3. Another public hearing shall not be required unless the change is substantial, or unless requested by the Planning Board or the applicant, or unless more than one year has passed since the date of Freeholder consideration of the original amendment(s).

- J. Any appeals of amendments shall be through a court of competent jurisdiction.

- K. Pursuant to N.J.A.C. 7:15-3.4(h), a special expedited amendment procedure is used for publicly owned or operated schools, health care facilities or correctional facilities, and for new sewers, pumping stations or other conveyance and treatment works partially within and at the margin of depicted sewer service areas and serving an area of less than 10 acres and endorsed by the owner or operator of the treatment works at the time of submission. The provisions of the expedited procedure are as follows, the rest of the procedure specified in section .06 remains unchanged.
 - 1. This procedure replaces the endorsement process in 06.F.4 above with a requirement that a list of potentially affected or interested parties, provided to the applicant by DEP and the county, receive a copy of the proposed amendment and the public notice by certified mail (return receipt requested) within five (5) days of receipt of the list.
 - 2. The public notice of the proposed amendment shall include a scheduled public hearing under .06F above, only if the DEP requires such a hearing.

3. The public notice shall be published as specified in F.2. above.
 4. Unless a public hearing is scheduled under K.2. above, interested persons shall have ten (10) working days for amendments proposed under this section to submit comments, request a thirty (30) day extension of the public comment period or request a public hearing. Extensions of the public comment period may be granted to the extent they appear necessary, and public hearings will be granted under section 06.F above if there is significant public interest.
- L. Certain amendments shall be processed only by the DEP. As specified under N.J.A.C. 7:15-3.4(c), (i), (j), only the DEP shall process amendments for projects or activities either proposed, constructed, operated or conducted by the State or Federal Government. Additionally, only the DEP shall process amendments for projects or activities that are regulated by the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) or that address effluent limitations, schedules of compliance, total maximum daily loads, wasteload allocations, or listings of water quality limited segments.

07. Fee Schedule

Any applicant, other than the County itself, must post with the County a non-refundable review fee pursuant to the following schedule:

- A. Exemption from the review fee shall be granted for:
1. Applications by a municipality for governmental purposes
 2. Applications by legally designated non-profit agencies for facilities that directly serve a public purpose such as meeting facilities, health facilities and schools open to the general public.
 3. Administrative language changes not involving changes to mapping, flow calculations or requiring republication of one or more elements of the Water Quality Management Plan.
- B. A Minor Application Review Fee of \$1,000.00 (Non-Refundable) shall be assessed as follows:
1. for any modification for an existing use or new facility that includes three (3) or fewer residential units with a wastewater flow or 2,000 gallons her day or less; or
 2. For any modification for non-residential activities on an area of ten (10) acres or less with a wastewater flow of 2,000 gallons per day or less;
- C. A Major Application Review Fee of \$2,400.00 (Non-Refundable) shall be assessed as follows:
1. for all activities exceeding three (3) residential units or with a wastewater flow of greater than 2,000 gallons per day; or
 2. for all non-residential activities that exceed ten (10) acres with a wastewater flow of greater than 2,000 gallons per day; or

3. for any modification with a wastewater flow greater than 2,000 gallons per day.

D. Posting of an Escrow Account may be required.

All applicants proposing a plan amendment that requires technical analysis and republication of the Lower Raritan-Middlesex County Wastewater Management Plan and/or the Lower Raritan-Middlesex County Water Quality Management Plan shall be required to post an escrow fee equal to the estimated direct and indirect cost of professional services deemed necessary by the County to carry out such work. All unused escrow funds shall be returned to the applicant upon completion of the Amendment process.

E. All direct costs associated with proposed and final approvals as part of the County's Amendment and Revision procedures for the application including producing maps and reports for public review, providing for professional services at meetings, and public hearing requirements including publication of public notice(s), shall be borne by the applicant.

WJK:lak

Revised: 10/29/03

Approved by the NJDEP: February 20, 2004

my documents/wra/wmp amendments/LR-MC Water Quality Management Plan Revision and Amendment Procedures 102903 adopted by NJDEP 022004