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ENVIRONMENTAL PROTECTION

OFFICE OF LEGAL AFFAIRS

Notice of Receipt of Petition for Rulemaking

Surface Water Quality Standards, N.J.A.C. 7:9B

Request for Category One antidegradation designation for the Raritan River, including the Cuckels Brook tributary within Bridgewater Township

Petitioner: David S. Stempien

**Take notice** that on October 8, 2015, the Department of Environmental Protection (Department) received a petition for rulemaking from David S. Stempien (petitioner). The petitioner requests that the Department amend the Surface Water Quality Standards (SWQS), N.J.A.C. 7:9B. Specifically, petitioner requests that the antidegradation designation of the Raritan River, including the Cuckels Brook tributary to the Raritan River in Bridgewater Township, be upgraded to Category One (C1).

The petitioner states that reclassification is warranted because water is drawn from the Raritan River by the City of New Brunswick, with this water supplied to the City of New Brunswick, Milltown, and Franklin Township. Petitioner indicates that the populations of New Brunswick and Franklin Township were 55,181 and 62,000, respectively, according to the 2010 census and that Milltown has an estimated population of 5,500. Additionally, petitioner indicates that, of the 17,800 Rutgers University students living on campus during the 2013/2014 school year, more than 50 percent lived in New Brunswick. Based upon this, petitioner asserts that, even ignoring any increase in resident population since the 2010 census, the Raritan River supplies drinking water to at least 131,822 residents. Because of this, petitioner asserts the Raritan River and its

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tributaries should be classified as a C1 waterbody and thus protected by a 300 foot buffer.

This notice and the full text of the petition filed in this matter are available on the Department's website at <http://www.nj.gov/dep/rules/petition.html>.

In accordance with N.J.A.C. 1:30-4.2, the Department will subsequently mail to the petitioner and file with the Office of Administrative Law a notice of action on the petition.