



State of New Jersey
Department of Environmental Protection and Energy

Environmental Regulation
Office of Land and Water Planning

CN 423
Trenton, NJ 08625-0423

Jeanne M. Fox
Acting Commissioner

Martin A. Bierbaum
Administrator

Mr. Leo Laaksonen, P.P/A.I.C.P
Planning Director
Mercer County Division of Planning
McDade Administration Building
640 South Broad Street
Trenton, New Jersey 08650

AUG 12 1993

Dear Mr. Laaksonen:

I am pleased to inform you that as of the date of this letter, pursuant to N.J.A.C. 7:15-3.4, the Department of Environmental Protection and Energy has approved the amended Mercer County Water Quality Management Plan Amendment Procedures enclosed with your letter dated July 21, 1993.

Sincerely,

Daniel J. Van Abs, Ph.D.
Assistant Administrator
Office of Land and Water Planning

c: Virginia Loftin, OLWP
Sandi Remboske, OLWP

Approved Aug. 12, 1993

 MERCER COUNTY

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 WATER QUALITY PLANNING PROGRAM

Mercer County Planning Division • 640 South Broad St. • P.O. BOX 8068 • Trenton, N.J. 08650

MERCER COUNTY
WATER QUALITY MANAGEMENT PLAN
AMENDMENT PROCEDURES

I. Purpose

To provide procedures to amend the Mercer County Water Quality Management Plan (WQMP) consistent with the rules adopted by the New Jersey Department of Environmental Protection and Energy (DEPE) at N.J.A.C. 7:15.

II. Authority

Mercer County is a designated area wide planning agency under the New Jersey Water Quality Planning Act (N.J.S.A. 58:11A-1 et seq.), which authorizes the DEPE and area wide planning agencies to develop, coordinate and implement Water Quality Management Plans and programs.

III. Severability

If any section, subsection, provision, clause, or portion of these procedures is adjudged invalid by a court of competent jurisdiction, the remainder of these procedures shall not be affected thereby.

IV. Amendment Procedures

The Department of Environmental Protection and Energy, Mercer County, sewerage authorities, municipalities, or any interested person may request to amend the Mercer County Water Quality Management Plan. The following procedures shall be followed to allow for Mercer County to render a decision on the proposed amendment. Amendments shall follow DEPE and Mercer County guidelines where applicable. Under N.J.A.C. 7:15-3.4(c), certain amendments can only be processed by the DEPE. These include amendments for projects or activities either proposed, constructed, operated or conducted by the State or Federal Government. Additionally, only the DEPE shall process amendments for activities regulated by the Solid Waste Management Act or that address effluent limitations, schedules of compliance, total maximum daily loads, wasteload allocation, load allocation, or listings of water quality limited segments.

- A. Copies of all proposed amendments to the Mercer County Water Quality Management Plan shall be sent to the Mercer County Planning Division, 640 S. Broad St., P.O. Box 8068, Trenton, NJ 08650.

Copies of the proposed amendment shall also be sent to the Department of Environmental Protection and Energy, Office of Land and Water Planning, CN 423, Trenton, NJ 08625-0423.

- B. The DEPE and Mercer County will review all amendment requests. Within 90 days of receiving an amendment request Mercer County and the DEPE may either:

- o Disapprove the amendment request and return it to the applicant. Either Mercer County or the DEPE may disapprove the amendment request.
- o Request changes or more information from the applicant (a review period of not more than 90 days will be allowed for Mercer County and the DEPE as stipulated in step B above). Either Mercer County or the DEPE may request changes or additional information.
- o Decide to proceed further with the amendment request.

Should the DEPE and Mercer County decide to proceed further with the amendment request, the Mercer County Planning Division shall notify the applicant that the amendment is ready for formal proceedings (the required public hearing may be scheduled at this time, see step D for details). The DEPE and Mercer County may provide to the applicant a list of governmental entities, sewerage agencies, BPU-regulated sewer or water utilities that shall be asked to endorse the proposed amendment. Within 15 days of receiving such notification, the applicant shall submit by certified mail (return receipt requested) a copy of the proposed amendment to these parties, with a request that they endorse the proposed amendment within 60 days of their receipt to the request.

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.

If an identified party refuses or does not act on an endorsement, the reasons, if known, for that refusal or inaction shall be considered in making decisions by Mercer County and the Governor or his designee.

The applicant shall promptly forward to the Mercer County Planning Division copies of all endorsements and comments received, and a copy of all requests for endorsement (with return receipts) sent to parties that did not provide endorsements or comments within 60 days of their receipt of such requests. In certain cases the endorsement procedure may be modified, see step H.

- C. When Mercer County and the DEPE decide to proceed further with the amendment request, the amendment may be placed on the agenda of the next scheduled meeting of the Policy Advisory Committee (PAC). The PAC hearing may be scheduled at any time prior to the end of the public comment period (see step D). Summaries of the amendment, prepared by Mercer County Planning Division or the applicant, shall be mailed to all voting members of PAC along with the agenda. At this meeting, PAC will discuss and vote on whether to recommend approval of this amendment. The PAC decision will be entered into the record of the public hearing (see step D).
- D. Official public notice of the proposed amendment and the public hearing shall be placed in The Times of Trenton and another newspaper of general circulation by the applicant. The DEPE will prepare the official public notice and arrange to have the amendment noticed in the New Jersey Register. The date of the public hearing shall be coordinated with a regularly scheduled County Planning Board meeting and notice shall be placed at least 30 days before the meeting date¹. At this meeting public comment is welcomed and a public comment period will extend until 15 days after the date of the hearing. All written comments should be forwarded to the Secretary of the County Planning Board. The public hearing shall be recorded and the DEPE, Mercer County, or the applicant may request to have the recording transcribed at the expense of the applicant. Any interested party may also request to have the recording transcribed at their own expense.
- E. Once the public comment period is closed, and the 60 day period for endorsements has expired, the Planning Board shall render a decision on the amendment at the next Planning Board meeting. The following decisions may be reached:

¹At least one week before the day of the Public Hearing, a copy of the Proof of Publication of the Public Hearing Advertisements must be forwarded to the Mercer County Planning Division and the DEPE, Office of Land and Water Planning.

- o Recommend approval to the County Executive (minor modifications to the amendment, acceptable to the DEPE and the Planning Board, may be incorporated into said recommendation).
 - o Request more information from applicant (decision to be within 30 days after requested information is received).
 - o Recommend disapproval to County Executive.
- F. Once the amendment has been voted on by the County Planning Board, the County Executive shall render the final decision not more than 30 days after the Planning Board vote. A failure to act within this time period shall constitute disapproval of the application, unless an extension is agreed upon by the County and the applicant. The applicant and the DEPE, Office of Land and Water Planning, shall receive written notification of the County action by the Planning Division within 15 days of the County decision.
- G. If the County Executive approves the amendment to update the Mercer County WQMP, it shall then be forwarded within 15 days to the DEPE, Office of Land and Water Planning, along with background information, for final adoption. The amendment is not valid until adopted by the Governor or his designee.
- H. For amendments identified in N.J.A.C. 7:15-3.4(h)3, in lieu of the endorsement requirements in step B, the DEPE and Mercer County shall provide to the applicant a list of potentially affected or interested parties that shall receive notice of the proposed amendment, but that need not be asked for endorsements. Within 5 days of receiving such notification, the applicant shall submit by certified mail (return receipt requested) to these parties a copy of the proposed amendment and a copy of the public notice that will be published (See Below).

The applicant shall promptly forward to the Mercer County Planning Division a copy of all letters (with return receipts) sent to these parties.

The Mercer County Planning Division staff or the applicant shall prepare summaries of the amendment and the applicant shall mail a copy to each member of the Mercer County Planning Board.

Official public notice of the proposed amendment and the public hearing shall be placed, by the applicant if appropriate, in The Times of Trenton and one other

newspaper of general circulation. The date of the public hearing shall be coordinated with a regularly scheduled County Planning Board meeting and notice shall be placed at least 30 days before the meeting date. The DEPE will prepare the official public notice and arrange to have the amendment noticed in the New Jersey Register. For amendments proposed under this section, interested parties shall have 10 working days from the date of the notice to submit written comments, request a 30 day extension of the public comment period, or request a public hearing. Written comments may be submitted to the Secretary of the Mercer County Planning Board and the DEPE, Office of Land and Water Planning. The public hearing as scheduled in the public notice will be held only if there is significant interest as determined by the DEPE. Interested persons may contact the Mercer County Division of Planning to verify whether a decision was made to hold a public hearing.

The Planning Board will vote on the amendment after the end of the 10 working day comment period; after the end of any extended comment period, if requested; or, at the end of the 15 day comment period after the public hearing, if held. If a public hearing is held, the transcript requirements of Step D above remain in effect.

The modifications set forth in step H may only be used for amendments whose sole purpose is to address the following projects:

- o schools, health care facilities, or correctional facilities, if such schools or facilities are publicly owned or operated; or
- o new sewers or pumping stations to serve a project or activity partially within a sewer service area depicted in the Mercer County WQM Plan, providing that the modification of the wastewater service area is less than 10 acres and providing that endorsements have been received from owners or operators of the affected domestic treatment works (DTW).

V. Appeal

Should Mercer County or the County Executive disapprove, deny, or not act on the application, the applicant may file an appeal with a court of competent jurisdiction not more than 30 days after receiving written notification that the amendment was denied approval.