

NEW JERSEY



175,
LIBRARY
DIVISION
PO BOX 1898
TRENTON, NJ 08625

REGISTER

IN THIS ISSUE "INDEX OF ADOPTED RULES" AND "HOW TO USE THE TABLE OF CITATIONS"

VOLUME 15 NUMBER 11
June 6, 1983 Indexed 15 N.J.R. 817-976
(Includes rules filed through May 20, 1983)

PHOTO
COPY
Trenton, State
1983

**The New Jersey Register supplements the New Jersey Administrative Code. To complete your research of the latest State agency rule changes, see the Rule Adoptions in This Issue and the Index of Adopted Rules beginning on Page 951.*

TABLE OF RULES IN THIS ISSUE

OFFICE OF THE GOVERNOR

REORGANIZATION PLAN

Records Management Services and Archives Section .. 818(a)

RULE PROPOSALS

BANKING

Insurance tie-in prohibition by lenders 820(a)

CIVIL SERVICE

Repeal: Modification of sheriff's officer series 820(b)

COMMUNITY AFFAIRS

Certificate of occupancy for boarding house change of use
..... 821(a)

Housing Finance Agency: transfer of ownership interests
..... 822(a)

ENVIRONMENTAL PROTECTION

Readopt State Park Service rules 822(b)

Pre-proposal: Standards and criteria for development in flood
hazard areas 824(a)

Readopt Delineated Floodway rules 839(a)

Use of Wildlife Management Areas 840(a)

HEALTH

Controlled dangerous substances: schedule changes ... 844(a)

Readopt: Drug Evaluation and Acceptance Criteria 845(a)

Additions to generic drug list 846(a)

HUMAN SERVICES

Readopt Fair Hearing rules 848(a)

Monthly Reporting Policy Handbook 849(a)

Combined standards for child care centers 850(a)

LAW AND PUBLIC SAFETY

Readopt Police Training Commission rules 866(a)

Readopt Unsatisfied Claim and Judgment Fund rules on excess
medical benefits 872(a)

Certified Shorthand Reporting: examination and licensure fees
..... 873(a)

Harness racing: No smoking in barn areas 873(b)

PUBLIC UTILITIES

Readopt CATV application for municipal consent and certifica-
tion rules 874(a)

TRANSPORTATION

Speed rate, Route I-80 interchange, Morris County ... 877(a)

Autobus specifications 877(b)

NJ TRANSIT: bus allocation rules 881(a)

TREASURY-GENERAL

Pensions: age requirements for police and firemen 883(a)

State Health Benefits Program: local governments 884(a)

TREASURY-TAXATION

Local property tax: senior citizens' deduction 885(a)

Sales tax exemption: prescription and over-the-counter drugs
..... 885(b)

(Continued on Back Cover)

REORGANIZATION PLAN

GOVERNOR'S OFFICE

(a)

OFFICE OF THE GOVERNOR

Governor Thomas H. Kean

Notice of Reorganization Plan for the Bureau of Records Management Services, Archives Section, Archives and Reference Services, Archives and History

Take notice that, on April 25, 1983, Governor Thomas H. Kean issued the following Reorganization Plan which transfers the Bureau of Records Management Services and the Archives Section in the Bureau of Law, Archives and Reference Services in the Division of the State Library, Archives and History in the Department of Education to the Department of State.

REORGANIZATION PLAN OF THE BUREAU OF RECORDS MANAGEMENT SERVICES AND THE ARCHIVES SECTION IN THE BUREAU OF LAW, ARCHIVES AND REFERENCE SERVICES IN THE DIVISION OF THE STATE LIBRARY, ARCHIVES AND HISTORY IN THE DEPARTMENT OF EDUCATION TO THE DEPARTMENT OF STATE

The Bureau of Records Management Services in the Division of the State Library in the Department of Education together with all its functions, powers and duties, pursuant to N.J.S.A. 18A:73-35 and N.J.S.A. 47:1-1 et seq. and the Archives Section in the Bureau of Law, Archives and Reference Services in the Division of the State Library, Archives and History in the Department of Education together with all its functions, powers and duties, pursuant to N.J.S.A. 18A:73-1 et seq. and N.J.S.A. 47:1-1 et seq. are hereby transferred to the Division of Archives and Records Management

in the Department of State. All powers exercised by the Commissioner of Education, the State Board of Education, the State Librarian, and the Advisory Council of the Division of the Library Archives and History in direct supervision of the Bureau of Records Management Services and the Archives Section are hereby transferred to the Department of State and shall be executed by the Secretary of State or his designee.

The Bureau of Records Management Services, as presently organized under N.J.S.A. 18A:73-1 et seq. and N.J.S.A. 47:1-1 et seq. performs among other things the inventory, scheduling and destruction of State, county and municipal records. The Bureau also contains the State's centralized microfilm unit, forms management unit, and the State's records storage center.

The Archives Section is presently organized under N.J.S.A. 18A:73-1 et seq. performs, among other things, the collection and retention of the permanent State records as well as some permanent county and municipal records. It provides historical and genealogical reference information for the State and nation.

There are three purposes of this Reorganization Plan. First this Plan will further concentrate the cultural and heritage functions of the State in a single department. Recently, the State Council on the Arts, the State Historical Commission and the State Museum were transferred from the Department of Education to the Department of State. The Office of Ethnic Affairs is also located within the Department of State. This proposed transfer will allow greater coordination among the Archives Section, the State Council on the Arts, the State Historical Commission, the State Museum and the Office of Ethnic Affairs. This will assure more comprehensive oversight and will enable the State to better coordinate its own financing. Also this transfer to the Department of State will promote a greater sharing of expertise of the State officials concerned with cultural and historical programs.

Second, this proposed transfer will allow greater coordination between the Archives Section and the Bureau of Records Management Services. The functions provided by these entities are very interrelated and should be closely aligned.

Third, this proposed reorganization will allow greater coordination between the Bureau of Records Management Services and the recording functions of the Department of State. Currently, the Department of State is depository for all enacted legislation, executive orders, executive commissions, corporation filings, uniform commercial code filings, trade and service mark filings, financial disclosure statements, officials non-conflict of interest statements, and notary commissions. Currently microfilming for many of the docu-

NEW JERSEY REGISTER

The official publication containing notices of proposed rules and rules adopted by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Issued monthly since September 1969, and twice-monthly since November 1981.

Material published in the New Jersey Register is the property of the State of New Jersey. However, it may be copied, reproduced or republished by any person for any purpose whatsoever without permission, providing that no such reproduction or republication shall bear the title "New Jersey Register" or "Official Rules Publication" without the written permission of the Director, Office of Administrative Law.

The New Jersey Register (USPS 442-950) is published the first and third Monday of each month by Administrative Publications of the Office of Administrative Law, CN 301, Trenton, New Jersey 08625. Telephone: (609) 292-6060. Subscriptions, payable in advance, are one year, \$40 (\$75 by First Class Mail); back issues when available, \$3.50 each. Make checks payable to Administrative Publications.

POSTMASTER: Send address changes to: New Jersey Register, CN 301, Trenton, New Jersey 08625. Second Class Postage paid at Trenton, New Jersey and additional mailing offices.

The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by Administrative Publications of the Office of Administrative Law. Subscription rates for this 31-volume, regularly updated set of all State administrative rules are available on request. The Code is sold either in the full set or in one to three volumes depending on the Department coverage desired.

ments in the Department of State and other services for the Department are done by the Records Management Bureau. Placing these functions in the same Department will allow more efficient management of and coordination among these services.

In accordance with the provisions of the Executive Reorganization Act of 1969, P.L. 1969, c.203 (R.S. 52:14C-2), I find and declare that this transfer and reorganization is necessary and will do the following:

1. It will promote better execution of the laws, and more effective management of the Executive Branch and its Departments because many cultural entities will be located within one Department rather than two Departments which is the current organization.

2. It will reduce expenditures and promote economy because there will be a sharing of expertise of the officials of State government concerned with cultural and historical programs.

3. It will increase the efficiency of the operation of the Executive to a better extent insofar as there will be a greater sharing of expertise within one Department.

4. It will group and coordinate functions of the Executive as nearly as may be by virtue of the fact that the cultural programs will be located within one Department.

5. Consequently, it will eliminate overlapping and duplication of effort by locating these cultural entities within one department and centralize the record keeping functions of State government. Centralization of these record keeping functions will also afford the public better access to these records.

All acts and parts of acts inconsistent with any of the provisions of this Reorganization Plan are superseded to the extent of such inconsistencies. All transfers directed by this Reorganization Plan, unless otherwise provided for herein, shall be effective pursuant to the "State Agency Transfer Act", P.L. 1971, c.375 (C. 52:14D-1).

A copy of this Reorganization Plan was filed on April 25, 1983, with the Secretary of State and the Office of Administrative Law and is published herein pursuant to N.J.S.A. 52:14C-4(c), to become effective on June 24, 1983, unless disapproved by the Legislature.

Take notice that this Reorganization Plan, if not disapproved, has the force of law and will be printed and published in the annual edition of the public laws by the Secretary of State but the text of this Executive Order will not be codified in the New Jersey Administrative Code.

RULE PROPOSALS

BANKING

(a)

DIVISION OF ADMINISTRATION

Insurance Activities Insurance Tie-In Prohibition

Proposed New Rule: N.J.A.C. 3:1-13.1

Authorized By: Michael M. Horn, Commissioner,
Department of Banking.
Authority: N.J.S.A. 17:1-8.1.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Dominick A. Mazzagetti, Deputy Commissioner
Department of Banking
CN 040
Trenton, NJ 08625

The Department of Banking thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-264.

The agency proposal follows:

Summary

The purpose of this proposal is to prohibit a lender from requiring a borrower to obtain insurance in connection with a loan or financing from an insurance agent or broker that is owned or controlled by the lender. Adoption of this rule will prevent the anti-competitive effect of tying financial transactions between lender and borrower to the mandatory obtaining of insurance coverage from the same lender.

The proposed rule also requires that written notice be given borrowers regarding the necessity of insurance. If insurance is necessary, and the lender offers such insurance, borrowers must be informed in writing that they can choose their own insurer. If insurance is not necessary, borrowers must be so informed in writing.

Social Impact

The proposed rule will affect all lenders, borrowers, insurance agents and insurance brokers located in this State. Lenders will now be required to inform borrowers about insurance coverage. Borrowers will benefit by having the opportunity to shop around for their own insurers.

Economic Impact

The economic impact to the public will be beneficial due to the prohibition on the anti-competitive practice of tying insurance coverage and lending. Borrowers will benefit by being able to negotiate freely with insurers of their own choice.

No fees are involved. There is no foreseeable impact on the State.

Full text of the proposed new rule follows.

SUBCHAPTER 13. INSURANCE ACTIVITIES

3:1-13.1 Insurance tie-in prohibition

(a) No banking institution, bank holding company, savings and loan association, savings and loan association service corporation, credit union or any other type of lender shall require any borrower to obtain insurance from a licensed insurance agent or broker, owned by or controlled directly or indirectly by that lender, as a precondition for obtaining financing.

(b) In the event a loan or other financing is granted, the borrower shall be notified in writing if insurance is not a necessary element in the granting of such loan or financing. Additionally, the borrower shall be notified in writing that if insurance is necessary and such insurance is available through the lending institution, said borrower also has the option of securing such insurance from a source of his own choosing.

CIVIL SERVICE

(b)

CIVIL SERVICE COMMISSION

Position Classification Modification of Sheriff's Officer Series

Proposed Repeal: N.J.A.C. 4:3-6.7

Authorized By: Civil Service Commission, Peter J.
Calderone, Assistant Commissioner.
Authority: N.J.S.A. 11:1-7, 11:5-1a.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone
Assistant Commissioner
Department of Civil Service
CN 312
Trenton, NJ 08625

The Civil Service Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-258.

The agency proposal follows:

Summary

N.J.A.C. 4:3-6.7, Modification of Sheriff's Officer series, has been rendered obsolete by recent legislation, P.L. 1982, c.133 codified at N.J.S.A. 40A:9-117.6 et seq. The statute specifies which duties are allowed and disallowed under the Sheriff's Officer title, an issue that had previously been a classification problem. In light of the recent legislation, the Commission proposes to repeal this section.

Social Impact

The repeal of N.J.A.C. 4:3-6.7 will have no social impact, the regulation merely being replaced by statute.

Economic Impact

Some minor cost savings may be realized by the Department of Civil Service since the legislation has resolved a time-consuming classification problem.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

4:3-6.7 [Modification of Sheriff's Officer series] (Reserved)

[(a) This section supersedes all previous regulations regarding the Sheriff's Officer series and describes the procedures that will be followed in implementing the series.

(b) The Civil Service Commission has rendered the following decision:

1. The functions involved in the care, custody, and rehabilitation of prisoners formerly encompassed in the sheriff's officer series shall no longer be included in that series. Henceforth, all appointments of personnel assigned to the care, custody, and rehabilitation of prisoners shall be classified under the county correction officer series.

2. The functions involved primarily in attending the courts formerly encompassed in the sheriff's officer series shall no longer be included in that series. Henceforth, all appointments of personnel assigned primarily to attend the courts shall be classified under the court attendant series.

3. In order to meet the specific operational needs of each sheriff's office, the following title series are hereby approved:

i. Court attendant series: To encompass duties primarily involved in attending the courts.

ii. Process officer series: To encompass duties primarily involved in serving court processes.

iii. Investigator, sheriff's office series: To encompass duties primarily involved in the investigation and apprehension of violators of the law.

iv. Identification officer series: To encompass duties primarily involved in ballistics work.

v. Ballistics officer series: To encompass duties primarily involved in ballistics work.

vi. County correction officer series: To encompass duties primarily involved in the care, custody, and rehabilitation of prisoners.

vii. Sheriff's officer series: To encompass duties involved in the performance of any combination of two or more of the following four functions:

- (1) Serving court processes;
- (2) Criminal identification;
- (3) Investigation and apprehension of violators;
- (4) Ballistics.

(c) Use of sheriff's officer series:

1. The sheriff's officer series may be used either exclusively or concurrently with the specific titles series listed in (b) above.

2. The sheriff's officer series shall not encompass the function of the care, custody, and rehabilitation of prisoners.

3. The sheriff's officer series shall not encompass the duties involved in attending the courts.

4. In open competitive tests for the positions of sheriff's officer, the Department of Civil Service will administer a general examination.

5. Once appointed as a sheriff's officer, an employee, with the approval of the Department of Civil Service, may be assigned or reassigned to a combination of two or more of the functions encompassed in the sheriff's officer series.]

COMMUNITY AFFAIRS**(a)****DIVISION OF HOUSING****Rooming and Boarding Houses
Certificate of Occupancy on Change of Use****Proposed Amendment: N.J.A.C. 5:27-1.5**

Authorized By: John P. Renna, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 55:13B-4.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael L. Ticktin, Esq.
Administrative Practice Officer
Division of Housing
CN 804
Trenton, NJ 08625

The Department of Community Affairs thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-250.

The agency proposal follows:

Summary

Conversions of one- and two-unit homes to rooming or boarding houses with five or fewer residents, of multiple dwellings to rooming or boarding houses having from six to 20 residents and of hotels to rooming or boarding houses with more than 20 residents are no longer to be exempted from the requirement of a certificate of occupancy. This change is made necessary by changes in Building Officials and Code Administrators (BOCA) use group classifications which place residential buildings and rooming and boarding houses in separate categories.

Social Impact

Conversion of buildings to rooming or boarding house use will have to be done in conformity with the requirements for this use established by the BOCA Code. This will provide better protection for residents against building conditions that might be hazardous for them.

Economic Impact

Compliance with BOCA requirements will, in many cases, impose significant costs upon owners of buildings being converted to rooming or boarding house use and will reduce the economic incentive to convert old buildings rather than construct new rooming or boarding houses.

Full text of the proposal follows (deletions indicated in brackets [thus]).

5:27-1.5 Construction and alteration; change of use

(a)-(b) (No change.)

(c) A certificate of occupancy shall be required in the event of any change in use [other than the following:

1. A conversion from a one- or two-unit dwelling to a rooming or boarding house occupied or intended to be occupied by five or fewer residents;

2. A conversion from a multiple dwelling to a rooming or boarding house occupied or intended to be occupied by at least six and not more than 20 residents;

3. A conversion from a hotel to a rooming or boarding house occupied or intended to be occupied by more than 20 residents].

(d)-(f) (No change.)

(a)

HOUSING FINANCE AGENCY

Transfer of Ownership Interests

Proposed New Rule: N.J.A.C. 5:80-5

Authorized By: New Jersey Housing Finance Agency,

Feather O'Connor, Secretary.

Authority: N.J.S.A. 55:14J-34(f).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Richard H. Godfrey, Jr.
Director of Policy Development
New Jersey Housing Finance Agency
3625 Quakerbridge Road
CN 070
Trenton, NJ 08625

The New Jersey Housing Finance Agency thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-277.

The agency proposal follows:

Summary

On August 19, 1982, the New Jersey Housing Finance Agency approved rules regarding the transfer of ownership interest, which address the agency requirements pertaining to the withdrawal, substitution, removal or death of limited and general partners of partnerships involving agency-financed projects. These rules have been developed to set forth a clear and concise procedure in terms of the agency's role in this process.

Social Impact

The adoption of rules regarding the transfer of ownership interest enures to the benefit of the project residents by insuring that each partnership fulfills its obligation in accordance with the Partnership Agreement which calls for, in part, the efficient and effective management of the project.

Economic Impact

The rules also provide that any transfer involving general partners are disclosed and further that all transfer of general partnership interest must comply with the stipulations of the Partnership Agreement, specifically with regards to the net worth requirements. General partners must maintain specified net worth to meet certain tests by the Internal Revenue Service (Procedure 72-13). This test ensures that there is a partner in the partnership who has assets at risk. The satisfaction of the net worth test assures that the partnership continues to be classified as such, thereby maintaining the economic structure and viability of the overall transaction.

Full text of the proposed new rule follows.

SUBCHAPTER 5. TRANSFER OF OWNERSHIP INTERESTS

5:80-5.1 Housing Finance Agency review

(a) All proposed changes in ownership interests of an Agency financed project must receive the prior review and written approval of the Agency's Executive Director in order to be effective.

(b) Agency review shall be limited to those areas reasonably related to preventing detriment to the project.

(c) The Agency Board should be notified of all proposed changes as soon as they are received.

(d) If a proposed change involves a General Partner or a Limited Partner with more than a 10 percent interest, the prior specific review and approval of the Agency Board is required.

5:80-5.2 Request for transfer procedure

(a) In conjunction with all changes in ownership, the Owner must submit a written request to the Executive Director which includes a specific description, rationale and impact evaluation for the change. The Agency Board will be notified of all such requests and the nature of same as soon as they are received.

(b) For all parties seeking to acquire an interest in Agency financed projects, required Administrative Questionnaires and Certifications must be submitted and State Police checks processed.

(c) When required by HUD regulations, Previous Participation Certificates (Form 2530) must also be submitted and clearance must be obtained for all new parties.

(d) Except for changes involving a General Partner or a Limited Partner with more than a 10 percent interest, the Agency's review will be limited to information contained in administrative questionnaires, received as a result of police checks and gained through HUD Previous Participation processing.

(e) If a General Partner is withdrawing from the Partnership, financial and experience data must be provided on the remaining or substituted general partners for the Agency to review and to evaluate their financial sufficiency and organizational capabilities.

(f) All proposed changes involving a General Partner or a Limited Partner with more than a 10 percent interest will be submitted to the Agency Board for its review and approval.

(g) If the ownership change involves revision to the Certificate of Incorporation or Partnership Agreement, then the approval of the Public Housing and Development Authority must be obtained.

ENVIRONMENTAL PROTECTION

(b)

DIVISION OF PARKS AND FORESTRY

State Park Service

Proposed Readoption: N.J.A.C. 7:2

Authorized By: Robert E. Hughey, Commissioner,

Department of Environmental Protection.

Authority: N.J.S.A. 13:1B-3, specifically N.J.S.A. 13:1B-15.100 et seq.

DEP Docket No. 028-83-05.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

PROPOSALS

Russell Myers, Director
Division of Parks and Forestry
CN 404
Trenton, NJ 08625

The Department of Environmental Protection thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), this rule would otherwise expire on July 13, 1983. The readoption of these rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their readoption.

This proposal is known as PRN 1983-281.

The agency proposal follows:

Summary

In accordance with the "sunset" and other provisions of Executive Order No. 66(1978), the Department of Environmental Protection proposes to readopt N.J.A.C. 7:2 concerning the regulation and administration of lands and waters in the State Park Service. The chapter was originally adopted prior to 1969 and was most recently amended in 1979; the entire chapter shall expire on July 13, 1983. The proposed readoption is necessary to continue in full force and effect the State Park rules during the summer season and insure the safe use of these lands and waters by the public. The Department will propose revisions to the existing rules in the next publication of the New Jersey Register; however, the purpose and intent of this readoption is to permit the continued regulation of land and water use in the State Park Service until the adoption of revisions to these rules.

A summary of the text of each subchapter in N.J.A.C. 7:2 follows:

Subchapter 1., General Provisions, describes the scope, applications and construction of the provisions contained in the chapter.

Subchapter 2., General Use, sets forth the designation, uses and restrictions upon uses of all applicable State parks, forests, recreational areas, historic sites, natural areas, marinas and other lands and waters under the jurisdiction of the Department of Environmental Protection, Division of Parks and Forestry.

Subchapter 3., Motorized Vehicles, sets forth the requirements and restrictions of motorized vehicle use on applicable State lands.

Subchapter 4., Hunting, Fishing and Trapping, restricts hunting, fishing and trapping to specifically designated lands and waters authorized for such uses.

Subchapter 5., Ocean Parks, sets forth the boating, camping and open fire restrictions in ocean parks.

Subchapter 6., Scuba and Skin Diving, restricts scuba diving and skin diving to designated areas.

Subchapter 7., Overnight Facilities, sets forth the regulatory provisions governing the uses of overnight facilities, including reservations, occupancy, and vehicle uses.

Subchapter 8., Boating, sets forth the restrictions and requirements for the use of motor and sail boats, ice boating and water skiing on specified water bodies under the jurisdiction of the Division of Parks and Forestry.

Subchapter 9., Group Use, sets forth the reservation requirements and supervision requirements for group activities on lands under the jurisdiction of the Division of Parks and Forestry.

Subchapter 10., Bathing, limits supervised bathing and camper bathing to designated areas.

Subchapter 11., Natural Areas and Natural Areas System, contains all the rules and regulations concerning the use of all lands and waters designated as natural areas authorized by N.J.S.A. 13:1B-15.10 and included in the Natural Areas System. The rules include provisions for lands and waters to be included in the Natural Areas System, management and uses of said lands, and restrictions of the activities which may take place thereon.

Subchapter 12., Equestrian Use, limits equestrian uses in the State Park Service to designated areas.

ENVIRONMENTAL PROTECTION

Subchapter 13., State Marinas, contains marina rules concerning uses of, and berthing at, State marinas.

Subchapters 14 and 15 (Reserved)

Subchapter 16., Island Beach State Park, contains the rules regulating Island Beach State Park and dealing with fishing, beach buggy, permits, speed limits at the Park and hours of operation at the Park.

Social Impact

The State Park Service rules provide a positive social impact by the administration and regulation of permitted recreational and open uses on those lands and waters under the jurisdiction of the Division of Parks and Forestry in the State Park Service. This has enabled the Department to administer these lands and waters for the safety and health of the members of the public visiting these areas. The regulations ensure that activities such as hunting, fishing and trapping, scuba/skin diving, berthing and use of boats, group activities both during the day and overnight and the designation and use of lands in the natural area system are undertaken in areas managed for such uses and under appropriate supervision to insure the safe and proper uses of such lands. It is necessary to readopt this chapter in order to insure that the Department has the regulatory authority to administer such lands and waters consistent with the safety and general welfare needs of the public.

The readoption of the existing State Park Service rules will have no additional social impact upon the public. The continued regulatory provisions will permit proper administration, management and regulation of the applicable State park, forest, and recreational areas, historic sites, natural areas, marinas and other lands and waters under the jurisdiction of the Division of Parks and Forestry in the Department of Environmental Protection, and will permit only those uses, in accordance with the rules, that will be in the best interest of conservation and preservation and the health, safety and general welfare of the public.

Economic Impact

The primary economic impact of the State Park Service rules is in the administrative and management costs required by the Department of Environmental Protection, Division of Parks and Forestry to supervise, manage and administer said lands and waters. At certain facilities, and for certain specified uses, the Department charges fees for uses and admittance to said facilities. The economic impact realized by the public has been in the form of the permit fees and entrance fees as noted above.

The readoption of the State Park Service rules will have no additional economic impact on the public. The existing permit fees and user fees will continue in full force and effect without change.

Environmental Impact

The readoption of the State Park Service rules will continue to provide a positive environmental impact on those lands and waters under the jurisdiction of the Division of Parks and Forestry, Department of Environmental Protection, by ensuring only the appropriate use on such lands and waters as permitted by the Department and will ensure the proper management and administration of the activities taking place thereon.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 7:2.

(a)

DIVISION OF WATER RESOURCES**Flood Hazard Areas
Standards and Criteria Controlling
Development****Rule Pre-Proposal: N.J.A.C. 7:13 (excluding
N.J.A.C. 7:13-7)**

DEP Docket No. 026-83-05.

Take notice that Robert E. Hughey, Commissioner of the Department of Environmental Protection, pursuant to his authority to regulate in accordance with the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and his general rulemaking powers pursuant to N.J.S.A. 13:1D et seq. will receive preliminary comments with respect to the initiation of subsequent rulemaking proceedings concerning the standards governing permitting in flood hazard areas.

Public hearings concerning the pre-proposal will be held on the following dates:

June 23, 1983
7:00 P.M.
Ocean County Complex
Administration Building, Room 119
Hooper Avenue
Toms River, NJ

June 28, 1983
7:30 P.M.
Wayne Township Council Chambers
475 Valley Road
Wayne, NJ

June 30, 1983
1:30 P.M.
Labor Education Center Auditorium
Rutgers University
Ryderson Lane and Clifton Avenue
New Brunswick, NJ

Interested persons may submit in writing, data, views or arguments relevant to the pre-proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

William Whipple, Administrator
Water Supply Administration
Division of Water Resources
CN 029
Trenton, NJ 08625

This is a notice of pre-proposal for a rule (see N.J.A.C. 1:30-3.2). Any rule concerning the subject of this pre-proposal must still comply with the rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., as implemented by the Office of Administrative Law's Rules for Agency Rulemaking, N.J.A.C. 1:30.

This pre-proposal is known as PPR 1983-4.

The agency pre-proposal follows:

Summary

The new pre-proposed rules have been undertaken to update the existing rules at N.J.A.C. 7:13 and to conform them with changes

in the law and recent cases. The most important change is to provide for increased delegation of the permitting authority to counties and municipalities, in accordance with N.J.S.A. 58:16A-55.6 and 55.7. Another major change is the establishment of standards and criteria, particularly as regards environmental concerns, so as to provide some assurance of policy continuity. This will enable agencies with delegated authority to issue permits in a consistent manner. A third major change is the coordination of standards and criteria to provide uniform treatment of similar situations along delineated and undelineated streams. Those new rules omit reference to many engineering and technical matters, which have been issued by the Department of Environmental Protection in a technical manual.

In addition, another major change is the designation of Projects of Special Concern. These are projects of a nature which could result in substantial environmental impact. That impact must be considered and weighed against the advantages of allowing the proposed construction to proceed. Projects of Special Concern require special provisions for public notice and are not subject to delegation.

An additional procedural provision of importance is that of calling for fact-finding meetings in the Division of Water Resources when differences of opinion arise. This allows for the possibility of reconciling conflicting views without the necessity of a judicial proceeding. Solutions to the formal appeal can then be informally explored. The fact-finding procedure was established on a trial basis and has been very successful.

The Department is soliciting comments on this pre-proposal, in addition to the hearings and written comments, through the Division of Water Resources' (DWR) Public Involvement meetings. At various meetings throughout the State, DWR staff have been explaining the impact of this pre-proposal on local government, industry and the public at large, and soliciting their input with an eye towards developing a proposal which addresses the complex issues that are associated with this program.

County and municipal officials can contact Arthur R. Kondrup, Executive Assistant to the Director, at CN 029, Trenton, New Jersey 08625 (609-292-1637) for further information or to set up meetings concerning the pre-proposed rules and the delegation of permitting authority.

Social Impact

The social impact of the new chapter will be favorable, mainly because of the elimination of the delays and confusion which result from the administration of a permit system without adequate standards and criteria. Furthermore, the ability of county and municipal governments to issue permits, in many instances, will allow individuals closer to the situation to make decisions, thus making them on the basis of more complete data. This should eliminate delay and result in a more responsive permitting system.

Economic Impact

The pre-proposed rules will have a limited economic impact on construction and land development in flood plains. Some additional costs may be involved in that there will be a definite limit on the amount of fill which can be placed by developers in flood hazard areas. This will restrict the amount of development which can be built on a given site without entailing extra design and construction costs. Previously, although excessive fill in such areas was discouraged, there was no generally-established uniform standard. Consequently, there will be a favorable economic impact on developers, in that the delegation of functions to counties and municipalities and the establishment of written standards and criteria for stream encroachment will help eliminate uncertainty, speed up the issuance of permits and minimize delays and misunderstandings.

The fees levied under these rules (see 90-day construction permit rules, N.J.A.C. 7:1C) will not be increased, but to a considerable extent will be levied by localities rather than by the State. Thus the economic impact of fees paid will be unchanged.

Environmental Impact

The most important single change embodied in the new rules is the limitation of net fill to be placed in the flood fringe area (or the corresponding areas of undelineated streams) to 20 percent of the maximum which could be placed between the natural surface of the ground and design flood elevation. This provision will minimize the artificial increases in flood heights due to elimination of valley storage, which results from unrestricted filling of flood fringe areas. This change will not prevent development, but it will to some extent limit the amount of development which can be placed on a given site without increases in cost and modification in type of structure. From an environmental viewpoint, the change will be very beneficial, as in addition to the favorable effect on flood heights, it will assist in preserving a greater proportion of flood plains in natural cover or open space.

Another change of major environmental consequence is the establishment of criteria for stream encroachment in various types of trout-related streams. These criteria relate to certain types of construction and development which are prohibited or restricted in such streams, and limitation of the periods during which construction may be carried on. Other changes establish special criteria relating to other types of fish.

Additionally, special restrictions are provided for in certain limited areas where construction may expose acid-producing geologic deposits. These deposits when exposed can result in fish kill and other environmental damage, and the establishment of preventive measures will be environmentally beneficial.

AGENCY NOTE: The existing text of N.J.A.C. 7:13-1.11, Delineated floodways, is proposed for readoption as N.J.A.C. 7:13-7.1. See: 15 N.J.R. 839(a), this issue.

Full text of the pre-proposed new rule follows.

CHAPTER 13 FLOOD HAZARD AREAS: STANDARDS AND CRITERIA CONTROLLING DEVELOPMENT

SUBCHAPTER 1. GENERAL PROVISIONS

7:13-1.1 Purpose and scope

(a) The general purpose of this chapter is to control construction and other developmental activities in stream channels and in areas subject to flooding, in order to avoid or mitigate detrimental effects of such activity.

(b) Areas naturally subject to inundation by flood waters are called flood plains; and for the purpose of this chapter flood plains are divided into two major classes, delineated and non-delineated.

1. The delineated flood plains, or delineated streams, are those for which the flood hazard area has been officially specified ("delineated") by the State of New Jersey, and has been divided into a floodway and a flood fringe area. The procedure for delineating streams is established by N.J.S.A. 58:16A-52.

2. Other flood plains, and the streams that create them, are referred to as non-delineated.

3. The United States Federal Emergency Management Agency (FEMA) classifies flood plain areas in much the same manner as the State of New Jersey. The provisions of this chapter refer to and are controlled by delineations by the State.

(c) The purpose of these rules is to minimize losses and damages to public and private property caused by land uses and channel modifications which, at times of flood, increase flood heights and velocities; to safeguard the public from the dangers and damages caused by materials being swept onto nearby or downstream lands; to protect and enhance the public's health and welfare by minimizing the degradation of stream water quality from point and non-point pollution sources; and to protect wildlife and fisheries by

preserving and enhancing water quality and the environment of the stream channel and flood plain.

(d) Stream encroachments without proper controls may adversely affect the flood carrying capacity of the stream, may create new facilities within areas subject to floods, may reduce natural flood storage that the flood plain provides, and may result in increased sedimentation or erosion, or other environmental damage. Any activity which constitutes a stream encroachment must conform to certain criteria which, as outlined in this chapter, depend upon the characteristics of the area, and the type of activity involved.

7:13-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Act" means the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.

"Alteration" means changes in banks, bed and vicinity of a stream which affects its flood carrying capacity or environment.

"Applicant" means the owner of the property on which the permit is applied for or his legal agent.

"Application" means the Department application form.

"Buffer strip" means, for streams that are not trout-associated streams, a stream and the land area less than 25 feet from the top of either stream bank, except for any part of such area outside the encroachment line. For trout-associated streams, the buffer extends 50 feet from the top of either stream bank, except for any part of such area outside the encroachment line.

"Bureau" means the Bureau of Flood Plain Management in the Department.

"Cascades" means sections of streams with stream beds consisting primarily of bedrock, with little rubble, gravel, or other such material present. The current is usually more swift than in riffles.

"Channel" means a watercourse with a definite bed and banks which confine and conduct continuously or intermittently flowing water.

"Channelization" means any artificial reconstruction of the stream channel such as by straightening, lining or deepening.

"Commissioner" means the Commissioner of the Department of Environmental Protection.

"Compliant ordinance" means an ordinance adopted pursuant to the Act and in compliance with this chapter.

"Delegated agency" means an agency to whom the Department has delegated its power to approve or disapprove certain classes of stream encroachment applications pursuant to this chapter.

"Delineated floodway" means any floodway designated by the Department under the provisions of the Act.

"Department" means the State Department of Environmental Protection.

"Division" means the Division of Water Resources in the Department of Environmental Protection.

"Encroachment line" means the channel of a natural stream and portions of the 100-year floodplain adjoining the channel which are reasonably required to carry and discharge the flood water or flood flow of any natural stream. It is approximately equal to the floodway line along delineated streams.

"Erosion" means detachment and movement of soil or rock fragments by water, wind, ice or gravity.

"Excavation" means removal or recovery by any means whatsoever of minerals, mineral substances or organic substances, other than vegetation, from the water, land surface or beneath the land surface, whether exposed or submerged. Normal agricultural activities shall not be considered to be excavation.

"Exceptional and undue hardship" means situations where literal enforcement of this chapter would result in peculiar and substantial burdens upon the owner and where such enforcement would not be necessary to avoid substantial detriment to the public health, safety and general welfare.

"Fact-finding meeting" means a meeting held by the Department

to solicit information on a pending application and provide an opportunity to exchange views.

"Fill" means sand, gravel, earth or other materials of equal quality placed or deposited within the 100-year floodplain or flood hazard area so as to form an embankment or raise the elevation of the land surface.

"Fishway" means a device that allows for the passage of fish over a barrier that would ordinarily preclude migration.

"Flats" means sections of streams with current too slow to be classified as riffle and too shallow to be classified as a pool. The stream bottom usually consists of sand or finer materials.

"Flood carrying capacity" means the ability of a channel or floodway to transport flood waters, as determined by its shape, cross-sectional area, bed slope, coefficient of hydraulic friction, and upstream and downstream channel configurations as used in accepted engineering practices.

"Flood damage potential" means the susceptibility at a particular site to damage by potential floods at that site, as well as increased off-site flooding or flood related damages caused by such use.

"Flood fringe" means that portion of the flood hazard area not designated as the floodway.

"Flood hazard area" means the floodway and the flood fringe area of a delineated stream.

"Flood plain" means the relatively flat area adjoining the channel of a natural stream which has been or may be hereafter covered by flood water.

"Floodproofing" means any combination of structural and nonstructural design features, additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" means the channel of a natural stream and portions of the flood hazard area adjoining the channel which are reasonably required to carry and discharge the flood water or flood flow of any natural stream.

"Hazardous materials" means any waste or combination of waste which poses a present or potential threat to human health, living organisms or the environment.

1. It shall include waste material that is toxic, carcinogenic, genetically harmful, corrosive, irritating or sensitizing, radioactive, biologically infectious, explosive, or flammable.

2. It includes, but need not be limited to, those materials and concentrations of materials that are determined to be toxic by the Federal Secretary of Health and Human Services pursuant to section 20(6) of the Occupational Safety and Health Act of 1970 (Public Law 91-596, OSHA) and those materials listed in the current Part 172, Title 49 of the Code of Federal Regulations issued by the Federal Department of Transportation.

"Locality" means a municipality, county or county water resource association.

"Low dam" means a dam which will not raise the level of the waterway by more than five feet above its usual low water height.

"Major project" means that class of project defined as major in the 90-day rules.

"Manual" means the Technical Manual on Stream Encroachment published by the Bureau in draft form in December, 1981, and any subsequent amendments thereto.

"Minor project" means that class of project defined as minor in the 90-day rules.

"Net fill" means additional earth or other fill beyond the total quantity already present in the area in question.

"Ninety day rules" means N.J.A.C. 7:1C (90-Day Construction Permits).

"Non-regulated use" means any floodway use set forth in dN.J.A.C. 7:13-3.2.

"Non-trout waters" means the non-trout waters identified in the Department's Surface Water Quality Standards (N.J.A.C. 7:9-4).

"Obstruction" means but is not limited to any structure, excavation, fill or other materials placed in, along, across, or

projecting into any channel, watercourse or floodway which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or that is placed where the flow of water might carry the same downstream to the damage of life or property.

"One hundred year floodplain" means the area inundated by a 100-year flood. A 100-year flood is estimated to have a one percent chance, or one chance in 100, of being equalled or exceeded in any one year.

"Perennial stream" means any stream mapped as perennial on either the 7 1/2' topographic maps published by the United States Geological Survey (latest revision) or the detailed map sheets in county Soil Surveys published by the United States Department of Agriculture, Soil Conservation Service.

"Person" means corporations, companies, associations, societies, firms, partnerships and joint stock companies, as well as individuals, the State, and all political subdivisions of the State or any agencies or instrumentalities thereof.

"Pools" means sections of stream that are deeper than immediately upstream or downstream sections, and that have appreciably slower current. The stream bottom is usually a mixture of silt and coarse sand; the water depth exceeds two feet.

"Prohibited use" means any floodway use which shall not be allowed under any circumstances.

"Projects of Special Concern" means stream encroachment projects which, because of their potentially serious adverse effects, will be subject to the special conditions described in N.J.A.C. 7:13-5.

"Regulated use" means any floodway use which is subject to the provisions of the sections of this chapter dealing with regulated uses.

"Riffles" means sections of stream containing gravel or rubble, in which surface water is at least slightly turbulent and current is swift enough that the surface of the gravel and rubble is kept fairly free from sand and silt.

"Soil Conservation District" means a political subdivision of the State of New Jersey authorized under N.J.S.A. 4:24-2 et seq.

"Solid waste" means garbage, sludge, refuse, trash, rubbish, debris or other discarded solid materials.

"Stream encroachment" means any structure, alteration, filling, construction or other development within the area which would be inundated by the 100-year flood of any non-delineated stream or within the flood hazard area of a delineated stream.

"Stream Encroachment Permit" means a permit issued by the Department, locality or delegated agency under the provisions of N.J.S.A. 58:16A-50 et seq.

"Structure" means any assembly of materials above or below the surface of land or water, including but not limited to buildings, fences, except as provided in this chapter, dams, fills, levees, bulkheads, dikes, jetties, embankments, causeways, culverts, roads, railroads, bridges and the facilities of any utility or governmental agency. Trees or other vegetation shall not be considered to be structures.

"Trout-associated streams" means streams that are:

1. Trout production waters;
2. Trout maintenance waters;
3. Non-trout waters upstream from trout production waters (with or without intervening trout maintenance waters); or
4. Non-trout waters less than one mile upstream from trout maintenance waters that are not upstream from trout production waters.

"Trout maintenance waters" means the trout maintenance waters identified in the Department's Surface Water Quality Standards (N.J.A.C. 7:9-4).

"Trout production waters" means the trout production waters identified in the Department's Surface Water Quality Standards (N.J.A.C. 7:9-4).

"Trout stocked waters" means waters that are stocked with trout by the Department's Division of Fish, Game and Wildlife, as listed

in the Fish Code adopted by the New Jersey Fish and Game Council.

7:13-1.3 Construction

(a) This chapter shall be liberally construed to permit the Department to discharge its statutory functions.

(b) The Commissioner may amend, repeal or rescind this chapter from time to time in conformance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. as amended and supplemented.

7:13-1.4 Applicability

(a) This chapter shall apply to all stream encroachments within the flood hazard area and 100-year floodplains within the State of New Jersey, at locations having a drainage area of over 50 acres and all Projects of Special Concern as defined in N.J.A.C. 7:13-5.

(b) This chapter will also apply to all perennial trout-associated streams.

(c) Activities along tidal water bodies and segments of tidal water bodies on the following list, as identified on the 7 1/2' USGS topographic maps, shall not be required to obtain a permit pursuant to this chapter, provided that the Division of Coastal Resources has granted approval:

1. Atlantic Ocean.
2. All water bodies named on the USGS 7 1/2' topographic maps as "bays", "canals", "coves", "guts", "harbors", "inlets", "sounds", "thorofares", and "channels", except for the portion of the Delaware River near Camden called "Back Channel".
3. All man-made lagoons and canals.
4. All sections of the "Intracoastal Waterway".
5. All streams south of Great Egg Harbor Bay and east of the Garden State Parkway to its end at the Cape May Canal, except for Crooked upstream from Stone Harbor Boulevard and Homes Creek.
6. Absecon Creek (Atlantic Co.): Absecon Bay to Absecon Blvd.
7. Alloway Creek (Salem Co.): Delaware River to Mill St.
8. Arthur Kill (Middlesex Co./Union Co.).
9. Ayers Creek (Cumberland Co.).
10. Back Creek (Cumberland Co.).
11. Bass River (Burlington Co.): Mullica River to Route 9.
12. Beach Creek (Cumberland Co.).
13. Beaverdam Creek (Ocean Co.): Barnegat Bay to Jordan Blvd.
14. Beaverdam Creek (N. Br.): Barnegat Bay to Route 88 (Ocean Co.).
15. Bidwell Creek (Cape May Co.): Delaware Bay to Route 47.
16. Big Creek (Ocean Co.).
17. Black Ditch (Salem Co.).
18. Cabin Creek (Cumberland Co.).
19. Cape Island Creek (Cape May Co.): Cape May Harbor to the Conrail Bridge.
20. Cedar Creek (Cumberland Co.): Delaware Bay to Main St. and Mulford Ave.
21. Cedar Creek (Ocean Co.): Barnegat Bay to Route 9.
22. Cedar Run (Ocean Co.): Little Egg Harbor to first bridge downstream from Route 9.
23. Cherry Tree Creek (Salem Co.).
24. Clam Creek (Atlantic Co.).
25. Cohansey River (Cumberland Co.): Delaware Bay to confluence with Rocaps Run.
26. Delaware River (Salem Co.): Delaware Bay to Delaware Memorial Bridge.
27. Dennis Creek (Cape May Co.): Delaware Bay to Route 47.
28. Dias Creek (Cape May Co.): Delaware Bay to Route 47.
29. Dinner Point Creek (Ocean Co.).
30. Dividing Creek and Tributaries (Cumberland Co.): Delaware Bay to Route 553.
31. Division Creek (Cumberland Co.).
32. Drumbo Creek (Cumberland Co.).
33. Dyer Creek (Cumberland Co.).
34. East Creek (Cape May Co.): Delaware Bay to Route 47.

35. Fishing Creek (Cape May Co.): Delaware Bay to Bay Shore Road.

36. Fishing Creek (Cumberland Co., Downe Twp.).
 37. Fishing Creek (Cumberland Co., Greenwich Twp.).
 38. Fishing Creek and tributaries (Salem Co.).
 39. Forked River, Middle and North (Ocean Co.): Barnegat Bay to Route 9 Branches.
 40. Fortescue Creek (Cumberland Co.).
 41. Goose Creek (Ocean Co.): Barnegat Bay to Fisher Blvd.
 42. Great Egg Harbor River, County Route 50: Great Egg Harbor Bay to Atlantic.
 43. Green Creek (Cape May Co.): Delaware Bay to Route 47.
 44. Hope Creek (Salem Co.).
 45. Hudson River (Bergen Co./Hudson Co.).
 46. Jacobs Creek (Cumberland Co.).
 47. Kettle Creek (Ocean Co.): Barnegat Bay to Hooper Avenue.
 48. Kill Van Kull (Hudson Co.).
 49. Lone Tree Creek (Cumberland Co.).
 50. Lower Deep Creek (Salem Co.).
 51. Mad Horse Creek and tributaries (Salem Co.).
 52. Manasquan River (Monmouth Co./Ocean Co.): Atlantic Ocean to Route 70.
 53. Maurice River (Cumberland Co.): Delaware Bay to Route 548.
 54. Metedeconk River (Ocean Co.): Barnegat Bay to Route 70.
 55. Middle Marsh Creek (Cumberland Co.).
 56. Middle River (Atlantic Co.).
 57. Mill Creek (Salem Co., Elsinboro Twp.).
 58. Mill Creek (Salem Co., Pennsville Twp.): Delaware River to Lighthouse Road.
 59. Mott Creek (Atlantic Co.).
 60. Mullica River (Atlantic Co./Burlington Co./Ocean Co.): Great Bay to Lower Bank Road.
 61. Nacote Creek (Atlantic Co.): Mullica River to Old New York Blvd.
 62. Nantuxent Creek (Cumberland Co.).
 63. Navesink River (Monmouth Co.): Shrewsbury River to Coopers Bridge.
 64. Oranoken Creek (Cumberland Co.).
 65. Oyster Creek (Ocean Co.): Barnegat Bay to Route 9.
 66. Padgett's Creek (Cumberland Co.).
 67. Riggins Ditch (Cumberland Co.): Delaware Bay to Route 47.
 68. Salem River (Salem Co.): Delaware River to confluence with Salem Canal.
 69. Shark River (Monmouth Co.): Atlantic Ocean to confluence with Laurel Gully Brook.
 70. Shore Ditch (Salem Co.).
 71. Shrewsbury River (Monmouth Co.): Sandy Hook Bay to Seven Bridge Road.
 72. Sluice Creek (Cape May Co.): Delaware Bay to Route 47.
 73. South River (Atlantic Co.): Great Egg Harbor River to Route 50.
 74. Sow and Pigs Creek (Cumberland Co.).
 75. Stow Creek (Cumberland Co./Cape May Co.): Delaware Bay to Canton Road.
 76. Straight Creek (Cumberland Co.).
 77. Straight Ditch (Salem Co.).
 78. Toms River (Ocean Co.): Barnegat Bay to Route 9.
 79. Tuckahoe River (Atlantic Co./Cape May Co.): Great Egg Harbor Bay to Route 557.
 80. Tuckerton Creek (Ocean Co.): Little Egg Harbor to Route 9.
 81. West Creek (Cape May Co.): Delaware Bay to Route 47, Cumberland Co.
 82. Westecunk Creek (Ocean Co.): Little Egg Harbor to Route 9.
- (d) This chapter shall not apply to activities along the Delaware and Raritan Canal, except insofar as such activities affect streams that flow into, over, under, or parallel to the Canal, or are subject to flood hazard from such streams.

7:13-1.5 Program information

Information and forms relating to the stream encroachment permitting process may be obtained from:

Bureau of Flood Plain Management
Department of Environmental Protection
Division of Water Resources
CN 029
Trenton, NJ 08625
Telephone (609)292-2402

7:13-1.6 Other State statutes, rules and regulations

The powers, duties, and functions vested in the Department under the provisions of the Act or this chapter shall not be construed to limit in any manner the powers, duties, and functions vested therein under any other provisions of law, except as specifically set forth in this chapter.

7:13-1.7 Severability

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

7:13-1.8 Establishment of 100-year flood plain zones and encroachment lines

(a) On non-delineated streams, the boundaries of 100-year flood plains and encroachment lines may be established accurately by technical engineering methods described in the Manual. If such computations have not been made, the limits of the 100-year flood plain may be established by comparison, where available, with the following:

1. Federal flood insurance maps;
2. Corps of Engineers lines of area inundated by 100-year flood; and
3. Actual area inundated by maximum flood of record.

(b) On non-delineated streams, in the case of minor or stream cleaning projects, the encroachment line may be taken as a smoothed line not extending closer to the bank of the stream than a distance twice the distance between banks.

(c) For major projects or Projects of Special Concern a special analysis and determination of the 100-year flood plan will be necessary, to be submitted by the applicant.

SUBCHAPTER 2. GENERAL PROCEDURES FOR THE STREAM ENCROACHMENT PERMITTING PROCESS

7:13-2.1 Required information for all applications submitted to the Department

(a) The application form must be completed by the applicant or his agent, including all signatures and seals. Notarization is not necessary.

(b) The engineering data sheet must be completed and all required information outlined in the engineering data sheet for the class project must be supplied.

(c) The fee as required by the 90-day rules.

(d) Certification of required notification for major projects and projects of special concern must be included with the application.

(e) Five sets of plans prepared in accordance with the requirements outlined on the Engineering Data Sheet.

(f) Hydrologic and hydraulic computations (for major projects only) must be supplied as outlined in the Engineering Data Sheet.

(g) Easements or other property rights must be obtained before the Department will accept an application as complete where any work is outside of the applicant's property or affects other properties, except for applications by governmental agencies.

7:13-2.2 Notice

(a) The applicant shall provide proof of notice with an application

for a stream encroachment constituting a major project or Project of Special Concern, with a request for a hardship exemption, or with an appeal from the decision of the Department. This shall include a description of the nature and location of the proposed project, and data on the application and shall be sent to the following:

1. Planning Board, Engineer, Environmental Commission, and Municipal Clerk of the municipality involved, and also of the municipality next downstream on both sides of the waterway;
2. All adjacent property owners;
3. The County Planning Board;
4. The Soil Conservation District; and
5. Any other agencies or bodies as requested by the Department or the county.

(b) Notice sent pursuant to the 90-day rules to the above listed parties will satisfy the requirement of this section.

(c) For Projects of Special Concern, an advertisement is required, as indicated in N.J.A.C. 7:13-5.3.

7:13-2.3 Pre-application conference

(a) A pre-application conference is suggested and may be requested by the applicant, his agent or his engineer to meet with one of the representatives of the Bureau to discuss the requirements for preparation of a specific application.

1. Minutes of the conference will be kept by the Bureau.
2. When the application is submitted, reference shall be made to the date and parties present at any such conference.

(b) A pre-application conference may also be used to deliver an application to the Bureau to be checked for completeness and accepted for review.

(c) A pre-application conference will be scheduled by appointment only.

7:13-2.4 Over-the-counter permit processing

A one day processing service may be provided for certain minor stream encroachment applications as provided for in the 90-day rules.

7:13-2.5 Optional approval for small drainage areas

(a) When a project site is at a point along a stream or waterway with a small contributory drainage area, as defined in (b) below, approval from the municipal or county engineer, or any appropriate professional engineer for a State agency project, may be obtained as an alternative to submitting a stream encroachment application to the Department, provided that approval authority is not specifically reserved to the Department by this chapter.

(b) The drainage area for a major project must be less than 150 acres and the drainage area for a minor project must be less than 320 acres to qualify for this approval process. Projects in flood plains will be construed to be within the drainage area which causes the flood plain.

(c) After municipal or county approval, an approval letter must be submitted to the Bureau by the approving authority specifically addressing the following points:

1. The project conforms to the criteria of this chapter;
2. The drawings being approved are listed by title block, page, original date and any revision date;
3. The drainage area to the downstream-most point is noted.

(d) The approval letter must be accompanied by two sets of plans prepared by the applicant or his designee so that the Bureau may acknowledge such approval.

7:13-2.6 Optional Soil Conservation District approval

Certain farming practices may be approved by the local Soil Conservation District in conformance with the agreement entered into between the DEP and SCS in September 1978 entitled "Stream Encroachment Permit Procedures for Soil Conservation District Projects", and any subsequent amendments thereto. The Soil Conservation District approval letter and engineering plans are to

be forwarded to the Bureau, so that the Bureau may acknowledge such approval.

7:13-2.7 Emergency permit waiver

(a) Situations which threaten the public health, safety and welfare and require emergency work will be considered by the Department under the following procedure:

1. Inform the Bureau by telephone as to the extent of work to be performed, the reason for the emergency and the location of the project.

2. Perform the emergency work upon verbal approval of the Bureau Chief, which shall be verified in writing within three working days. The Bureau Chief or one of the staff engineers shall offer guidance and instructions in performing the work.

3. After the work has been completed in accordance with the Department's instructions, a stream encroachment application with appropriate fees and "as built" drawings shall be submitted to the Bureau for review. A letter shall then be issued by the Bureau in lieu of a stream encroachment permit.

7:13-2.8 Permit application review procedures by the Department

(a) A maximum of 20 working days from the receipt of the application will be allowed for preliminary review of the application for completeness. During this period the Department will either accept the application for review, which will begin the 90-day review period, or reject the application for incompleteness and inform the applicant in writing of the information necessary to complete his application.

(b) The 90-day review period begins on the day a project number is assigned and the application is accepted for review. At this time an acknowledgment letter is sent to the applicant. During the 90-day review period, the Bureau may:

1. Request additional information from the applicant.
2. Schedule a fact-finding meeting for Projects of Special Concern or other projects.
3. Approve the application.
 - i. The applicant will receive a permit which will generally be effective for a period of two years from the effective date of the permit. However, the Department reserves the right to issue the permit for any period of time.
 - ii. All conditions specified in the permit must be complied with or the permit may be rescinded.
4. Deny the application.
 - i. Denial with prejudice is a disapproval of the project.
 - ii. Denial without prejudice is a disapproval of the application. However, a subsequent revised application by the same applicant for the same project on the same site, may be submitted within one year of the date of disapproval without additional fees.
5. Grant a 30-day extension of time to the 90-day review period, if agreed to by both parties, provided that either the applicant or the Bureau request from the other such an extension at least 15 days prior to the expiration date for the approval or disapproval of such an application.

(c) In the event of a denial of a stream encroachment application where no hardship was initially claimed, the applicant may submit a petition for reconsideration of that decision on the basis of a hardship without the payment of an additional fee. The Department shall have 90 days to review the petition.

7:13-2.9 Hardship exemptions

(a) A hardship exemption to the requirements of this chapter may be granted by the Department for any of the following reasons:

1. Cases in which the Department determines that there is no feasible and prudent alternative, including the no-action alternative, which would avoid or substantially reduce the anticipated damage and is consistent with the reasonable requirements of the public health, safety and welfare; or
2. Cases in which the Department determines that there is an

unreasonably disproportionate relationship between the benefits and the added cost of the requirements; or

3. Cases in which the Department and applicant agree to alternative requirements that, in the judgment of the Department, provide equal or better protection.

(b) No such exemption or modification shall be granted without advance public notice and, where demanded or necessary, a fact-finding meeting. This requirement may be waived in emergency situations, as determined by the Department.

(c) Except as otherwise provided in this chapter, a delegated agency may grant exemptions or modifications to this chapter in accordance with this subsection.

(d) In order for the Department to consider a hardship exemption the applicant must demonstrate the following:

1. That by reason of the extraordinary or exceptional situation or condition of the property, the strict enforcement of this chapter would result in exceptional and undue hardship upon the applicant in question;

2. That the exemption will not substantially impair the appropriate use or development of adjacent property and will not pose a threat to the public health, safety, and general welfare;

3. That the hardship is unique or peculiar to the applicant; and

4. That the exceptional or undue hardship claimed as grounds for the exemption has not been created by the applicant.

(e) The applicant shall submit to the Department with a stream encroachment application for a hardship exemption as much of the following information as is relevant to the project:

1. A plan for flood proofing, the implementation of which shall be a condition for the exemption;
2. Proof that appropriate steps shall be taken to anchor materials in order to prevent flotation, collapse, or lateral movement;
3. The relationship of the proposed project to the comprehensive land use plan and flood plain program for the area;
4. Proposed routes to and from the property during flood times;
5. The projected height, velocity and duration of the floodwaters in the floodway expected at the site;
6. The type of soil located at the proposed site;
7. A statement concerning the land use and value absent the granting of the hardship exemption;
8. Information regarding the development of the area and the impact of the additional work;
9. Evidence that the project will not distort the stream's flood carrying capacity so as to cause substantial problems along the stream; and
10. An analysis of the extent to which the sediment regimen and water quality of the stream will be affected by the proposed exemption, with consideration of possible effects upon the environment.

(f) The applicant shall also submit proof of required public notice for consideration of a hardship exemption.

(g) The applicant shall submit the request for an exemption along with the appropriate documentation to the Bureau.

1. After review of the application, the Bureau shall notify the applicant of the results of its review within 90 days.

2. Before making a decision, the Bureau may request that additional information and documentation be supplied. When additional information is not provided by the applicant as requested, the exemption will be denied.

(h) If the material submitted to the Bureau by the applicant in support of the petition for a hardship exemption does not satisfactorily demonstrate that a hardship exemption is warranted, the Bureau shall so notify the applicant by letter, advising the applicant that the petition for a hardship exemption has been rejected by the Bureau and shall also state the reasons for this denial.

(i) The denial of an exemption shall be treated as the denial of an application without prejudice.

7:13-2.10 Post-review procedures by the Department

(a) Extension of time for permit: Permits may be extended beyond

the two-year period for a maximum of five years, granted in one year increments.

1. Requests shall be made in writing to the Bureau before the permit has expired and shall include the permit number and fee as specified in the 90-day rules.

2. The applicant will then be informed in writing of the new time limit of the permit.

(b) Modification in detail: Approved plans may be modified in detail at the request of the applicant. Five sets of plans accompanied by a letter requesting the modification and a fee as specified in the 90-day rules are required for this procedure.

1. Only items already approved on the original permit can qualify for this procedure.

2. Any new structures, major channel modifications or major changes in the hydraulic capacity of a structure cannot be allowed and a new application for a permit must be submitted for this work.

7:13-2.11 Appeal procedure to the Department

(a) The applicant or any person alleging to be adversely affected by the Department's decision shall have a right to a apply for a hearing thereon pursuant to N.J.A.C. 1:1 (Uniform Administrative Procedure).

(b) Such a hearing request shall be accompanied by proof of publication or pending publication in a newspaper of local circulation of the appeal.

(c) For 30 days following receipt of the request for a hearing, the Department may attempt to settle the dispute by conducting such proceedings, meetings and conferences as deemed appropriate, or deny the appeal if it is found to be without merit. The 30 days may be extended upon agreement of all parties.

7:13-2.12 Permit application review by delegated agencies

When authority to approve certain types of stream encroachments is delegated by the Department to another agency, under provisions of this chapter and the Act, the standards and criteria of this chapter shall remain applicable. However, procedures for submission of information may be simplified to the extent permitted by the greater availability of information and greater ease of verification of questioned points by delegated agencies.

SUBCHAPTER 3. GENERAL STANDARDS FOR STREAM ENCROACHMENT PERMITTING WITHIN THE FLOODWAYS OF DELINEATED STREAMS AND WITHIN ENCROACHMENT LINES OF NONDELINEATED STREAMS

7:13-3.1 Prohibited uses

(a) No person shall engage in or cause other persons to engage in any of the following prohibited uses within the delineated floodways and within the encroachment lines of nondelineated streams of the State.

1. Placing, depositing or dumping any solid or hazardous waste;

2. The erection of structures for occupancy at any time by humans or livestock, and the erection of kennels for the boarding of domestic pets;

3. The discharge (except as authorized under other provisions of law), processing, storage or disposal of pesticides, domestic or industrial wastes, radioactive materials, petroleum products or other hazardous materials;

4. The storage of materials or equipment; or

5. The construction of septic systems for residential, commercial or industrial buildings.

6. No net fill shall be added.

(b) Exceptions to (a) above are as follows:

1. Lawful pre-existing prohibited uses may be maintained provided that if they are expanded or enlarged that they do not increase the flood damage potential.

2. Lawful pre-existing prohibited structures damaged by any means other than flooding may be restored provided that:

i. Any expansion or enlargement will not decrease the flood carrying capacity of the stream; and

ii. Efforts are made to provide floodproofing or other similar techniques to minimize future flood damage to the structure.

3. Lawful pre-existing prohibited structures damaged by flooding may be restored provided that:

i. Any expansion or enlargement will not decrease the flood carrying capacity of the stream;

ii. The owner submits an application together with drawings of the proposed reconstruction and the application is approved by the Division; and

iii. Plans for the proposed reconstruction include provisions for floodproofing or other similar techniques designed to minimize future flood damage to the structure from the occurrence of the floodway design flood.

4. Lawful pre-existing sanitary landfills may be expanded vertically provided that:

i. No horizontal expansion is made;

ii. The side slopes of the landfill shall not be steeper than a ratio of two horizontal to one vertical;

iii. Adequate soil erosion and sediment control measures are taken to the satisfaction of the Division of Water Resources;

iv. The flood damage potential is not increased; and

v. The other applicable provisions of law are complied with.

7:13-3.2 Non-regulated uses

(a) For purposes of this section, non-regulated uses are uses which:

1. Do not require fill borrowed from outside the immediate floodway;

2. Do not require erection of structures;

3. Do not require channel modification or relocation;

4. Do not obstruct flood flows;

5. Do not affect the water carrying capacity of any delineated floodway or channel;

6. Are undertaken with full on-site flood damage risks accepted by the owner;

7. Do not increase offsite flood damage potential; and

8. Do not constitute a Project of Special Concern.

(b) Non-regulated uses shall satisfy the conditions of (a) above and shall include:

1. Residential uses: Lawns, gardens and play areas.

2. Private and public recreation uses: Playing fields, picnic grounds, swimming areas, parks, wildlife and nature preserves, game farms, hunting and fishing areas, shooting preserves, bike paths, and hiking and horseback riding trails.

3. Agriculture uses: General cultivation, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

i. Additionally, specific soil conservation practices such as terracing, construction of diversions, subsurface tile drainage and the construction of grassed waterways and dug ponds will be considered non-regulated uses, but only when designed and constructed under the immediate supervision of the appropriate County Soil Conservation District Office and the local U.S.D.A. Soil Conservation Service.

ii. Single strand fences associated with these agricultural uses are non-regulated.

7:13-3.3 Regulated uses

Any activity not specifically prohibited or non-regulated by N.J.A.C. 7:13-3.1 or 3.2, or the Act, shall be a regulated use and be subject to the applicable provisions of this chapter.

7:13-3.4 Soil erosion and sediment control

(a) Soil erosion and sediment control measures are required on all submissions under the jurisdiction of the Act if such submissions:

1. Require modification of the stream channel or stream bank(s);

2. Require disturbance of more than 1,000 square feet of the surface area of land within the buffer strip; or

3. Require disturbance of more than 5,000 square feet of the surface area of land.

(b) The latest revised version of the "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the New Jersey State Soil Conservation Committee pursuant to the Soil Erosion and Sediment Control Act of 1975 as amended, N.J.S.A. 4:24-42 et seq. and N.J.A.C. 2:90-1.3 et seq. shall be used in the preparation and submission of Stream Encroachment Applications.

(c) The following additional soil erosion and sediment control requirements shall also be met:

1. The area of soil disturbance shall be no larger than that which is necessary for the conduct of the project.

2. Soil disturbance schedules shall be formulated to provide minimum practicable exposure of soils to erosion.

3. If erosion and sediment control measures such as diversions, sediment basins, or sediment barriers, whose purpose is to divert surface runoff before it reaches exposed soil, or to intercept sediment eroded from exposed soil, are part of the erosion and sediment control plan, such measures shall be installed prior to any major soil disturbance or in their proper sequence to minimize sediment delivery to waterways. All soil erosion and sediment control practices shall be left in place until the soil is stabilized by vegetation or engineering measures.

4. Disturbed soil on the banks of waterways shall be protected within 48 hours of disturbance by rip-rap, sandbags, sod, or approved mulch netting as conditions warrant, in accordance with the "Standards for Soil Erosion and Sediment Control".

i. Asphalt or other liquid binders shall not be sprayed for mulch anchoring in such areas.

ii. Calcium chloride or spray-on adhesives shall not be applied for dust control in such areas.

5. In areas where vegetative methods (including "mulch only") are relied on for erosion and sediment control (without downslope controls to intercept sediment, such as sediment basins or sediment barriers), seeding, mulching, or placement of sod shall be performed within 48 hours of soil exposure in accordance with the "Standards for Soil Erosion and Sediment Control". Seeding shall, in such areas, always be accompanied by mulching.

i. If weather conditions are unfavorable for seeding, sod placement, or the subsequent establishment of such vegetation, the area shall be mulched within 48 hours of soil exposure in accordance with the "Standards for Stabilization with Mulch Only" in the "Standards for Soil Erosion and Sediment Control".

ii. Slopes exceeding 15 percent (in areas without downslope sediment controls) shall be protected within 48 hours of soil exposure by special treatment such as water diversion berms, sodding, or approved mulch netting, in accordance with the "Standards for Soil Erosion and Sediment Control".

6. Pumping of sediment-laden water from the dewatering of trenches or other excavations directly into waterways is prohibited.

i. Pump intakes shall be placed near the water surface to minimize the sediment content of pumpage.

ii. Wherever possible, pumpage shall be piped to sediment basins or sediment barriers that meet the "Standards for Soil Erosion and Sediment Control", or mechanical filtration or sedimentation devices shall be used to minimize the discharge into waterways of sediment in pumpage.

iii. As a last resort, special approval may be granted for the pumpage to be spread onto land as far from the stream bank as possible, providing that care is taken to avoid damaging trees not scheduled for removal.

7:13-3.5 Protection of near-stream vegetation

(a) Trees, shrubs, grasses, and other vegetation within the buffer strip shall not be disturbed except where necessary for the conduct of the project. Where possible trees shall be left standing. Brush and stumps shall not be removed except for the purpose of landscaping. Construction shall be performed from one stream bank where possible, leaving vegetation on the opposite bank. Where there is

a practical choice, access roads to work sites shall not be constructed along shoreline routes.

(b) Vegetative waste from construction shall not be disposed of in the floodway or within the encroachment lines. This prohibition shall not apply to vegetative mulches applied for soil erosion and sediment control. However, waste mulch, which is no longer serving to control erosion or sediment, shall not be disposed of in channels or on waterway banks.

7:13-3.6 Stream cleaning

(a) Stream cleaning permits shall be issued for projects which involve the removal of no more than two feet of material as specified in (c)3iii below and such removal is restricted to the channel bed alone. These projects involve de-snagging, silt or sediment removal or removal of only logs, leaves and debris, and removal shall not extend below the natural stream bed.

(b) Governmental agencies may obtain yearly permits by submitting a stream encroachment application for all the streams where stream cleaning is planned within the upcoming year. If additional streams require maintenance or de-snagging within the year, a modification in detail to the original permit is necessary and the necessary information must be submitted to the Department.

(c) The required information for stream cleaning applications is the same as that outlined in N.J.A.C. 7:13-2.1. In addition, the following information is required:

1. A narrative which includes the following:

i. Description of project area;

ii. Need for project;

iii. Methods of excavation; and

iv. Methods of spoil disposal and soil erosion and sediment control.

2. Color photographs of the stream(s).

3. Plan sheet showing the limits of work for each affected reach of stream, and a typical section sheet showing the extent of proposed work.

i. When a Mosquito Commission is the applicant, drawings may be signed by a Mosquito Commission superintendent.

ii. A United States Geological Survey 7 1/2' topographic map may be submitted for the plan drawing; however, the requirements for the drawing shall still be adhered to.

iii. The following provisions must be noted on the drawings:

"The maximum amount of material to be removed from the stream bed or ditch shall not exceed two (2) feet and shall be restricted to the channel bed alone. Removal shall not extend below the natural stream bed."

"Stream cleaning within two-hundred (200) feet of any government structure in the channel shall be under the direct supervision of the appropriate governmental engineer or his agent. Care shall be exercised to avoid any structural damage within such limits."

"No heavy equipment shall be operated within the channel section. Removal of materials from the watercourse shall be performed by one of the following:

1) dragline

2) backhoe

3) clamshell

4) hydraulic dredge

5) hand labor"

iv. Deviation from these methods will be considered by the Department in special cases.

(d) Spoil disposal methods and soil erosion and sediment control techniques shall comply with the provisions of this chapter.

(e) Localities that are delegated authority to administer a stream encroachment program in flood fringe areas under provisions of N.J.A.C. 7:13-4 shall also be delegated authority, at their option, to approve stream cleaning permits within their boundaries.

7:13-3.7 Excavation

(a) All projects involving permanent excavation within the 100-

year floodplain or flood hazard area shall not have cut faces at slopes steeper than a ratio of two horizontal to one vertical.

(b) Excavation projects shall not be so deep as to affect any wells in the surrounding areas or to cause any groundwater pollution.

(c) The Department may require information, and set conditions, concerning the contents, excavation methods and disposal sites of any excavated materials.

7:13-3.8 Disposal of spoils

(a) Disposal shall be prohibited within the floodway or encroachment lines of any stream, any wetlands, or within any surface waters, except in stream cleaning projects, or disposals specifically authorized pursuant to the Federal Clean Water Act (33 U.S.C. 466 et seq.).

(b) Where materials removed by stream cleaning cannot be feasibly removed from the site, a description of the method of disposal shall be indicated on the plan.

1. A minimum 15 foot buffer zone from the top of banks shall be established wherein no spoilage shall be placed. The buffer zone shall remain as natural as possible with only selective tree removal being permitted. Brush and trees less than four inches in diameter may be selectively cleared to provide access through the buffer zone.

2. The material being disposed of must be spread evenly.

(c) Any disposal in the flood hazard area or within the 100-year floodplain should not inhibit the drainage of the area. Such spoil material must be stabilized within 48 hours according to the "Standards for Soil Erosion and Sediment Control". Details of the methods of stabilization shall be included on the plan.

7:13-3.9 Retention and detention basins

(a) No off-stream detention basin is to be located in the floodway or within the encroachment lines.

(b) Any on-channel retention and detention basins for storm water management within the floodway or within encroachment lines shall be submitted to the Department for a permit and be constructed in accordance with criteria of the State Storm Water Management Regulations (N.J.A.C. 7:8).

(c) If a local ordinance in full compliance with said storm water regulations does not exist, the plans for the basin shall be submitted to the Department for approval, as part of the stream encroachment application. If such a local ordinance does exist, a copy of the approval by the local municipality or county shall be submitted.

7:13-3.10 Channel modification

(a) Channelization of streams and stream relocation are discouraged except when necessary to control existing flooding problems. Any channelization or relocation project which involves more than 100 feet of stream is a Project of Special Concern, unless it is associated with the construction or maintenance of a bridge or culvert in which case the limit is 300 feet on either side of the structure.

(b) If any change in stream bed grade or cross section is made, the channel shall be stabilized where the change takes place in a manner so that no erosion will occur at either high or low stages. In addition, care must be taken to ensure that if a change in slope causes a hydraulic jump to occur just downstream of the constructed area, that proper channel protection is provided.

7:13-3.11 Underground utility crossings

(a) Underground utility crossings include, but are not limited to, electric cables, telephone cables, sanitary sewer lines, water lines, gas mains, petroleum pipelines and other pipes carrying various types of materials.

(b) Basic criteria for underground utility crossings:

1. Vertical clearance: In general, the top of pipe or encasement shall be at least three feet below the stream bed. In special circumstances, such as hard rock bottoms, this may vary.

2. Encasement: Sanitary sewer, petroleum product and gas lines shall be encased in six inches of concrete or a larger steel pipe for

protection. The encasement requirement may be waived if a minimum of four feet of cover is maintained for as long as the crossing is in use.

3. Horizontal clearance: The crossing should be horizontal under the stream, and the pipe or encasement should extend a minimum of 10 feet beyond the top of banks. This may also vary in special circumstances.

4. Slopes: The inclined leg of the crossing should not be steeper than a ratio of two horizontal to one vertical.

5. Manholes: If manholes are to be located in the floodway or within the encroachment lines, the top of the manhole shall be flush with the ground and shall have a watertight manhole cover.

6. Cables: For large or tidal channels, a cable may be laid directly on the stream bed. The cable should be laid with slack so as to be readily moveable.

7. Trenches: The width of trenches for installation of underground utilities shall be limited to the minimum necessary to permit installation.

7:13-3.12 Aboveground utility crossings

(a) Cables or pipes may be attached to a bridge above the lowest member crossing the stream. However, if it is on the outside of the structure it is preferable that the crossing be located on the downstream face of the structure.

(b) Cables or pipes will generally not be approved if they are to be located within a culvert or bridge opening. However, special consideration will be given if no other alternatives exist.

(c) Aerial crossings should be at least three feet above the 100-year flood elevation and shall be protected to prevent damage. Such applications will be treated on a case-by-case basis.

(d) Electric and telephone aerial crossings are usually high enough above the waterway so that the Bureau will not require a stream encroachment permit.

1. However, if the towers are to be located in the floodway or within encroachment lines it will be necessary for the Bureau to review the plans for the tower.

2. Poles for the support of aboveground utilities shall be adequately anchored to withstand flood flow forces and erosion.

7:13-3.13 Stability of structures

(a) All structures to be placed or construction to be undertaken in the floodway or within the encroachment lines shall be stable.

(b) Particular attention shall be paid to stability to resist soil and frost pressures, and footings shall be placed well down so as not to be undermined by stream bed degradation. For any wall or structure extending vertically four feet or more above the stream bed, a stability analysis by a licensed professional engineer will be required.

7:13-3.14 Fish passage

(a) The following fish passage requirements apply to channel modifications at bridges, culverts (including upstream and downstream transition zones), to channelization projects, to stream cleaning projects, and to other channel modifications (excluding dams).

1. Any new or modified channel of a perennial stream shall, where practicable as determined by the Department or delegated agency, be designed and constructed in such a manner so that during low flow conditions the water depth is at least as deep as in the existing channel or 10 inches deep, whichever is less.

2. Exemptions to the requirement in (a)1 above shall not be granted by any delegated agency, but shall be considered by the Department if:

i. The existing channel does not allow for the upstream passage of fish during low flow conditions; or

ii. Fish passage in the particular channel segment is irrelevant because of upstream or downstream conditions unfavorable to fish passage; or

iii. Other conditions such as public need or extreme hardship make this requirement impracticable.

7:13-3.15 Dams

(a) Any dam which raises the waters of a stream five feet or less above its usual mean low-water height is under the jurisdiction of N.J.S.A. 58:16A-50. Dams greater than five feet in height fall under jurisdiction of N.J.S.A. 58:4 and the requirements of that legislation shall be met.

(b) The stability of a dam shall be assured by compliance with this subchapter.

(c) Any backwater created by the dam shall be contained within the applicant's property unless written consent is obtained from all affected property owners. Effects on both surface water and groundwater shall be considered.

(d) In addition to the above, it is unlawful to construct a dam in any water of this State which is a runway for migratory fish, without installing a fish ladder or other contrivance to permit the fish to pass the dam in either direction (see N.J.S.A. 23:5-29.1). This provision is applicable to dams of any size.

1. The determination of whether a stream is currently a runway for migratory fish is made by the Department's Division of Fish, Game and Wildlife during the Department's review of the stream encroachment application.

2. Applicants are encouraged to discuss the matter with the Bureau and the Division of Fish, Game and Wildlife prior to finalizing the application.

7:13-3.16 Mitigation of environmental damage

(a) Consideration shall be given to short or long-term primary environmental effects of any stream encroachment, whether or not it is classified or handled as a Project of Special Concern.

(b) Stream encroachment projects shall be carried out in such a manner that the pollution, impairment, or destruction of the environment of the flood hazard area is minimized to the extent practicable. Federal, State, or local statutes, regulations and ordinances designed to minimize or prevent such damage shall be complied with.

SUBCHAPTER 4. REGULATION OF STREAM ENCROACHMENTS IN THE FLOOD FRINGE AREA OF DELINEATED STREAMS, AND BETWEEN THE ENCROACHMENT LINES AND THE BOUNDARIES OF THE 100-YEAR FLOODPLAIN OF NON-DELINEATED STREAMS

7:13-4.1 General provisions

(a) The following governs minimum standards for the development and use of land in the flood fringe area, and outside the encroachment lines but within the 100-year floodplain of non-delineated streams, and the procedures to be followed by all affected localities.

(b) Under provisions of this subchapter, the Department shall administer the program of stream encroachment permits for non-delineated streams outside the encroachment lines but within the 100-year floodplain. This subchapter shall apply to delineated streams for which a compliant ordinance has not been adopted, within the time period allowed by the Act, or having been adopted, has later been found to be non-compliant by reason of modification or non-enforcement.

(c) Lawful pre-existing prohibited structures damaged by any means other than flooding may be restored provided that:

1. Any expansion or enlargement will not increase the flood damage potential; and

2. Efforts are made to provide floodproofing or other similar techniques to minimize future flood damage to the structure.

(d) Lawful pre-existing prohibited structures damaged by flooding may be restored provided that:

1. Any expansion or enlargement shall not increase the flood damage potential;

2. The owner submits an application together with drawings of the proposed reconstruction and the application is approved by the Division; and

3. Efforts are made to provide floodproofing or other similar techniques to minimize future flood damage to the structure.

7:13-4.2 Local responsibilities and procedures, flood fringe area

(a) Each locality shall adopt and enforce a flood fringe area ordinance complying with the minimum standards set forth in this subchapter and, to be in compliance with the National Flood Insurance Program, should include in that ordinance the Federal "Criteria For Land Management and Use", 44 CFR 60.3(a) through (d). The ordinance may be more restrictive but shall not be less restrictive than this subchapter.

1. When adopted the Flood Fringe Area Ordinance shall take precedence over any existing ordinance establishing standards less restrictive than the Flood Fringe Area Ordinance.

2. Any ordinance adopted subsequent to the adoption of the Flood Fringe Area Ordinance or modifications of pre-existing ordinances or sections thereof shall not diminish the effect of the Flood Fringe Area Ordinance.

(b) If a locality fails to adopt a compliant ordinance effective within 12 months after promulgation of this subchapter or within 12 months after the adoption of a delineation of the flood fringe area by the Department, whichever is later, or if a municipality having adopted compliant regulations shall subsequently modify them so that they become non-compliant, then the Department may apply these flood fringe area rules and enforce this subchapter in the non-compliant locality.

(c) The locality shall submit three copies of its Flood Fringe Area Ordinance to the Bureau and a copy to the County Planning Board immediately upon its adoption.

(d) Each locality shall notify the Bureau when it has adopted its Flood Fringe Area Ordinance and every time said ordinance is amended or modified.

(e) For localities whose ordinances, even though previously approved have been determined to be non-compliant, the Department shall act upon stream encroachment applications in the flood fringe area and shall levy the fees thereon.

7:13-4.3 Applications to localities

(a) Within the limits of the authority delegated or granted by this subchapter, the locality shall be responsible for processing all applications and issuing all permits, enforcing all permit conditions and the procedures thereof, in accordance with the requirements of this chapter and within the authority herein delegated.

(b) The locality shall provide standard forms and procedures for all applications and a Docket Number to identify each application. This Docket Number shall be clearly marked on all correspondence and submissions related to the application.

(c) The locality shall require at least one copy of the application, including detailed drawings of the project showing the floodway line and the flood fringe line, and of any additional information required to be kept on file for public review.

(d) The locality shall within 20 days of receipt of the application either:

1. Declare the application complete for the purpose of making a review for determination and decision; or

2. Return the application as unacceptable for further review (the applicant shall be notified in writing of the reasons for such action); or

3. Request in writing that the applicant submit, within a specific period of time, additional information to assist in its review.

(e) When the application is deemed complete the locality shall provide for public notice and review. One copy of the application and other submitted information and a Fact Sheet stating the following shall be made available for public review:

1. The Docket Number;

2. The applicant;

3. The date the application was declared complete by the locality;
4. The date by which interested parties may submit comments concerning the application. Such date shall be 30 days from the date the application is declared complete; and
5. The date by which the locality shall approve, condition, or disapprove the application.

(f) The locality shall render its decision and notify the applicant in writing within 90 days after the date the application is declared complete, as follows:

1. Approval: By issuance of a stream encroachment permit.
2. Conditional approval: By issuance of a stream encroachment permit with conditions, or by issuance of a letter citing the conditions to be met for approval.
3. Disapproval: By issuance of a letter citing the reasons for disapproval.
- (g) If the locality fails to render a decision within 90 days after the date the application is declared complete, the application shall be deemed approved.
- (h) The locality shall notify all persons who have submitted comments concerning the application, of the decision within five working days after the decision.
- (i) To give persons who may object to the issuance of the permit time to appeal, the permit shall not be valid until 15 days following issuance of the permit.

7:13-4.4 Appeals and hearings in the flood fringe area

(a) The municipality shall establish appeal procedures for applications in the flood fringe area which shall provide a fair hearing for persons aggrieved by the municipality's decision concerning an applicant's stream encroachment permit.

(b) Aggrieved persons shall file an appeal with the appropriate body within 15 days of the issuance of the permit.

7:13-4.5 Prohibited uses

The disposal of pesticides, industrial wastes, radioactive materials, petroleum products or other hazardous materials shall not be permitted within the flood fringe area or outside of encroachment lines but within the 100-year floodplain. Wastewater and water treatment plants may be permitted and shall comply with this subchapter.

7:13-4.6 Non-regulated uses

(a) For the purposes of this chapter, non-regulated uses are land uses within flood fringe areas or outside of encroachment lines but within the 100-year floodplain which:

1. Do not require the construction of structures with an area of more than 100 square feet or major regrading; and
2. Do not require modification or relocation of any channel.

(b) Examples of non-regulated uses include but are not limited to the following:

1. Residential: Improvements such as lawns, play areas, gardens, landscaping, fences, anchored dog houses and auxiliary utility buildings, driveways, barbecues, and additions of no more than 200 square feet to existing residential structures.
2. Private and public recreation: Playing fields, bike paths, picnic grounds, fences, swimming areas, parks, wildlife and nature preserves, game farms, hunting and fishing areas, shooting preserves, hiking and horseback riding trails, tennis courts, basketball courts, driving ranges, archery ranges, target ranges, trap and skeet ranges, fish hatcheries and anchored auxiliary utility buildings.
3. Agriculture: General cultivation, pasture, grazing, fences, irrigation, outdoor plants, nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
 - i. Additionally, specific soil conservation practices such as terracing, construction of diversions, subsurface drainage and the construction of grassed waterways and dug ponds will be considered non-regulated uses, but only when designed and constructed under the supervision of the appropriate Soil Conservation District.

ii. Anchored plastic covered greenhouses and other anchored auxiliary utility buildings constructed without permanent foundations, and fences associated with agricultural uses, are non-regulated.

7:13-4.7 Regulated uses

(a) Regulated uses are all land uses within the flood fringe area of delineated streams and between the encroachment lines and the 100-year floodplain of non-delineated streams, except the non-regulated uses and prohibited uses as defined in N.J.A.C. 7:13-4.5 and 4.6.

(b) No person shall engage in a regulated use within a delineated flood fringe area until he has received a Stream Encroachment Permit from the locality or Department as appropriate.

(c) Requirements for structures under regulated uses:

1. Within the 100-year floodplain but outside of encroachment lines of non-delineated streams and within the flood fringe area in delineated streams, all proposed structures must be designed and anchored to prevent collapse, lateral movement and buoyancy.

2. All proposed hospitals, nursing homes, schools, day care centers, residences and similar non-commercial structures shall be elevated so that the lowest floor, including any basement, is a minimum of one foot above the 100-year flood elevation along non-delineated streams, or at or above the flood hazard design elevation along delineated streams.

i. At least one driveway and access route to any hospital, school, nursing home, day care center or other similar non-commercial structure, except for industrial residences, shall be elevated to comply with the above requirements.

ii. Parking lots and recreation areas may be allowed to be inundated in low areas since there is less flood damage potential.

3. All proposed commercial and industrial structures including water supply and wastewater treatment facilities shall be elevated so that the lowest floor, including any basement, is a minimum of one foot above the 100-year flood elevation along non-delineated streams, or at or above the flood hazard design elevation along delineated streams.

i. An exception to this is allowed if said structures are floodproofed in a manner which reflects flood velocities, durations, rates of rise, hydrostatic and hydrodynamic forces, probable evacuation time available after flood warning, and other similar factors.

ii. The applicant shall submit a plan or document certified by a licensed professional engineer that the floodproofing measures are consistent with the design elevation and associated flood factors.

iii. All or any of the following floodproofing measures may be required so as to result in a dry floodproofed structure:

- (1) Installation of watertight doors, bulkheads, and shutters, or similar devices;
 - (2) Reinforced walls to resist water pressures;
 - (3) Use of membranes or mortars to reduce seepage of water through walls;
 - (4) Installation of pumps to remove water from the structures;
 - (5) Construction of water supply and wastewater treatment systems in a manner which prevents the entrance of floodwaters;
 - (6) Pumping facilities, or comparable measures, for the subsurface drainage systems of buildings to relieve external foundation wall and basement flood pressures;
 - (7) Construction that resists rupture or collapse caused by water pressure or floating debris;
 - (8) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage or storm waters into the structure (gravity drainage of basements may be eliminated by mechanical devices);
 - (9) Location or floodproofing of all electrical equipment in a manner which will assure that it is not subject to flooding; and
 - (10) Adequate emergency electrical power supplies.
4. Parking lots may be allowed to be inundated.
- (d) Requirements for fill under regulated uses:

1. Within the flood fringe area of delineated streams or within the 100-year floodplain but outside of encroachment lines of non-delineated streams, the volume of net fill and structures to be placed on an applicant's property shall be limited to occupying 20 percent of the total volume between the natural ground surface of the applicant's property and the level of the flood hazard design elevation along delineated streams or the 100-year storm elevation along non-delineated streams.

2. It will have to be shown adequately on submitted plans and in calculations that this limit of 20 percent is not being exceeded. There shall be no net fill in the floodway or within stream encroachment lines except as provided in N.J.A.C. 7:13-3.1.

3. All fill shall be graded in a manner so as not to adversely affect overland drainage flows.

4. Fill shall be placed so that slopes are not steeper than a ratio of two horizontal to one vertical.

5. Fill shall be compacted and stabilized in accordance with the "Standards for Soil Erosion and Sediment Control in New Jersey" or latest amendment thereto, adopted pursuant to N.J.A.C. 2:90-1.3.

(e) Soil erosion and sediment control:

1. Soil erosion and sediment control measures are required on all submissions under this subchapter if such submissions require disturbance of more than 5,000 square feet of the surface area of land within the flood hazard area along delineated streams or within the 100-year floodplain along non-delineated streams.

2. The latest revised version of the "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the New Jersey State Soil Conservation Committee pursuant to the Soil Erosion and Sediment Control Act of 1975 as amended (N.J.S.A. 4:24-42 et seq.) and N.J.A.C. 2:90-1.3 shall be used in the preparation and submission of Stream Encroachment Applications.

3. The following additional soil erosion and sediment control requirements shall also be met:

i. The area of soil disturbance shall be no larger than that which is necessary for the conduct of the project.

ii. Soil disturbance schedules shall be formulated to provide minimum practicable exposure of soils to erosion.

iii. If erosion and sediment control measures such as diversions, sediment basins, or sediment barriers, whose purpose is to divert surface runoff before it reaches exposed soil, or to intercept sediment eroded from exposed soil, are part of the erosion and sediment control plan, such measures shall be installed prior to any major soil disturbance or in their proper sequence to minimize sediment delivery to waterways. All soil erosion and sediment control practices shall be left in place until the soil is stabilized by vegetation or engineering measures.

iv. In areas where vegetative methods (including "mulch only") are relied on for erosion and sediment control (without downslope controls to intercept sediment, such as sediment basins or sediment barriers), seeding, mulching, or placement of sod shall be performed within 48 hours of soil exposure in accordance with the "Standards for Soil Erosion and Sediment Control". Seeding shall, in such areas, always be accompanied by mulching.

(1) If weather conditions are unfavorable for seeding, sod placement, or the subsequent establishment of such vegetation, the area shall be mulched within 48 hours of soil exposure in accordance with the "Standards for Stabilization with Mulch Only" in the "Standards for Soil Erosion and Sediment Control".

(2) Slopes exceeding 15 percent (in areas without downslope sediment controls) shall be protected within 48 hours of soil exposure by special treatment such as water diversion berms, sodding, or approved mulch netting, in accordance with the "Standards for Soil Erosion and Sediment Control".

v. Pumping of sediment-laden water from the dewatering of trenches or other excavations directly into waterways is prohibited.

(1) Pump intakes shall be placed near the water surface to minimize the sediment content of pumpage.

(2) Wherever possible, pumpage shall be piped to sediment basins

or sediment barriers that meet the "Standards for Soil Erosion and Sediment Control", or mechanical filtration or sedimentation devices shall be used to minimize the discharge into waterways of sediment in pumpage.

(3) As a last resort, special approval may be granted for the pumpage to be spread onto land as far from the streambank as possible, providing that care is taken to avoid damaging trees not slated for removal.

(f) Excavation requirements under regulated uses:

1. All projects involving permanent excavation within the 100-year floodplain or flood hazard area, except as related to the installation of underground utilities or foundation for structures, shall not have cut faces at slopes steeper than a ratio of two horizontal to one vertical (1:2).

2. Excavation projects shall not be so deep as to affect any wells in the surrounding areas or to cause any groundwater pollution.

(g) Disposal of spoil requirements under regulated uses:

1. Material being disposed of within the flood fringe area along delineated streams or between encroachment lines and the 100-year floodplain along non-delineated streams shall be spread evenly and should not inhibit the drainage of the area. Such spoil material shall be stabilized within 48 hours according to the "Standards for Soil Erosion and Sediment Control". Details of the methods of stabilization shall be included on the plan.

2. The Department may require information and set conditions concerning excavation methods, contents and disposal sites of any excavated materials except material recovered from stream cleaning.

(h) Retention and detention basins for stormwater management: Retention and detention basins for stormwater management within the flood fringe area along delineated streams or between encroachment lines and the 100-year floodplain along non-delineated streams shall be constructed in accordance with criteria of the State Stormwater Management Regulations (N.J.A.C. 7:8).

(i) Manhole requirements under regulated uses: If manholes are to be located within the flood fringe area along delineated streams or between encroachment lines and the 100-year floodplain along non-delineated streams, they shall be flush with ground level and provided with watertight manhole covers.

(j) Mitigation of environmental damage:

1. Consideration shall be given to short and long-term primary environmental effects of any stream encroachment, whether or not it is classified or handled as a Project of Special Concern.

2. Stream encroachment projects shall be carried out in such a manner that the pollution, impairment, or destruction of the environment as related to the flood hazard area is minimized to the extent practicable. Federal, State, and local statutes, regulations, and ordinances designed to minimize or prevent such damage shall be complied with.

(k) Sewage disposal requirements under regulated uses: Individual sewage disposal systems within the 100-year floodplain but outside of encroachment lines or within the flood fringe area shall be constructed in accordance with the Department's Standards for the Construction of Individual Subsurface Sewage Disposal Systems, N.J.A.C. 7:9-2.

SUBCHAPTER 5. SPECIAL CASES

7:13-5.1 General provisions

(a) To help assure adequate protection of the State's aquatic life and water resources from the adverse impacts of some kinds of stream encroachments, special procedures and standards have been prepared to supplement the general standards. These special requirements include the following:

1. The classification of some kinds of stream encroachments as "Projects of Special Concern"; and

2. The establishment of special standards for various kinds of stream encroachments affecting selected geographic areas.

3. The general standards in subchapters 3 and 4 remain applicable

to any stream encroachment to which this subchapter is applicable, except insofar as the requirements of this subchapter are more stringent.

(b) As described in N.J.A.C. 7:13-5.2, Projects of Special Concern are stream encroachment projects which, because of their potentially serious adverse effects, will not be approved unless denial of the application would damage the public interest, cause hardship to the applicant, or produce costs disproportionately large relative to the adverse effects of the project.

1. Some kinds of stream encroachment projects are always classified as Projects of Special Concern.

2. Other kinds of stream encroachment projects may be classified as Projects of Special Concern, depending on geographic location or on the characteristics of the individual projects.

3. Projects of Special Concern are subject to special requirements for public notice and fact-finding meetings.

(c) Dams built for any purpose are subject to special requirements for public notice and fact-finding meetings described in N.J.A.C. 7:13-5.3.

7:13-5.2 Projects of Special Concern

(a) A Project of Special Concern shall be any stream encroachment project in streams with over 50 acres of drainage area, which involves either or both of the following:

1. Channelization of a stream for a distance over 100 feet or for a distance over 300 feet on either side of a bridge or culvert; or

2. Loss of more than 50 percent of the existing woodland in the buffer strip along more than 500 feet of either bank of a perennial stream.

(b) In addition, stream encroachment projects which the Department determines would be likely to produce serious adverse effects on the water resources of the State may also be handled as Projects of Special Concern. Such effects may include, but are not limited to, the following:

1. Potential serious adverse effects on the biota of the stream, the adjoining wetlands, or on the sites where dredge spoils are to be disposed of.

2. Potential serious degradation of water quality below the Department's Surface Water Quality Standards or Groundwater Quality Standards.

3. Potential serious adverse effects on water resources, including but not limited to adverse effects on potable water supplies, flooding, drainage, channel stability, navigation, energy production, municipal, industrial, or agricultural water supplies, fisheries or recreation. Such adverse effects include damage to potential as well as existing water uses.

(c) The following are always Projects of Special Concern in the indicated geographic areas:

1. Trout-associated streams:

i. Stream encroachment applications requiring loss of more than 25 percent of the existing woodland in the buffer strip along more than 500 feet of either bank of perennial trout-associated streams; or

ii. Construction of low dams across perennial, trout-associated streams, except for the reconstruction or repair of existing dams.

2. Acid-producing deposits: Stream encroachment projects causing exposure of acid-producing deposits along more than 50 feet of stream channel, if the drainage area of the stream is over 50 acres. However, this requirement applies to smaller streams if the stream is trout-associated, and if the stream is perennial.

7:13-5.3 Procedural requirements

(a) The Department shall not delegate to any other agency its power, except in the flood fringe area, to approve or disapprove any stream encroachment application that is classified or handled as a Project of Special Concern, or process any such application on an over-the-counter basis.

(b) Concurrent with any application for a Project of Special Concern, the applicant shall publish a public notice in the local

newspapers stating the name of the applicant and the location, reference number, and description of the project, and inviting interested persons to send written comments to the Bureau of Flood Plain Management within 15 days from the date of publication. A reference number shall be obtained from the Bureau by phone or letter.

1. A copy of such published notice shall accompany the applicant's application.

2. The Department will accept comments from interested parties up to 15 days from the date of publication.

(c) If a project submitted to the Department is not initially determined to be a Project of Special Concern until after the application is accepted as complete, the applicant shall immediately publish the public notice for comment.

(d) Applicants are encouraged to have a pre-application conference to determine if the application is to be initially treated as a Project of Special Concern.

(e) Fact-finding meetings shall be scheduled by the Department prior to issuance or denial of a permit in all cases of Projects of Special Concern, except where there is no objection and the Department considers it unnecessary. Fact-finding meetings may also be scheduled in other cases where it is considered desirable either to obtain more information or to provide an opportunity for consideration or reconsideration of opposing views.

1. At such a meeting, the applicant and any interested parties will be given the opportunity to present information and arguments and to raise questions.

2. Minutes of the meeting will be kept.

3. Those persons expressing an interest will be given advance notice of such a meeting, as practicable.

(f) If a formal objection is raised to the granting of a stream encroachment permit by a delegated agency, and if such objection asserts that the proposed project is a Project of Special Concern, the matter shall be referred to the Department by the delegated agency for determination as to the procedure to be followed.

7:13-5.4 Permits for Projects of Special Concern

(a) Permits for Projects of Special Concern shall be granted when the Department determines based upon information supplied by the applicant, that:

1. There is no feasible and prudent alternative, including the no-action alternative, which would avoid, or substantially reduce, the hydrolic environmental or other damage, and which is consistent with the reasonable requirements of the public health, safety, and welfare; or

2. Denial of the permit would create exceptional and undue hardship upon the applicant; or

3. There is an unreasonably disproportionate relationship between the hydrolic environmental or other damage of the proposal, and the added cost of avoiding or mitigating such damage.

7:13-5.5 Procedural requirements for low dams

Stream encroachment applications to construct low dams are subject to the requirements of N.J.A.C. 7:13-5.3(d) and (e), whether or not such applications are classified or handled as Projects of Special Concern.

7:13-5.6 Projects along trout streams

(a) Except for the timing requirements for trout-stocked streams in N.J.A.C. 7:13-5.6(g), the requirements of this section are applicable only to those stream encroachment applications along trout-associated streams with a drainage area of over 50 acres; or which are perennial and which require one or more of the following:

1. Excavation within the channel or along the banks;

2. Channel relocation;

3. Placement of construction equipment in the channel;

4. Placement of fill within the channel;

5. Modifications to the channel or banks that could result in increased stream erosion;

6. Disturbance of more than 1,000 square feet of the surface area of land in the buffer strip;

7. Loss of more than 25 percent of the existing woodlands in the buffer strip if more than 500 feet of either bank is woodland along the perennial, trout-associated streams;

8. Replacement of the natural bed of perennial, trout-associated streams with an artificial floor; or

9. Construction of impoundments across perennial, trout-associated streams.

(b) The requirements of this section are applicable to such stream encroachments in (a) above whether the project requires approval by the Department or by a delegated agency, and are applicable whether or not such stream encroachments are classified as "minor" in the 90-day construction permit rules (N.J.A.C. 7:1C) or are processed "over-the-counter" pursuant to those rules, or are classified or handled as Projects of Special Concern.

(c) Applications for stream encroachments along trout-associated streams shall identify:

1. The planned method for disposing of sediment-laden pumpage from dewatering operations;

2. Channel segments of perennial, trout-associated streams along which trees or shrubs would be removed if the length of such segments would exceed 500 feet; and

3. Places where construction vehicles would ford or operate within the channel of trout-associated streams and the physical character of the stream bed at such places.

(d) Where practicable, trees and shrubs along perennial, trout-associated streams shall be removed from the northerly rather than the southerly bank.

(e) Placing construction equipment directly in trout-associated streams is prohibited unless such placement is necessary for the project and is specifically authorized by the Department. Where feasible, fording shall be permitted only where the stream bottom is firm and the approaches are gentle and stable.

1. The Department may require the construction of bridges or culverts if many equipment crossings are necessary at an unfavorable location.

2. All crossings shall be made at right angles to the stream and extra care shall be taken to minimize washing of petroleum products or sediment into the stream.

3. Any stream bank disturbed during fording shall be stabilized within 48 hours to minimize the potential for erosion.

(f) Construction equipment for stream encroachment projects shall not be washed in trout-associated streams or where wash water would drain as surface runoff into such streams.

(g) Unless modified, the following timing requirements are to be observed when constructing in the buffer strip of a trout-stocked or trout-associated stream to minimize adverse impacts:

1. Stream encroachment projects shall not be constructed during certain periods along trout production waters or waters that are less than one mile upstream from trout production waters. These periods depend on the particular species of trout spawning in the particular trout production stream, as identified in the Department report, "Classification of New Jersey Waters as Related to Their Suitability for Trout", as follows:

- i. Brook Trout: September 15 through December 31, inclusive.
- ii. Brown Trout: October 1 through January 31, inclusive.
- iii. Rainbow Trout: February 1 through March 31, inclusive.

2. Stream encroachment projects shall not be constructed along trout-associated streams during the period of June 1 through August 31, inclusive.

3. Stream encroachment projects shall not be constructed along trout-stocked streams, or one mile or less upstream from trout-stocked streams, during the period of April 1 through June 30, inclusive.

4. Modifications of the requirements of (g)1 through 3 above shall be granted by the Department for the following reasons:

i. Cases in which the Department determines, for the particular project, that the hazard of damage to trout-associated streams from

construction during period of low flow in the June 1 through August 31 period would be less than the hazard of damage from encroachment at prospectively higher flows in other seasons.

ii. In cases where the combined effect of N.J.A.C. 7:13-5.6(g), 5.7, or 5.8 would allow construction in less than 183 days of each year, the Department shall modify the requirements of N.J.A.C. 7:13-5.6(g)2 or 3 above, or both, to permit construction during 183 days of each year.

(h) Established below are the requirements for channelization projects along trout production or trout maintenance waters. These requirements do not apply to:

1. Stream cleaning;

2. Channel modifications directly and immediately associated with the construction or maintenance of bridges or culverts, including transition zones up to 300 feet upstream or downstream from such bridges or culverts;

3. Minor bank reestablishment or protection projects, limited to 100 feet of channel length; or

4. Other projects which require 100 feet or less of channel modification, including, but not limited to:

i. Sewer headwalls;

ii. Sewer outlet works;

iii. Sewer outlet diffusers;

iv. Minor water intake facilities;

v. Minor regrading; and

vi. Channel crossings of utilities.

(i) Any stream encroachment application for channelization of a perennial trout production or trout maintenance stream shall include a map of the existing stream channel that identifies the location and extent of cascades, riffles, flats and pools; unless the Department determines that the project would not significantly disturb the existing stream bed.

(j) The new or modified channel of perennial trout production or trout maintenance streams shall be designed and constructed in such a manner as to duplicate or preserve permanently, to the extent practicable, the existing arrangement and proportional extent of pools, flats, riffles, and cascades in the channel.

(k) Cover and shelter for fish, to the extent practicable is to be provided in the new or modified channel of perennial, trout production or trout maintenance streams to replace cover or shelter lost because of the channelization project.

(l) The mining of bottom material from trout-associated streams is prohibited. This prohibition does not extend to the incidental use or sale of stream bottom material removed during the course of channelization, stream cleaning or other approved stream encroachments performed for purposes other than mining.

7:13-5.7 Projects affecting coastal fish resources

(a) Applicability: The requirements of this section apply whether or not stream encroachment projects are classified as "major" or "minor" in the 90-day construction permit rules (N.J.A.C. 7:1C) or are classified as Projects of Special Concern. Further, the requirements of this section apply to all projects within the authority of the Act whether or not the project is located in the New Jersey Coastal Zone defined in the Department's Coastal Resource and Development Policies (N.J.A.C. 7:7E).

(b) Special standards: The Department or delegated agency may only approve stream encroachment projects in accordance with the provisions for protection of coastal fish resources in the Department's Coastal Resource Development Policies (N.J.A.C. 7:7E), including but not limited to policies concerning finfish migration pathways (N.J.A.C. 7:7E-3.5), maintenance dredging, new dredging, and dredge spoil disposal (N.J.A.C. 7:7E-4.10), and marine fish and fisheries (N.J.A.C. 7:7E-8.2).

7:13-5.8 Projects affecting shellfish areas

(a) Applicability: The requirements of this section apply whether or not stream encroachment projects are classified as "major" or "minor" in the 90-day construction permit rules (N.J.A.C. 7:1C)

or are classified as Projects of Special Concern. Further, the requirements of this section apply to all projects within the authority of the Act whether or not the project is located in the New Jersey Coastal Zone defined in the Department's Coastal Resource and Development Policies (N.J.A.C. 7:7E).

(b) Special standards: The Department or delegated agency shall approve stream encroachment projects that are in accordance with the shellfish protection provisions of the Department's Coastal Resource and Development Policies (N.J.A.C. 7:7E), including policies concerning shellfish beds (N.J.A.C. 7:7E-3.2), maintenance dredging, new dredging, and dredge spoil disposal (N.J.A.C. 7:7E-4.10), and potentially productive shellfish areas (N.J.A.C. 7:7E-8.3).

7:13-5.9 Projects exposing acid-producing deposits

(a) Applicability of this section.

1. The requirements of this section apply only to acid-producing deposits that are sometimes found in the following Coastal Plain geologic formations:

- i. Raritan Formation;
- ii. Magothy Formation;
- iii. Merchantville Formation;
- iv. Woodbury Clay;
- v. Englishtown Sand;
- vi. Marshalltown Formation;
- vii. Navesink Formation;
- viii. Red Bank Sand; and
- ix. Kirkwood Formation.

2. These formations are mapped on the "Geologic Overlay" maps published by the Department for the Department's topographic atlas sheets. A map showing the general location of these deposits can be found in the Manual.

(b) Except where otherwise provided in this section, the requirements of this section apply only to stream encroachments which result in:

1. Exposure of acid-producing deposits (to air or surface waters) within the stream channel or along the stream bank(s); or
2. Exposure of more than 1,000 square feet of acid-producing deposits within the floodway or encroachment lines.

(c) The requirements of this section are applicable to such stream encroachment projects whether or not such stream encroachments are classified as "major" or "minor" in the 90-day construction permit rules (N.J.A.C. 7:1C) or are classified or handled as Projects of Special Concern.

(d) Where it is known in advance that acid-producing deposits would be exposed by the proposed stream encroachment, the stream encroachment application shall include a written site evaluation, prepared by a properly qualified person approved by the Department, that identifies the extent of exposure, a plan to mitigate the impacts of such exposure, and the result of the special laboratory analysis, if required by (h) below.

(e) If a stream encroachment application submitted directly to the Department does not include a site evaluation and mitigation plan, and if the Department knows or has reason to believe that acid-producing deposits would be exposed by the proposed stream encroachment, the Department shall, within a maximum of 20 working days of receipt of the application, notify the applicant in writing that the application shall not be considered complete until a site evaluation and mitigation plan deemed acceptable for review is received by the Department.

(f) If the Department accepts as complete a stream encroachment application that does not include a site evaluation and mitigation plan, but subsequently determines that acid-producing deposits would be or have been exposed by the stream encroachment, the Department shall:

1. Request the applicant to submit a site evaluation and mitigation plan within the allotted time period; or
2. Disapprove the application, if the application has not yet been approved and if a site evaluation and mitigation plan is not received; or

3. Order the applicant to desist from further exposure of acid-producing deposits, and to apply mitigation procedures to deposits already exposed, pending submission to and approval by the Department of a site evaluation and a mitigation plan.

(g) The Department may specify the use of simple chemical tests for use in the field or laboratory to identify the presence of acid-producing deposits.

(h) Special laboratory analyses:

1. If a stream encroachment application has been submitted and the Department determines that a proposed stream encroachment would expose acid-producing deposits along more than 100 feet of stream channel or stream bank, and if the Department determines that information about characteristics of such deposits is needed for the Department's decision to approve or disapprove the stream encroachment application, the Department may require the site evaluation (see (d) above) to include the results of the following chemical analyses, performed using methods specified in the Manual by a certified lab, on samples of such deposits taken from preconstruction borings along such stream channel or bank:

- i. pH;
- ii. Cation exchange capacity;
- iii. Exchangeable cation content;
- iv. Potential acidity; and
- v. Extractable metals (Fe, Al, Mn, Cu, Zn, Ni, Cr, Cd, Pb) and sulfate.

2. The Department may also require a laboratory analysis of physical characteristics. These chemical and physical tests shall be performed by the applicant in accordance with procedures specified by the Department. Pending submission of the results of the tests to the Department, the application shall be considered incomplete or disapproved in accordance with the provisions of N.J.A.C. 7:13-2.8.

(i) When acid-producing deposits are to be exposed as the result of a stream encroachment, mitigation measures shall be taken to:

1. Minimize the extent and period of exposure of acid-producing deposits;

2. Minimize the spreading or mixing of acid-producing deposits onto or into soil free of such deposits, and control the disposal of such deposits inside or outside the flood hazard area or the 100-year flood plain.

3. Cover acid-producing deposits with a sufficient quantity of limestone and of non-acid-producing soil to permit the establishment of vegetation; and

4. Provide for prompt, temporary and permanent stabilization of areas where acid-producing deposits were exposed.

(j) When acid-producing deposits are exposed within a stream channel or along stream banks as the result of a stream encroachment, mitigation procedures shall be applied, in order to:

1. Minimize the period of exposure;

2. Keep post-construction oxidation rates from exceeding pre-exposure oxidation rates; and

3. Neutralize acid generated in the brief period of exposure.

SUBCHAPTER 6. IMPLEMENTATION

7:13-6.1 Consistency with other requirements in permit review

(a) All project applications, in addition to complying with the standards set forth in this chapter shall be consistent with all other relevant Federal, State and local statutes, rules and regulations, orders, standards, plans, and ordinances, to the extent required by law.

1. The granting of a stream encroachment permit does not waive the requirement for Federal or other State or local government consent when necessary.

2. A stream encroachment permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.

(b) In cases where authority has not been delegated, no application

for development as defined in the "Municipal Land Use Law" P.L. 1975, c. 291 (C. 40:55D-1 et seq.) for a structure or alteration within the area which would be inundated by the 100-year design flood of any non-delineated stream or for a change in land use within a delineated floodway or delineated flood fringe area may be granted by any locality to any person without application to and approval by the Department or its designated agency as required pursuant to this chapter. Nor will any project application defined as a Project of Special Concern receive locality approval by the Department pursuant to this chapter.

7:13-6.2 Creation of a county water resources association

Any county governing body may by ordinance or resolution, as appropriate, create a county water resources association which may include the chief administrative officer of any county planning agency, county engineer's office, county utilities authority, county health department, county mosquito commission, county soil conservation district or county parks agency and any other public or private members. The county water resources association shall advise the county governing body, shall coordinate the flood control and water management programs for the county and shall have such powers as the county governing body may delegate to it concerning water management in the ordinance or resolution of creation.

7:13-6.3 Delegation of power to counties

(a) Except as otherwise indicated in this chapter, the Department may delegate its power to approve or disapprove any application made to it pursuant to the Act and its power to enforce any aspect of the Act to a county governing body which agrees to accept such designation and in the Department's judgment is capable of utilizing the rules, regulations and standards adopted by the Department for the administration of this program.

1. The county must make application to the Department, by letter, for said delegation and must adopt an ordinance or resolution adopting this chapter and include provisions for enforcement and the administration of this program.

2. The Department shall review this delegation at least biannually (every two years) and may revoke such delegation for failure to properly administer such delegated powers in the opinion of the Department.

3. The county governing body may charge the same fees promulgated by the Commissioner pursuant to P.L. 1975, c. 232 (c. 13:1D-33), when such powers are delegated to it.

(b) The Department shall not delegate the powers to review any project application defined as a Project of Special Concern.

(c) Any applicant or injured party may appeal the action of a delegated agency to the Bureau. The Bureau will handle the appeal as provided for in N.J.A.C. 7:13-2.11. In the flood fringe area, appeals shall be handled by the municipality.

7:13-6.4 Penalties

(a) Any person who knowingly violates a provision of this chapter adopted pursuant to the Act shall be subject to a penalty of not more than \$2,500 for each offense, and any person who otherwise violates a provision of the Act shall be subject to a penalty of not more than \$1,500 for each offense, both to be collected by the Department in a summary proceeding under the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.), and in any court of competent jurisdiction wherein injunctive relief has been requested.

1. The Superior Court and county district court shall have jurisdiction to enforce said Penalty Enforcement Law.

2. If the violation is of a continuing nature, each day which it continues shall constitute an additional, separate and distinct offense.

3. The Department is authorized and empowered to compromise and settle any claim for a penalty in such amount, in the discretion of the Department, as may appear appropriate and equitable under all of the circumstances. All moneys recovered in any such action,

together with the costs recovered therein, shall be paid to the Environmental Services Fund.

(b) If any person violates any of the provisions of this chapter promulgated pursuant to the provisions of the Act, the Department may institute an action in a court of competent jurisdiction for injunctive relief to prohibit and prevent such violation or violations, and the said court may proceed in the action in a summary manner.

7:13-6.5 Variances

In appropriate cases, delegated agencies may grant variances to standards and criteria of this chapter. In all such cases, an information copy of the action taken, giving reasons, shall be furnished to the Bureau within three months from the date of the action.

(a)

DIVISION OF WATER RESOURCES

Delineated Floodways

Proposed Readoption: N.J.A.C. 7:13-1.11

Authorized By: Robert E. Hughey, Commissioner,
Department of Environmental Protection.

Authority: N.J.S.A. 13:1B-3, specifically N.J.S.A.
58:16A-50 et seq.

DEP Docket No. 025-83-05.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

William Whipple, Administrator
Water Supply and Watershed
Management Administration
Division of Water Resources
CN 029
Trenton, NJ 08625

The Department of Environmental Protection thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order 66(1978), this rule would otherwise expire on July 19, 1983. The readoption of this rule becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of its readoption.

This proposal is known as PRN 1983-262.

The agency proposal follows:

Summary

The purpose of the proposal is to readopt existing rules known as Delineated Floodways, N.J.A.C. 7:13-1.11, promulgated pursuant to the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq. This proposal will readopt the existing floodway delineations throughout the State of New Jersey that have been adopted since 1973 through 1983 by either the Water Policy and Supply Council or the Department of Environmental Protection, since the abolishment of the Water Policy and Supply Council in 1981.

New rules concerning Flood Hazard Areas and cited as N.J.A.C. 7:13 are being pre-proposed at 15 N.J.R.824(a), this issue. Under this new chapter, Floodway Delineations would be recodified as N.J.A.C. 7:13-7.1.

A flood hazard area is defined to mean the floodway and any additional portions of the flood plain as determined by the

Department. Floodway means the channel of the natural stream and portions of the flood plain adjoining the channel which are required to carry and discharge the flood water or flood flow or any natural stream. The flood hazard area is generally that portion of the area adjoining a natural stream which is subject to severe flooding problems. The rules therefore encompass those land areas which are most subject to the potential for flooding damages, and therefore those land areas which require the most extensive regulation of land uses in order to protect against, and minimize, the potential for flood damage.

The Department has delineated floodways within the Atlantic Basin, Delaware River Basin, Passaic/Hackensack Rivers Basin, and the Raritan River Basin.

Social Impact

The existing rules have provided a positive social impact by minimizing losses and damage to public and private property which would otherwise be caused by land uses which would increase flood water heights and/or velocities and by safeguarding the public from the dangers and damages caused by materials being swept onto nearby or down stream lands; and by protecting the public health by minimizing stream water quality degradation during flooding incidents. This positive impact has been realized by the public and the property owners which might otherwise be subjected to damages, and the resultant social and economic losses which would have occurred during flooding without the appropriate regulation and management of those areas within delineated floodways.

The social impact upon those property owners within delineated floodways is realized by the prohibition of certain types of land uses within delineated floodways, and also by permitting nonregulated uses which will not have an adverse impact upon potential future flooding problems.

The readoption of the floodway delineations will continue the protection of the delineation program and the benefits which accrue to those individuals and properties which would be adversely affected by the unregulated and improper development within the floodways as delineated in the State of New Jersey.

Economic Impact

The adoption of these existing floodway delineations has had an economic impact on the Department of Environmental Protection resulting from the cost to complete and adopt floodway delineation studies. A continuing economic impact to the Department will result by the necessity to continue said floodways delineation studies in those areas not yet delineated. An economic impact is also realized by property owners whose lands fall within delineated floodways by the prohibition and regulation of certain inappropriate land uses, thereby impacting upon the type and density of development permitted thereon. This immediate economic impact is offset by the economic impacts that will not have to be borne in the event of future flooding and the resultant economic losses that would ensue from such situations.

Readoption of the floodway delineations protects those individuals owning properties within the delineated floodways, as well as those owning properties in fringe areas, from potential financial loss as the result of increased flooding because unregulated development within the delineated floodways of the State.

Environmental Impact

The readoption of the floodway delineations will insure to the public continued protection from the risks of flooding and flood damage by maintaining natural floodways through the regulation of development within those areas that have been delineated, and are the subject of recurrent and severe flooding problems. The readoption will continue to provide the Department with the mechanism to regulate this important environmental concern.

Full text of the proposed readoption can be found in the New

Jersey Administrative Code at N.J.A.C. 7:13-1.11, as amended in the New Jersey Register.

(a)

DIVISION OF FISH, GAME AND WILDLIFE

Use of Wildlife Management Areas

Proposed Amendment: N.J.A.C. 7:25-2

Authorized By: Robert E. Hughey, Commissioner,
Department of Environmental Protection.

Authority: N.J.S.A. 23:7-9.
DEP Docket No. 023-83-04.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Russell A. Cookingham, Director
Division of Fish, Game and Wildlife
CN 400
Trenton, NJ 08625

The Department of Environmental Protection thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-253.

The agency proposal follows:

Summary

The proposed amendment provides for certain controls of the use of State-owned lands under the control of the Division of Fish, Game and Wildlife. Specifically, the proposal includes: (1) clarification of the rule protecting vegetation in Wildlife Management Areas; (2) amendments to the sections relating to the use of motor vehicles in Wildlife Management Areas, to include rules limiting the speeds to those speeds as posted and implementing other controls for motor vehicles on the Assunpink Wildlife Management Area; (3) rules requiring that persons utilizing vehicles in all Wildlife Management Areas for the purpose of selling or dispensing food or drink must have a permit from the Division of Fish, Game and Wildlife before engaging in this activity; (4) rules prohibiting the parking of motor vehicles so as to block roads or entrances or exits of Wildlife Management Areas; (5) rules requiring that all boats used on Wildlife Management Areas must include approved safety equipment, and limiting persons using Union Lake Wildlife Management Area to the use of boats equipped with only one outboard motor of not over 10 horsepower; (6) clarification of restrictions on horseback riding in Wildlife Management Areas to permit persons engaged in field trial activities to ride horses without a permit, provided a roster of such persons is maintained; (7) amendments to clarify and combine rules on camping and picnicking in Wildlife Management Areas; (8) amendments to existing swimming rules to restrict the use of surfboards and inner tube devices; and (9) a new section to include the names of all presently listed Wildlife Management Areas.

Social Impact

The rules in this proposal all serve to improve the aesthetic quality and tranquility which Wildlife Areas should preserve. They provide numerous positive benefits to all users of State Wildlife Management Areas, including greater personal safety through

control of traffic and fire hazards, and enhanced water safety through regulation of the use of boats or other flotation devices. Management and preservation of vegetation found in Wildlife Management Areas, including trees and many varieties of wild flowers, shrubs and vines, will help to insure their continued beauty.

Economic Impact

The proposed amendment involves limited economic impact. Certain groups of persons riding horseback to benefit handicapped persons in New Jersey will no longer be required to purchase permits from the Department of Environmental Protection, and enhanced traffic and water safety will result in the prevention of injury and the saving of medical and damage costs. A minor economic impact will be felt by organized motorcycle event participants because of the increase of the event fees from \$50.00 to \$100.00.

Environmental Impact

The rules in this proposal are intended to enhance the environmental quality of New Jersey's Wildlife Management Areas. Among the environmental benefits resulting from this proposal are improved road and water safety controls, protection of Management Area vegetation and fire hazard control.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

SUBCHAPTER 2. USE OF ALL LAND AND WATER AREAS UNDER THE CONTROL OF THE DIVISION OF FISH, GAME AND [SHELLFISHERIES] WILDLIFE

7:25-2.1 Cutting or damaging vegetation

[Cutting or damaging in any manner any trees or other vegetation, except by authorized personnel, is prohibited unless written permission has been granted by the division.]

No person or persons shall at any time cut, fell, dig up, pull up, gather, carry away, take, remove or destroy any tree, shrub, vine or other vegetation or part thereof without written permission or other authorization of the Division of Fish, Game and Wildlife. Nothing in this section shall apply to public utility companies or their agents engaged in official utility company duties.

7:25-2.2 All motor vehicles

(a) No person shall operate any motor vehicle or other conveyance on or over any [established roads under the control of the division] **State Wildlife Management Area** unless the motor vehicle is properly registered and is displaying the proper and valid registration plates for the vehicle.

(b) All motor vehicles or other conveyances are restricted to established [public] roads or [to] designated parking areas. Motor vehicles or other conveyances shall not be operated at any time on or over any road, trail, survey line, dam, boundary or transmission line or other area designated [by] as "closed" by signs or barriers [or], nor shall a vehicle or other conveyance be operated on or over any cultivated or planted [wildlife area, transmission line, survey line or in the woods or fields] areas or woods and fields in any Wildlife Management Area unless written permission or other authorization is granted by the Division.

1. Special permits may be granted to organized motorcyclists to operate on an established course or trail under regulations prescribed by the Division for a fee of \$100.00, plus a charge of \$1.00 for each participating motorcycle.

(c) [No person shall operate snowmobiles, trail bikes or off-road motor vehicles on these areas at any time except that on any tract so designated by the division special permits may be so granted by

the division to organized motorcyclists to operate on an established course, under prescribed regulations at a minimum fee of \$50.00, plus an additional charge of \$1.00 for each motorcycle.] **No person shall operate motor vehicles, including conveyances commonly known as off-road vehicles, all-terrain vehicles, snowmobiles or trail bikes, on State Wildlife Management Areas at any time without first obtaining a written permit or other authorization from the Division.**

(d) **No motor vehicle or other conveyance shall be stopped or parked so as to block any travelled portion of any road or restrict the free movement of any vehicle thereon in any State Wildlife Management Area.**

(e) **A person operating a motor vehicle or other conveyance in any State Wildlife Management Area shall comply with all posted speed limits or other vehicle control signs. See N.J.A.C. 7:25-2.3 for specific vehicle control restrictions.**

7:25-2.3 [Drugs and marijuana] Vehicle traffic controls in Wildlife Management Areas

[(a) No person or persons shall use or possess any controlled dangerous or harmful drug or substance of any kind or possess or use marijuana at any time in any land or water areas under the control of the Division of Fish, Game and Shellfisheries.

(b) The provisions of this Section shall not apply to duly licensed physicians, dentists, veterinarians or to law enforcement officers or other public officials who are in the actual performance of their duties requiring possession of these drugs while on division controlled areas.]

(a) **In the Assunpink Wildlife Management Area, the following motor vehicle speed limits are established:**

1. Clarksburg-Robbinsville Road speed limits are as follows:

i. Zone 1 – 15 mph between Englishtown Road and Millstone-Hightstown Road.

ii. Zone 2 – 25 mph between Millstone-Hightstown Road and Sharon Station-East Branch Road (AKA Eldridge Road).

iii. Zone 3 – 35 mph between Sharon Station-East Branch Road (AKA Eldridge Road) and Roosevelt Road.

2. East Branch-Stone Tavern Road – 35 mph.

3. Millstone-Hightstown Road – 25 mph.

4. Roosevelt Road speed limits are as follows:

i. Zone 1 – 15 mph between the southernmost jurisdictional line and Clarksburg-Robbinsville Road.

ii. Zone 2 – 35 mph between Clarksburg-Robbinsville Road and the northernmost jurisdictional line.

5. Sharon Station-East Branch Road (AKA Eldridge Road) – 25 mph.

(b) **In the Assunpink Wildlife Management Area the following intersections are designated as stop intersections:**

1. Clarksburg-Robbinsville Road and Roosevelt Road (southerly approach), stop on Roosevelt Road.

2. Clarksburg-Robbinsville Road and Sharon Station, stop on Sharon Station-East Branch Road (AKA Eldridge Road).

3. Sharon Station-East Branch Road (AKA Eldridge Road) and East Branch-Stone Tavern Road, stop on East Branch-Stone Tavern Road.

4. Millstone-Hightstown Road and Clarksburg-Robbinsville Road (westerly approach), stop on Clarksburg-Robbinsville Road.

(c) **In the Assunpink Wildlife Management Area the following intersection is designated as a stop and yield intersection:**

1. Clarksburg-Robbinsville Road and Roosevelt Road (northerly approach), stop sign on the left turn lane of Roosevelt Road (northerly approach) and yield sign on the right turn lane of Roosevelt Road (northerly approach).

7:25-2.4 Alcoholic beverages

No person or persons shall consume or have in possession or control any intoxicating beverage or any beverage containing alcohol while [in] on any land or water area under the control of

the Division of Fish, Game and [Shellfisheries] **Wildlife**, [except with special written permission from the division] **except that organized groups may, with written permission or other authorization from the Division, possess or consume alcoholic beverages on designated Wildlife Management Areas.**

7:25-2.5 Restricted areas and hours

(a) No unauthorized person or persons shall enter upon in any manner any land or water area[s] controlled by the Division of Fish, Game and [Shellfisheries] **Wildlife** between the hours of 9:00 P.M. and 5:00 A.M. (2100 and 0500 hours) EST or EDT as listed [at] in Trenton, New Jersey, whichever is in effect on the given date [unless such].

1. **This shall not preclude a person [is actually] engaged in lawful and proper hunting, trapping or fishing activity or other activities authorized by the Division [and no].**

2. **No person shall enter any area designated with signs by the Division as "restricted" or "closed" without first obtaining written permission from the Division [of Fish, Game and Shellfisheries].**

7:25-2.6 Division Fish Hatcheries

No **unauthorized** person shall take or attempt to take fish by any means, **or** feed, molest, disturb, kill, net or attempt to net any fish in or from the waters of State Fish Hatcheries[.], **except those waters specifically posted by the Division of Fish, Game and Wildlife for public fishing.**

7:25-2.7 Outboard motors

[a] Only electric motors are permitted on any freshwater area. On Prospertown Lake, only manually operated boats and canoes are permitted.

(b) This regulation does not affect tidal water areas.]

(a) **No person shall operate or use any boat or other flotation device using an engine commonly known as an outboard motor, inboard motor or inboard-outboard motor on any freshwater lake or pond located within a Wildlife Management Area (note (c) below) without written permission from the Division.**

1. **This section does not preclude the use of battery-powered electric motors on these areas, with exception as noted in (b) below.**

(b) **On Prospertown Lake in Ocean County only manually operated boats are permitted.**

(c) **On Union Lake Wildlife Management Area in Cumberland County, a person may operate a boat equipped with not more than one outboard motor, and this motor shall not exceed 10 horsepower.**

7:25-2.8 Horseback riding

(a) No person shall ride a horse in or on any land or water area controlled by the Division without first procuring a proper and valid permit[.] **from the Division of Fish, Game and Wildlife. The permit is to be in the possession of the horseback rider at all times when riding a horse in these areas.**

1. The riding of horses on or over any **wildlife** food area, dams, [fireline, or field which has been cultivated or planted] **cultivated fields, gardens or lawns** shall be unlawful at all times.

2. On **State Wildlife Management Areas** where such activity may be permitted, it shall be done only in designated areas [and by permit].

(b) The fee for [such] **an individual** permit for horseback riding on **State Wildlife Management Areas** shall be \$15.00 per **calendar** year. [Horseback] **All** horseback riding permits will expire on December 31 of each year.

1. The prospective permittee shall maintain public liability and property damage insurance for the period of authorized use, with an insurance company recognized to do business in the State of New Jersey, in the amount of \$100,000/\$300,000 personal liability and \$50,000 property damage, or \$300,000 aggregate. [Certificates of such coverage shall be submitted with each application before a permit is issued.]

2. **Each application to ride horseback must be accompanied by a statement from the applicant's insurance carrier denoting the insurance coverage as it applies to the riding of a horse on a State Wildlife Management Area.**

(c) The Division may issue group horseback riding permits, covering a specific time period, to the Equine Advisory Board of the State Department of Agriculture for rides it may sponsor to aid handicapped persons. No fee will be charged for these permits. Said valid permit must be in the possession of at least one of the participating riders.

(d) The Division may determine and designate the areas where the riding of horses is permitted and the number of permits to be issued per area during any one time period. Permittees shall be liable for any damage that may occur as a result of their horseback riding activities.

(e) This section shall not preclude a person participating in a field trial, during the period of time stated in the field trial permit under authority of N.J.A.C. 7:25-2.14, from riding a horse in designated Wildlife Management Areas without a horseback riding permit.

7:25-2.9 Swimming

Swimming and bathing are prohibited on all [areas] **State Wildlife Management Areas** except those designated by the Division where a **State appointed** lifeguard is on duty.

1. No wading is permitted except for the purpose of hunting, trapping or fishing.

2. **For the purpose of this section, the use of such devices as vehicle inner tubes, surf boards, inflatable mats or underwater breathing devices commonly known as "scuba" (self contained underwater breathing apparatus) gear shall be considered as swimming or bathing.**

7:25-2.10 Camping, picnicking and vending

(a) **Camping or picnicking** is prohibited on all Division controlled areas, **including State Wildlife Management Areas.** [except in areas designated by the division. To legally camp in the designated areas a person or persons shall first secure a permit from the area manager at the prescribed fee. The camping fee shall be \$3.00 per night for a unit up to six persons with an additional fee of \$0.25 for each additional person. "Camping"] **For the purpose of this section, "camping" means any temporary shelter such as a tent, trailer, recreation vehicle, sleeping bag, hut or other [lodging place] structure that a person or persons use as [a] sleeping, resting, or living quarters [during any hour of the day or night].**

(b) **This shall not preclude a person with proper permission or other authorization from the Division from picnicking on the designated areas of the Pequest Trout Hatchery.**

(c) **No person shall sell or offer for sale any food, beverage or other merchandise on any State Wildlife Management Area without first obtaining a written permit from the Division of Fish, Game and Wildlife.**

7:25-2.11 [Picnicking] Fires

[Picnicking is prohibited on all division controlled areas except in areas designated by the division for that purpose. These designated picnic areas will be marked with signs around the area perimeter. In certain of the designated picnic areas it will also be necessary to secure a written permit from the area manager. Areas where written permission is required for picnicking will be so designated by signs. Picnicking means the eating and/or drinking of any food or beverage by groups of two or more persons.]

No person shall set or cause to be set, start, build or maintain any fire on any State Wildlife Management Area without written permission of the Division of Fish, Game and Wildlife. This shall not preclude State Firewardens from setting fires as required to check or extinguish any fire on such areas, under authority of N.J.S.A. 13:9-15.

7:25-2.12 Target/practice

No target practice of any kind is permitted **on State Wildlife Management Areas** except by written permission of the Division [and in designated areas only]. **This shall not preclude the use of firearms, bow and arrows or weapons of any kind for the purpose of authorized hunter education or other authorized purposes in designated areas.**

7:25-2.13 Daily use permit

[From May 30 through Labor Day, on] **On** designated [areas] **State Wildlife Management Areas**, a charge of [\$1.00] **not more than \$2.00 per each passenger vehicle other than a bus**, [car, plus an additional \$0.25 per person; \$5.00 for each bus, plus \$0.25 for each person] **and not more than \$10.00 for each bus** shall be charged. **This section shall not apply to properly licensed hunters, anglers or trappers.**

7:25-2.14 Field trial activities

(See the proposed amendment at 15 N.J.R. 387(a).)

7:25-2.15 Rental of clubhouses

(a) Use of clubhouses or designated [areas] **facilities** for outings, trap shoots, or other events will be authorized at a fee of \$20.00 a day; use for meeting purposes will be permitted at a \$10.00 daily fee. Permittee shall be responsible and liable for any damage which may occur.

(b) The prospective permittee shall maintain public liability and property damage insurance for the period of authorized use, with an insurance company recognized to do business in the State of New Jersey, in the amount of \$100,000/\$300,000 personal liability and \$50,000 property damage. Certificates of such coverage shall be submitted with each application before a permit is issued.

7:25-2.16 Revocation

The Division may revoke any permit **or other authorization** issued hereunder **for due cause or** for violation of any provision set forth herein, whether or not prosecution is brought as provided in N.J.S.A. 23:7-9.

7:25-2.17 Securing permits

Information on securing any of the permits [above prescribed] **described in this subchapter** may be obtained by writing **or telephoning** the Division of Fish, Game and [Shellfisheries] **Wildlife**, [P.O. Box 1809] **CN 400**, Trenton, New Jersey 08625. Telephone (609) 292-2965.

7:25-2.18 [(Reserved)] Wildlife Management Areas

(a) **This subchapter applies to the following designated Wildlife Management Areas:**

1. Absecon
2. Amwell Lake
3. Assunpink
4. Baldwin Lake
5. Beaver Swamp
6. Berkshire Valley
7. Berrytown
8. Edward G. Bevan (Millville)
9. Black River
10. Butterfly Bogs
11. Capoolong Creek
12. Cedarville Pond
13. Clarks Pond
14. Clinton
15. Colliers Mills
16. Corson
17. Kingwood
18. Holland Church
19. Dennis Creek
20. Dix
21. Egg Island

22. Flatbrook

23. Forked River Game Farm

24. Fortescue

25. Glassboro

26. Great Bay Boulevard

27. Greenwood Forest

28. Greenwood Pond

29. Hackettstown

30. Hainesville

31. Hamburg Mountain

32. Harrisonville Lake

33. Heislerville

34. Higbee Beach

35. Imlaystown Lake

36. Ken Lockwood Gorge

37. Logan Pond

38. L.G. Macnamara (Tuckahoe)

39. Mad Horse Creek

40. Manahawkin

41. Manasquan River

42. Manchester

43. Marmora

44. Maskels Mill Pond

45. Medford

46. Menantico Ponds

47. Nantuxent

48. Old Wharf

49. Osborne

50. Pasadena

51. Peaslee

52. Pequest

53. Port Republic

54. Prosperton Lake

55. Rockport Game Farm

56. Round Valley Angler Access

57. Rowands Pond

58. Roy

59. Saw Mill Creek

60. Sedge Islands

61. Stafford Forge

62. Swan Bay

63. Turkey Swamp

64. Union Lake

65. Van Nest Refuge

66. Walpack

67. Wanaque

68. Whiting

69. Whittingham

70. Winslow

71. Belvidere

7:25-2.19 Restricted access to Lake Musconetcong
(No change.)

7:25-2.20 Severability

If any clause, sentence, paragraph, or part of this subchapter or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this subchapter.

HEALTH

(a)

CONSUMER HEALTH SERVICES

Controlled Dangerous Substances Addition to Schedules I and IV Rescheduling Glutethimide from Schedule III to Schedule II

Proposed Amendments: N.J.A.C. 8:65-10

Authorized By: J. Richard Goldstein, M.D.,
Commissioner, Department of Health.
Authority: N.J.S.A. 24:21-3.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Lucius A. Bowser, R.P., M.P.H.
Chief, Drug Control Program
New Jersey State Department of Health
CN 364
Trenton, NJ 08625

The Department of Health thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-276.

The agency proposal follows:

Summary

The Department of Health proposes to add three substances to Schedule I of the Controlled Dangerous Substances Act to bring State rules into conformity with Federal statutes and the Single Convention on Psychotropic Drugs. These substances were included in Schedule I of the Federal Controlled Substances Act as follows: n-ethylamphetamine, published at 46 F.R. 59969 effective January 7, 1982; Fenethylamine, published at 47 F.R. 37503 effective August 20, 1981; and Parahexyl, published at 47 F.R. 225 effective December 22, 1982. The amendment also proposes to add Temazepam, published at 46 F.R. 20671 effective April 7, 1981 to Schedule IV. The proposal will also remove the small roman numeral designations in Schedule I, which are not necessary, and make the list alphabetical.

The State Department of Health proposes to reschedule Glutethimide, a non-barbituric acid depressant to Schedule II of the Controlled Dangerous Substances Act because of the increased patterns of abuse of this substance within the State. Placement in Schedule II invokes stringent controls not now required for Schedule III and results in a one time prescribing level reserved for Schedule II substances. Because of its valid medical application as a depressant, the rescheduling would not deprive anyone of its availability.

Social Impact

The addition of the three substances to Schedule I is necessary to control those products which do not have any valid medical purpose but do possess a high degree of drug dependency liability, while the addition of the Schedule IV substance has a valid medical purpose and also possesses a drug dependency liability less than that of Schedule I, II or III. The proposal would establish mechanisms

for record keeping, production, manufacture and distribution of these substances to ensure the maintenance of controls to prevent diversion from lawful channels of distribution.

The sharp increase of Glutethimide in combination with other drugs has led to significant numbers of hospitalizations and deaths. The combination of this drug with another class of controlled drugs mimics Heroin sequelae and has become a source of difficulty for enforcement within this State and other parts of the country. Making the availability of the drug Glutethimide more difficult, the problem of street traffic, hospitalizations, and deaths becomes more controllable.

Economic Impact

The proposal would not create any burden upon the public as the new Schedule I substances are not in the normal distribution channels because of the lack of valid medical use and the Schedule IV substance is available only upon prescription of a practitioner. The proposal might have a slight effect upon lawful manufacturers, researchers, analytical laboratories, and distributors because of the added bookkeeping requirement.

The proposal to reschedule Glutethimide would impose very little impact upon its manufacture or distribution, and would still make it available for those valid medical uses for which it was intended.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

8:65-10.1 Controlled dangerous substances; Schedule I

(a) (No change.)

(b) The following is Schedule I listing of the controlled dangerous substances by generic, established or chemical name and the controlled dangerous substances code numbers.

1.-2. (No change.)

3. Hallucinogenic substances: Unless specifically expected or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, positions, and geometric isomers) (listed by generic/established or chemical name with CDS code):

[i.] 4-bromo-2,5-dimethoxy-amphetamine (Some trade or other names: 4-bromo- 2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.)³ 7391

[ii.] 2,5-dimethoxyamphetamine (Some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA.)³ 7396

[iii.] 4-methoxyamphetamine (Some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine, PMA.)³ 7411

[iv.] 5-methoxy-3,4-methylenedioxy-amphetamine. 7401

[v.] 4-methyl-2,5-dimethoxy-amphetamine (Some trade and other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP".) 7395

[vi.] 3,4-methylenedioxy amphetamine. 7400

[vii.] 3,4,5-trimethoxy amphetamine 7390

[viii.] Bufoteine (Some trade and other names: 3-(beta-Dimethylaminoethyl-5-hydroxyindole; 3-(2-dimethylaminoethyl-5-indolol; N, N- dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.) 7395

[ix.] Diethyltryptamine (Some trade and other names: N, N-Diethyltryptamine DET.) 7395

[x.] Dimethyltryptamine (Some trade or other names: DMT.) 7435

[xi.] Ibogaine (Some trade and other names: 7-Ethyl-6,6,7,8,9,10, 12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido (1',2':1,2 axepino 5,6-b) Indole; tabernanthe iboga.) 7260

[xii.] Lysergic acid diethylamide 7315

[xiii.] Marihuana 7360

[xiv.] Mescaline 7381
Parahexyl (Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzoyl (b,d) pyran; Synhexyl.) 7374

[xv.] Peyote (Meaning all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.)⁵ 7415

[xvi.] N-ethyl-3-piperidyl benzilate 7482

[xvii.] N-methyl-3-piperidyl benzilate 7484

[xviii.] Psilocybin 7437

[xix.] Psilocyn 7438

[xx.] Tetrahydrocannabinols (Synthetic equivalents of the substances contained in the plant, or in the resinous extractives cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:

1 cis or trans tetrahydrocannabinol, and their optical isomers.
 6 cis or trans tetrahydrocannabinol, and their optical isomers.
 3,4 cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)¹ 7370

[xxi.] Thiphenyl Analog of Phencyclidine (Some trade or other names: 1-1-(2-thienyl) cyclohexyl piperidine; 2-Thienyl Analog of Phencyclidine; TPCP.)⁶ 7470

4. (No change.)

5. Precursors (listed with CDS code):

[i.] N-Ethyl-1-phenylcyclohexylamine⁷ 7455

[ii.] 1-(1-phenylcyclohexyl) pyrrolidine⁷ 7458

6. Stimulants: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

Fenethylamine 1503

n-Ethylamphetamine 1475

8:65-10.2 Controlled dangerous substances; Schedule II

(a) (No change.)

(b) The following is Schedule II listing the controlled dangerous substances by generic, established or chemical name and the controlled dangerous substance code numbers.

1.-3. (No change.)

4. Depressants: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (listed by generic/established or chemical name with CDS code):

Amobarbital³ 2125

Glutethimide 2550

Pentobarbital² 2270

Phencyclidine⁵ 7471

Secobarbital² 2315

5. (No change.)

8:65-10.3 Controlled dangerous substances; Schedule III

(a) (No change.)

(b) The following is Schedule III listing the controlled dangerous substances by generic, established or chemical name and the controlled dangerous substances code numbers:

1. (No change.)

2. Depressants: Unless specifically excepted or unless listed in another Schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system.

i.-iii. (No change.)

iv. The following (listed by generic/established or chemical name with CDS code)³:

Chlorhexadol 2510

[Glutethimide 2550]

Lysergic Acid 7300

.....

.....

3. (No change.)

8:65-10.4 Controlled dangerous substances; Schedule IV

(a) (No change.)

(b) The following is Schedule IV listing the controlled dangerous substances by generic, established or chemical name and the controlled dangerous substances code numbers:

1. (No change.)

2. Depressants: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (listed by generic/established or chemical name with CDS code):

.....

.....

Temazepam 2928

3.-4. (No change.)

(a)

DRUG UTILIZATION REVIEW COUNCIL

Drug Evaluation and Acceptance Criteria

Proposed Readoption with Amendment: N.J.A.C. 8:70

Authorized By: Drug Utilization Review Council, Leroy L. Schwartz, M.D., Chairman.

Authority: N.J.S.A. 24:6E-1 et seq., specifically 24:6E-6g.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Thomas T. Culkin, PharmD, MPH
 Executive Director
 Drug Utilization Review Council
 Department of Health
 John Fitch Plaza
 CN 360
 Trenton, NJ 08625

The Department of Health thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order 66(1978), these rules would otherwise expire on September 18, 1983. The readoption of the existing rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their readoption. The concurrent amendment to the existing rules becomes effective upon publication in the Register of a notice of their adoption.

This proposal is known as PRN 1983-261.

The agency proposal follows:

Summary

In 1977, N.J.S.A. 24:6E-6 et seq. directed establishment of the Drug Utilization Review Council, whose duty is to prepare a list of generic drug products which could safely be substituted for brand name prescription products, thus saving money for consumers. N.J.S.A. 24:6E-6g authorized the Council to adopt reasonable rules and regulations to carry out its duties and functions.

Establishing the therapeutic equivalency of drug products is highly technical in nature. Therefore, the Council decided to adopt Drug Evaluation and Acceptance Criteria which would clearly define the technical terms used and inform drug manufacturers of the criteria which need to be met in order for generic products to be found equivalent to brand name products. These definitions and criteria are embodied in N.J.A.C. 8:70.

These rules have been effective in that all manufacturers understand the council's criteria and all have submitted required data. For example, drug manufacturers have submitted the necessary Food and Drug Administration (FDA) inspection reports without complaint and have also made labelling changes as the rules specify.

On April 5, 1983, the Council reviewed each section of N.J.A.C. 8:70 and determined that, with limited exceptions, the definitions and criteria are still needed in order for the Council to effectuate its statutory mandate. The exception, which the Council wishes to amend, is N.J.A.C. 8:70-1.4(c) 2. Drug recall records are routinely maintained in the Department of Health, so the Council wishes to amend this section to delete reference to such records being kept by the Chief of Pharmaceutical Services in the Department of Human Services.

These rules were previously amended in 1979 to require that the drug manufacturer's name be on the drug label and amended again in 1983 to preclude repeated applications for admission to the Formulary without significant new evidence on which the Council could act.

Public comment is invited so that the Council can make a fully informed decision as to whether these rules should be readopted before their automatic expiration on September 18, 1983 pursuant to Executive Order No. 66.

Social Impact

The rules in N.J.A.C. 8:70 do not directly affect the public; they affect drug manufacturers. However, as the population becomes older, more prescription medicines will be used and the importance of maintaining these rules will be increased.

Approximately 3.2 million prescriptions will be substituted annually in New Jersey under these rules. The affected group, drug manufacturers, has not raised any objections to these regulations in the five years since they were first adopted.

If this chapter were not readopted, unwarranted reapplications for generic products would proliferate and there would be no common basis for the Council to discuss the therapeutic equivalency of medications.

Economic Impact

The rules impact economically on drug manufacturers and on the public. The economic cost to drug manufacturers is not able to be quantitated. The economic impact on consumers has been established through prescription surveys in 1980 and 1982 which showed that approximately three million brand name prescriptions are substituted annually, at an average consumer price savings of at least \$1.11 per prescription. Consequently, total annual consumer savings is approximately \$3 million.

The 1979 and 1983 amendments have not resulted in any negative economic impact on drug manufacturers. The proposed amendment (see N.J.A.C. 8:70-1.4(c)2 below) will not have any economic impact on the State, on consumers, or on drug manufacturers.

If these rules were not readopted, the practical basis for accepting products into the New Jersey generic formulary would be

undermined, thereby diminishing consumer savings by an unknown amount.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 8:70, as amended in the New Jersey Register.

Full text of the proposed amendment to the readoption follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

8:70-1.4 Manufacturer and repackage criteria

(a)-(b) (No change.)

(c) Additional rules are:

1. (No change.)

2. A record of Federal Food and Drug Administration drug product recalls, together with the reason for the recall, shall be maintained in the [Office of the Chief of Pharmaceutical Services, Division of Medical Assistance and Health Services, State Department of Human Services.] **Department of Health**. This information will be made available to the Council for review as needed.

(d)-(i) (No change.)

(a)

DRUG UTILIZATION REVIEW COUNCIL**Interchangeable Drug Products****Proposed Amendment: N.J.A.C. 8:71**

Authorized By: Drug Utilization Review Council, Leroy L. Schwartz, M.D., Chairman.
Authority: N.J.S.A. 24:6E-6b.

A **public hearing** concerning this proposal will be held on June 27, 1983 at 10:00 A.M. at:

Auditorium
First Floor
Health-Agriculture Building
John Fitch Plaza
Trenton, NJ 08625

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Thomas T. Culkin, PharmD, MPH
Drug Utilization Review Council
Department of Health
CN 360
Trenton, NJ 08625
(609)984-2158

The Drug Utilization Review Council thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-260.

The agency proposal follows:

Summary

The proposed additions will expand the List of Interchangeable (Generic) Drug Products. For example, generic thioridazine could then be used by pharmacists in place of the brand name product, Mellaril.

Social Impact

If a patient's physician approves the substitution of a generic for a brand name product, the pharmacist must dispense a substitute which reflects a lowered price to the consumer. This substitution can only occur if the drug is placed on the List of Interchangeable Drug Products. Thus, additions to the list expand the pharmacist's choice.

Economic Impact

There will be an expanded opportunity for consumers to save money on prescriptions through the use of generic medicines in place of brand name medicines. The extent of the savings due to these specific proposed additions cannot be quantitated.

Full text of the proposal follows (additions indicated in boldface thus).

Acetaminophen 300/Codeine 30 mg tabs	Boots Labs
Acetaminophen 120/Codeine 12 mg/5 ml elixir	Bay
ADC Vitamin Drops/Fluoride	Bay
Ampicillin Caps 250, 500 mg	Pfizer
Ampicillin for Susp. 125/5, 250/5	Pfizer
Aspirin/Codeine tabs 15, 30, 60 mg	Barr
Betamethasone Valerate cream 0.1%	Lemmon
Butalbital with aspirin & caffeine tabs, caps	Chelsea
Caramiphen 6.7/Phenylpropanolamine 12.5 mg/5 ml liquid	Bay
Carbinoxamine 2 mg/Dextromethorphan 4 mg/Pseudoephedrine 25 mg/ml liquid	Bay
Carbinoxamine 4 mg/Dextromethorphan 15 mg/Pseudoephedrine 60 mg/5 ml syrup	Bay
Carisoprodol Compound tabs	Danbury
Chloramphenicol 1.0% Ophthalmic Ointment	Pharmafair
Chloramphenicol 0.5% Ophthalmic Solution	Pharmafair
Chlorpheniramine, Phenylephrine, Phenylpropanolamine,	Bay
Phenyltoloxamine Syrup	
Chlorpheniramine 5 mg/Phenylephrine 10 mg/Phenylpropanolamine 40 mg/Phenyltoloxamine 15 mg E.R. tabs	Amide
Chlorpromazine HCL concentrate 30/ml, 100/ml	Bay
Chloroquine Phosphate tabs 250, 500 mg	Danbury
Chlorothiazide tabs 0.5 g	Bolar
Chlorthalidone tabs 25, 50 mg	Bolar
Chlorthalidone tabs 25, 50 mg	Superpharm
Cyclopentolate Hydrochloride 1% Ophthalmic Solution	Pharmafair
Cyproheptadine Syrup 2 mg/5 ml	Bay
Dexamethasone Sodium Phosphate Ophthalmic Ointment 0.05%	Pharmafair
Dexamethasone Sodium Phosphate Ophthalmic Solution 0.1%	Pharmafair
Dipyridamole tabs 25, 50, 75 mg	Barr
Dipyridamole tabs 25, 75 mg	Halsey
Doxycycline Hyclate caps 50, 100 mg	Barr
Doxycycline Hyclate tabs 100 mg	Mylan
Erythromycin estolate susp. 250/5 ml	NPC
Fluocinolone Acetonide cream 0.01, 0.025%	Pharmaderm/BYK-Gulden
Fluocinolone Acetonide cream 0.01, 0.025%	Fougera/BYK-Gulden
Fluocinolone Acetonide Ointment 0.025%	Fougera/BYK-Gulden
Fluocinolone Acetonide Solution 0.01%	Fougera/BYK-Gulden
Furosemide tabs 20, 40 mg	P-D
Furosemide tabs 40 mg	Superpharm
Gentamicin Sulfate Ophthalmic Ointment 3 mg/g	Pharmafair
Gentamicin Sulfate Ophthalmic Solution 3 mg/ml	Pharmafair

Hydralazine 25/Hydrochlorothiazide 15 tabs	Bolar
Hydralazine 25/Hydrochlorothiazide 25 caps	Bolar
Hydralazine 50/Hydrochlorothiazide 50 caps	Bolar
Hydralazine 100/Hydrochlorothiazide 50 caps	Bolar
Hydrocodone 5 mg/Homatropine 1.5 mg Syrup	Bay
Hydrocodone 5 mg/Phenylpropanolamine 25 mg syrup	Bay
Hydrocodone 2.5 mg/Phenylpropanolamine 12.5 mg syrup	Bay
Hydrocodone 5 mg/Pseudoephedrine 60 mg Liquid	Bay
Hydrocodone 5 mg/Guaifenesin 200 mg/Pseudoephedrine 60 mg syrup	Bay
Hydroxyzine HCL Syrup 10 mg/5 ml	Bay
Hydroxyzine HCL tabs 10, 25, 50 mg	Cord
Isosorbide Dinitrate tabs 20 mg	Barr
Isoxsuprine tabs 10, 20 mg	Amide
Lidocaine 4% Topical Solution	Bay
Lidocaine 2% Viscous Solution	Bay
Methocarbamol 400 mg/Aspirin 325 mg tabs	Zenith
Metronidazole tabs 250 mg	Par
Metronidazole tabs 500 mg	Danbury
Metronidazole tabs 250, 500 mg	Barr
Multivitamin Drops/Fluoride	Bay
Multiple Vitamins/Fluoride, Chewable	Amide
Naphazoline HCL 0.1% Ophthalmic Solution	Pharmafair
Nystatin Ointment 100,000 u/g	BYK-Gulden
Opium Tincture, Camphorated	Bay
Phenazopyridine tabs 100, 200 mg	Amide
Phenazopyridine 50 mg/Sulfisoxazole 0.5 g tabs	Amide
Phenazopyridine 100/Sulfamethoxazole 0.5 g tabs	Amide
Phenobarbital elixir	Bay
Polymyxin B Sulfate, Neomycin Sulfate	Pharmafair
Dexamethasone Ophthalmic Ointment	
Polymyxin B Sulfate, Neomycin Sulfate, Hydrocortisone Otic Solution	Pharmafair
Polymyxin B Sulfate, Neomycin Sulfate, Hydrocortisone Otic Suspension	Pharmafair
Polymyxin B Sulfate, Neomycin Sulfate, Zinc Bacitracin Ophthalmic Ointment	Pharmafair
Potassium Bicarbonate effervescent tabs 2.5 g	Tower
Potassium Iodide, Saturated Solution	Bay
Prednisolone Acetate 1% Ophthalmic Suspension	Pharmafair
Prednisolone Sodium Phosphate 1% Ophthalmic Solution	Pharmafair
Prenatal vitamins/Folic acid 1 mg	Amide
Promethazine Syrup 6.25 mg/5 ml	Bay
Promethazine Syrup 25 mg/5 ml	Bay
Proparacaine HCL 0.5% Ophthalmic Solution	Pharmafair
Propoxyphene with Aspirin and Caffeine caps	Chelsea
Spironolactone 25 mg/Hydrochlorothiazide 25 mg tabs	Cord
Spironolactone tabs 25 mg	Cord
Sulfacetamide Sodium 10% Ophthalmic Ointment	Pharmafair
Sulfacetamide Sodium 10% Ophthalmic Solution	Pharmafair
Sulfacetamide Sodium/Prednisolone Acetate Ophthalmic Ointment	Pharmafair
Sulfacetamide Sodium/Prednisolone Acetate Ophthalmic Suspension	Pharmafair
Sulfamethoxazole/Trimethoprim Suspension	Biocraft,B-W, Roche
Sulfasalazine tabs 0.5 g	Bolar
Theophylline (Anhydrous) E.R. tab 300 mg	Geigy
Theophylline/Potassium Iodide Syrup	Bay
Thiuridazine HCL tabs 10, 25, 50 m	Mylan
Triprolidine/Pseudoephedrine tabs	Danbury
Triprolidine Syrup	Bay
Warfarin sodium tabs 5 mg	Bolar

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Administration Manual Fair Hearings

Proposed Readoption: N.J.A.C. 10:49-5

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.

Authority: N.J.S.A. 30:4D-7e, f and 42 CFR 431.200 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
CN 712
Trenton, NJ 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), this rule would otherwise expire on August 16, 1983. The readoption of this rule becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of its adoption.

This proposal is known as PRN 1983-252.

The agency proposal follows:

Summary

The New Jersey Medicaid Program authorizes hearings for both claimants, including applicants, qualified applicants and recipients; and providers who render medical care and services to a claimant, and who participate in the Medicaid program. The hearing regulations allow both claimants and providers an opportunity to exercise their constitutional right of due process. However, there are some basic distinctions between claimant hearings and provider hearings, as is indicated below.

Claimants: Hearings for claimants are required pursuant to 1902(a)(3) of the Social Security Act. Hearings must be provided to any person whose claim for assistance is denied, not acted upon promptly, or whenever the Medicaid agency takes action to suspend, terminate or reduce services (42 CFR 431.200). This is true unless the sole issue is a Federal or State law requiring an automatic change adversely affecting some or all recipients (42 CFR 431.220(b)).

The Federal regulations (42 CFR 431.200 et seq.) specify the procedures which must be followed by the State Medicaid Agency, which in New Jersey is the Division of Medical Assistance and Health Services. For example, the claimant must be notified at least 10 days prior to the date of the agency action (42 CFR 431.211). The notice must contain the reason(s) for the intended action, the specific regulations relied on by the agency (42 CFR 431.210(a)(b)(c)), an explanation of the claimant's right to a hearing (42 CFR 431.210(d)), the method for obtaining a hearing, and an explanation as to the right to be represented by himself, a relative or friend, or legal counsel (42 CFR 431.206(b)).

In some instances, the Agency is required to continue assistance

while the hearing is pending (42 CFR 431.230). The most common occurrence involves claimants in long term care facilities who have been evaluated (by the Medical Evaluation Team) as not requiring this level of care. The Division will continue assistance until the Director's Decision is rendered at the conclusion of the hearing process. However, the Division does not cover new applicants during the hearing process because the Federal regulations do not authorize this coverage.

The type of hearings requested by claimants usually involve denial of services that require prior authorization from the Division, or a denial of an application for Medicaid eligibility three months prior to the month of application (commonly known as retroactive eligibility).

Providers: The legal basis for provider hearings is the New Jersey Statute which allows for "an administrative hearing...on any valid complaint arising out of the claims payment process" (N.J.S.A. 30:4D-7f). Subsequent to this enabling legislation, the Federal Government issued regulations requiring provider hearings in certain specified instances. These include appeals of payment rates for inpatient hospitals and long term care (LTC) facilities (42 CFR 447.258) and a full evidentiary hearing for a LTC facility whose certification or provider agreement is being denied, terminated, or not renewed (42 CFR 431.153). Hearings are also required when restrictions are imposed on a Medicaid provider participation in the program (42 CFR 431.54(f)).

The New Jersey law, (N.J.S.A. 30:4D-7f) is broader than the Federal requirements because it allows all participating providers the right to utilize the hearing process. However, in determining whether a case is contested, there must be an affirmative finding that the hearing is one of those required by Federal regulations or that there has been a denial of a claim submitted for payment.

The type of hearings frequently requested by providers include: claims denial; payment rates and audits of cost studies; administrative recovery, which involve incorrect or illegally obtained benefits; and suspension, debarment and disqualification according to the terms and conditions set forth in N.J.A.C. 10:49-1.17, which were regulations issued pursuant to Executive Order No. 34 (March 29, 1976) by Governor Brendan T. Byrne.

The Bureau of Research and Development (within the Division of Medical Assistance and Health Services) is responsible for processing all Medicaid hearing requests. This includes docketing, forwarding contested cases to the Office of Administrative Law (OAL) for hearing, acting as liaison with OAL, and preparing Final Agency Decisions for the Director's signature. The Chief of the Bureau and his staff have reviewed the rules and find them necessary, adequate, reasonable, efficient, understandable, and responsive for the purpose for which it was promulgated. The rules are effective because they allow both claimants and providers an orderly mechanism for contesting decisions of a State administrative agency. Since no formal pleadings are required, it is not difficult for claimants or providers to request hearings. These rules are necessary to insure continued compliance with both Federal and State laws and regulations, thereby enabling the Division to obtain both Federal and State financial participation for administrative costs associated with hearings.

The rules were amended in November 1980 (R. 1980 d.51). The main purpose of the amendments was to reflect changes in the Federal regulations governing claimant hearings (42 CFR 431.200, et seq., supra). Changes included a requirement that the hearing request be in writing, the circumstances which define when assistance may be continued while a hearing is pending, and the Division's right to institute recovery procedures against the claimant to recoup the cost of services furnished to the claimant.

The rule does not need to be amended at this time because it conforms with all applicable Federal and State requirements.

Social Impact

This rule's impact has been beneficial, because it allows both claimants and providers an orderly mechanism for contesting

decisions made by a state administrative agency. The social conditions at the time of the rule's adoption still exist.

Many claimant services, items and equipment or a combination thereof require prior authorization from various Division personnel. Whenever the request is denied, the claimant has a right to request a hearing.

Providers will still request hearings when an action is taken affecting their financial status. Such actions include denied claims, disputes as to rate of payment, audits revealing an alleged overpayment and suspension or termination of program participation.

The affected public is quite large, because it potentially includes all Medicaid claimants and participating providers. The rule also impacts significantly on several governmental agencies, including the Division, its Contractors (New Jersey Blue Cross and Prudential Insurance Company), the Attorney General's Office, the Department of Health, and the Office of Administrative Law (OAL). Those responsible for preparing a case may include personnel from the Division, Department of Health and Contractors. The Attorney General's office provides legal representation as requested. The OAL conducts the hearings and prepares an initial decision. The Bureau of Research and Development coordinates the entire process.

The Bureau received 161 claimant hearing requests during Fiscal Year (FY 1982); 90 cases were certified as contested and sent to OAL for hearing. During the same period, 440 provider requests were received, and 119 were sent to the OAL for hearing. (291 requests involved claim denial; 149 requests concerned audit recovery, administrative recovery, or suspension.)

The public's reaction to the rule has been favorable, because they can contest a state agency decision at little or no cost. The continuance of the rule will insure the public will be able to request and receive hearings.

Economic Impact

The economic impact on claimants and providers varies, depending on the amount of money they wish to spend in preparation for the hearing, including the cost of legal representation and expert witnesses. However, the Federal regulations governing claimant (recipient) hearings are sufficiently liberal to allow an appeal to be prosecuted without cost. For example, representation can be provided by friends, family or legal services (42 CFR 431.206(b)(3)). The Division must allow the claimant, or his/her authorized representative, the right to review the agency records that will be used at the hearing, bring witnesses, establish all pertinent facts, and question any testimony or evidence introduced by the agency (42 CFR 431.242).

Providers have the option of appearing pro se, or retaining legal counsel.

The economic impact on the Division includes the administrative costs of processing the hearings, staff preparation and testifying, Attorney General representation when utilized, and reimbursing OAL for conducting the hearings. OAL billed the Division approximately \$51,000 for hearings conducted during the second half of 1982. These expenditures are shared by both Federal and State government.

From an economic standpoint, the rule must be adopted to insure continued receipt of Federal-State fundings for hearings, which are a required component of the Medicaid program.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 10:49-5, as amended in the New Jersey Register.

(a)

DIVISION OF PUBLIC WELFARE

Monthly Reporting Policy Handbook Reporting Requirements (Good Cause)

Proposed Amendment: N.J.A.C. 10:90-2.3

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.

Authority: N.J.S.A. 44:7-6, 44:10-3 and 30:4B-2.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Acting Director
Division of Public Welfare
CN 716
Trenton, NJ 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-278.

The agency proposal follows:

Summary

The proposed rule modifies monthly reporting (MR) requirements in the Aid to Families with Dependent Children (AFDC) Program. It extends a no penalty or "good cause" situation for failure to report earnings timely to AFDC eligible unit members who are temporarily absent from the home because of military duty. Rather than terminate assistance as the previous rule required, the proposed rule will give the family an additional month to provide the earnings report before penalty is applied.

Social Impact

The proposed rule recognizes the fact that although AFDC eligible unit members absent from the home due to military duty attempt to comply with the requirement to provide a complete report of earnings to county welfare agencies (CWAs) by required deadlines, certain circumstances including mail delays and overseas duty prevent this material from being received timely by the CWA. It is therefore more equitable for this group of AFDC recipients.

Economic Impact

The proposed rule has minimal economic impact, since only a small group of AFDC recipients and payments are expected to be affected by this rule.

Full text of the proposal follows (additions indicated in boldface thus).

10:90-2.3 Reporting requirements

(a) Monthly reporting: Each AFDC eligible unit/food stamp household is required to submit a report form (Monthly Status Report) to the CWA monthly.

1.-7. (No change.)

8. Good cause for failure to report earnings timely: The penalty of loss of earned income disregards (see (a)7 above) shall not be applied to an eligible unit that has failed to make a timely report of earnings due to good cause. Good cause shall be fully documented in the case record, and the CWA shall maintain a log

of good cause determinations. Good cause for failure to make a timely report of earnings shall include:

i.-ii. (No change.)

iii. **Situations wherein eligible unit members in the armed services are temporarily absent from the home because of military duty, whose verification of earnings, although received in a Budget Month and forwarded to the family, are not received by the CWA by the Extension Deadline. The eligible unit has until the following month's Extension Deadline to provide the CWA with verification of earnings. This good cause determination must be approved at the supervisory level.**

(b) (No change.)

(a)

DIVISION OF YOUTH AND FAMILY SERVICES

Child Care Manual of Standards for Child Care Centers (Combining Infant/Toddler and Existing standards)

Proposed Amendments: N.J.A.C. 10:122-1.1, 1.2, 1.3, 2.1, 2.2, 3.2, 3.3, 4.2-4.7, 5.1-5.4, 6.1-6.6, 6.9, and 7.3

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.

Authority: N.J.S.A. 18A:70-1 to 9.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Richard Crane, Chief
Bureau of Licensing
Division of Youth and Family Services
One South Montgomery Street
CN 717
Trenton, NJ 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-272.

The agency proposal follows:

Summary

This proposal amends the Manual of Standards for Child Care Centers rules which are being promulgated in this Register 15 N.J.R. 926(a) and which were proposed on February 22, 1983 at 15 N.J.R. 214(a). The proposed new rule (N.J.A.C. 10:122C) entitled **Manual of Standards for Child Care Centers for Children Under 2 1/2 Years of Age** proposed in the May 2, 1983 Register at 15 N.J.R. 667(a) is hereby superseded and will not be adopted.

On March 21, 1983 an amendment to N.J.S.A. 18A:70-1 to 9, the State's child care licensing law, went into effect, requiring for the first time the licensing of centers serving infants/toddlers (children under two years of age) and children who are five years of age. Previously, the law had required the licensing only of certain centers serving children two, three and four years of age. The amendment also removed the provisions of the law that had exempted from licensure centers that do not charge a tuition fee, board or other form of compensation.

As a result of the new law, centers serving six or more children below the age of six years must secure a license from the Division of Youth and Family Services – regardless of whether they charge a fee for services.

To implement the provisions of N.J.S.A. 18A:70-1 to 9, the Division formed an ad hoc citizens advisory committee that included directors of infant/toddler centers, representatives from the New Jersey Association for the Education of Young Children (NJAEYC), the Head Start Directors Association, and the DYFS Day Care Policy Development Board, and staff of the State Departments of Education and Health. The committee helped the Division formulate proposed regulations specifically geared to the needs of infants/toddlers.

Those proposed regulations (N.J.A.C. 10:122C) were published in the May 2, 1983 edition of the New Jersey Register, at 15 N.J.R. 667(a) as a proposed Manual of Standards for Child Care Centers for Children Under 2 1/2 Years of Age.

The Division, however, now intends to consolidate the proposed infant/toddler licensing regulations with the existing Manual of Standards for Child Care Centers for Children from 2 1/2 through Five Years of Age and publish it as a single Manual of Standards for Child Care Centers, designed to govern all centers serving children under six years of age that are subject to licensure. This determination was made since: (1) many of the provisions of the existing Manual of Standards for Child Care Centers for Children 2 1/2 through Five Years of Age are common to the proposed infant/toddler licensing regulations; and (2) a single comprehensive manual of standards makes it easier for licensees to understand and comply with the requirements, particularly since most centers serve a mix of children over and under 2 1/2 years of age. Thus, this approach avoids the problems and extra costs that would otherwise result from the issuance of two separate manuals; (3) the affected centers are spared the task of having to apply for and secure two separate licenses and to pay two separate licensing fees for a single center serving a mixed age population. Similarly, the Bureau of Licensing would not have to conduct two separate sets of inspections of such centers, since there would only be one license and a single licensing period—rather than two different licenses and two different licensing periods for each age group. Therefore, the Division does not intend to adopt the proposed Manual of Standards for Child Care Centers for Children Under 2 1/2 Years of Age that it proposed in the May 2, 1983 Register at 15 N.J.R. 667(a), earlier; rather, those proposed regulations have been captured in this proposed consolidated Manual of Standards for Child Care Centers.

It should be noted that the Division has made some changes to the infant/toddler licensing regulations that were proposed earlier, based on comments it received from the public and interested groups to the draft regulations that were circulated prior to their publication in the Register.

The proposed regulations prescribe requirements in a range of areas, including administrative, processing and enforcement policies and procedures; life/safety and physical facility provisions; staff qualifications; transportation; staff/child ratios; program activities; health and sanitation; and others.

Social Impact

The proposed regulations will have a positive social impact by providing for the first time the protections and safeguards of licensure for children under 2 1/2 years of age that are served in child care centers – particularly in light of the vulnerability and unique needs of such young children.

Economic Impact

The proposed regulations are not expected to have a significant economic impact on child care centers subject to licensure, since the proposed regulations have been designed to constitute minimum baseline licensing requirements governing essential life/safety, health, program and administrative needs of the children to be served. They are not designed as model or preferred levels of care,

but rather, represent the minimum level below which no child care center would legally be permitted to open and operate. The aim is to provide basic protections for the children served without imposing overly stringent and costly requirements that could inhibit the development/expansion of these vitally needed resources.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

SUBCHAPTER 1. GENERAL PROVISIONS

10:122-1.1 Legal authority

(a)-(c) (No change.)

[(d)] The rules and regulations contained in this chapter are for those centers caring for children over the age of 2 1/2 years and under the age of six years.]

[(e)] **(d)** In order to be eligible for a license, a child care center shall demonstrate to the satisfaction of the Department of Human Services or its duly authorized agent through such methods and procedures as may be prescribed that it complies with the rules and regulations contained in this chapter, which constitute minimum standards only.

[(f)] **(e)** Responsibility for insuring that centers comply with the provisions of the statutes cited in (a) above and of this chapter is hereby delegated by the Department of Human Services to the Bureau of Licensing of the Division of Youth and Family Services.

10:122-1.2 Definitions

The following words and terms, when used in this chapter, have the following meanings.

"Bureau" means the Bureau of Licensing of the Division of Youth and Family Services, New Jersey Department of Human Services.

"Child" means any person [over the age of 2 1/2 and] under the age of six years.

"Child Care Center" or "Center" means any facility, by whatever name known, which is maintained for the care, development and supervision of six or more children [over the age of 2 1/2 years and] under the age of six years for less than 24-hours-a-day. This term shall include, but shall not be limited to, such programs as day care centers, drop-in centers, night care centers, nursery schools, play schools, cooperative child centers and centers for [handicapped children or] children with special needs. The term "Child Care Center" or "Center" shall not include any:

1.-5. (No change.)

6. Centers that are an integral part of a private educational institution or system offering elementary education in grades kindergarten through six.

[6.] **7.** Special activities programs for children, including athletics, hobbies, art, music, dance, or craft instruction;

[7.] **8.** Youth camps required to be licensed under the Youth Camp Safety Act of New Jersey (N.J.S.A. 26:12-1 et seq.); or

[8.] **9.** Day training centers operated by the Division of Mental Retardation within the Department of Human Services.

"Department" means the New Jersey Department of Human Services.

"Director" means any person responsible for the actual operation and management of a child care center.

"Division" means the Division of Youth and Family Services, New Jersey Department of Human Services.

"Manual of Standards for Child Care Centers" or "Manual of Standards" means the rules and regulations promulgated in this chapter, which constitutes minimum requirements for child care centers.

"Owner" means any person purchasing the license to operate the child care center.

"Parent" means a parent, guardian, or any other person having responsibility for, or custody of, a child.

"Person" means any individual, agency, corporation, company, association, organization, society, firm, partnership, joint stock company, the State or any political subdivision thereof.

"Regular License" means a certificate in writing issued by the Bureau which indicates that the child care center is in full compliance with the provisions of the **State child care licensing law (N.J.S.A. 18A:70-1 to 9) and of this chapter.**

"Revocation of a License" means a rescinding of a center's current license to operate for failure or refusal to comply with the provisions of the **State child care licensing law (N.J.S.A. 18A:70-1 to 9) and of this chapter.**

"Shall" denotes a provision of this chapter that a child care center must meet to qualify for a license.

"Should" denotes a recommendation reflecting goals towards which a center is encouraged to work for the improvement of the program.

["Sponsor" means any person owning a child care center.

The "sponsor" also may serve as the director.]

"Staff Member" means any person employed by or working for or with a child care center on a regularly scheduled basis. This shall include full-time, part-time, voluntary and substitute staff, whether paid or unpaid.

"Suspension of a License" means a temporary rescinding of a center's current license to operate, which can be reinstated by the Bureau upon the center's compliance with the provisions of the **State child care licensing law (N.J.S.A. 18A:70-1 to 9) and of this chapter.**

"Temporary License" means a certificate in writing issued by the Bureau which indicates the child care center is in substantial compliance with the provisions of the **State child care licensing law (N.J.S.A. 18A:70-1 to 9) and of this chapter**, provided that no serious or imminent hazard affecting the children exists, and on the condition that the center comes into full compliance with the **provisions of the State child care licensing law (N.J.S.A. 18A:70-1 to 9) and of this chapter** by the expiration date of the temporary license.

10:122-1.3 Program descriptions

(a) A licensed child care center shall offer one or more of the following types of program:

1. [Pre-school] **Day Program:** A program serving children during the normal waking hours (7:00 A.M. to 7:00 P.M.) and providing for the care of children on a regularly enrolled and scheduled basis;

2. Drop-in **Program:** A program serving children 70 percent or more of whom are not regularly enrolled in the program and are cared for on an occasional and unscheduled basis during the normal waking hours (7:00 A.M. to 7:00 P.M.);

3. Night [care] **Program:** A program serving children during the normal sleeping hours (7:00 P.M. to 7:00 A.M.);

4. Special needs **Program:** A program serving regularly enrolled children, 50 percent or more of whom have a [physical,] **cognitive, socio-emotional or [intellectual] physical handicap, or [learning] disorder.**

(b) (No change.)

(c) Hours of care:

1. [Pre-school,] **Day**, drop-in and special needs programs: No child shall be cared for at a center for more than 12 hours within a 24-hour period.

2. Night [care] programs: No child shall be cared for at a center for more than 16 hours within a 24 hour period.

SUBCHAPTER 2. LICENSING PROCEDURES

10:122-2.1 Application for license

(a) (No change.)

(b) Filing of application with the Bureau:

1. (No change.)

2. Applicants for an initial or renewed license shall submit the following with the completed application form:

i. A \$75.00 licensing fee in the form of a check or money order made payable to "The Treasurer, State of New Jersey."

(1) In the event the application is denied, or the center does not open, the Bureau shall return this fee to the applicant.

(2) The licensing fee, or any portion thereof, shall not be refundable **once the Bureau issues the center a temporary or regular license, and** [if] the center discontinues operating voluntarily or involuntarily [and].

ii. (No change.)

10:122-2.2 Issuance of a license

(a)-(f) (No change.)

(g) The license shall be issued to a particular child care center [sponsor] **owner** at a particular location and shall not be transferable.

1. Any change in [sponsorship, location or program type of the center] **identifying information noted on the license** shall necessitate application for and receipt of a **new** license reflecting the change.

2. An application fee shall not be required in cases [of a change in location, sponsorship or program] **where there is a change in identifying information** during any period in which a license is in effect; provided, however, that this license shall be given the same expiration date as that of the previous license.

(h)-(i) (No change.)

(j) When two or more child centers [are to] **will** be operated on the same premises by the same [sponsor,] **owner**, the [sponsor] **owner** shall submit to the Bureau a single application for a license and licensing fee.

(k) (No change.)

10:122-2.3-2.6 (No change.)

SUBCHAPTER 3. ADMINISTRATION

10:122-3.1 (No change.)

10:122-3.2 Reporting requirements

(a) The center shall notify the Bureau **and the Office of Child Abuse Control (toll-free 800-792-8610) immediately** if [of] any of the following [changes or] events [within 24 hours after any of them] occur:

1. Unanticipated temporary or permanent closing of the center;
2. Legal action against a center or staff member which involves or affects any child or the operation of the center;
3. Damage to the premises of the center caused by fire, accident or the elements; and

[4.] **1. Injury requiring hospitalization and/or [resulting in] the death of any child which occurred while the child was on the premises of the center or in the care of center personnel[.] ; and**

2. Abuse and/or neglect of a child by a staff member(s) or any other person, as specified by the Child Abuse and Neglect Law (N.J.S.A. 9:6-8.9, 8.10, 8.13 and 8.14). Copies of the law and information about it are available from the Division, upon request.

(b) The center shall notify the Bureau [in writing at least 30 days prior to any of the proposed changes and events:

1. Sponsorship of the center;
2. Program category;
3. Name, location and/or telephone number of the center;
4. Capacity of the center;
5. Director, head teacher, group teacher and all other staff; and
6. Anticipated temporary or permanent closing of the center (temporary closings, such as for holidays and vacation, need not be reported.) **of any of the following changes or events within 24 hours after any of them occur:**

- 1. Unanticipated temporary or permanent closing of the center;**
- 2. Legal action against a center or staff member which involves or affects any child or the operation of the center; and**
- 3. Damage to the premises of the center caused by fire, accident or the elements.**

[(c) A center shall notify the Division immediately if it believes

that a child has been or is being abused or neglected by a staff member(s) or any other person, as required by the Child Abuse and Neglect Law (N.J.S.A. 9:6-8.9, 8.10, 8.13 and 8.14). Copies of the law and information about it are available from the Division, upon request.]

(c) The Center shall notify the Bureau in writing at least 30 days prior to any of the following proposed changes and events:

- 1. Ownership of the center;**
- 2. Program category;**
- 3. Name, location and/or telephone number of the center;**
- 4. Capacity of the center and/or ages of the children served;**
- 5. Director, head teacher, supervising caregiver, group teacher, caregiver and all other staff;**
- 6. Anticipated temporary or permanent closing of the center (temporary closings, such as for holidays and vacation, need not be reported); and**
- 7. Establishing or terminating transportation services.**

10:122-3.3 Records

(a) (No change.)

(b) Children's records: The center shall maintain in its files an up-to-date record on each child and it shall include:

1.-8. (No change.)

9. For a center that serves any child having a [physical] **cognitive, or socio-emotional or [intellectual] physical** handicap, including mental retardation, social maladjustment, perceptual impairment, neurological impairment, auditory handicap, emotional problems, communication handicap, or orthopedic handicap, a [statement] **record(s)** from a [physician, nurse, psychologist, therapist, teacher or other professional qualified to diagnose such a child] **health, education or social service agency or professional which documents the existence or suspected existence of a handicapping condition.** The [statement] **record(s)** shall be obtained prior to or as soon as possible following the child's admission. The [statement] **record(s)** shall indicate the particular nature of the child's handicap and any program or environmental modification that is required to meet the exceptional child's needs.

(c) (No change.)

(d) Administrative records: The center shall maintain the following records in its files:

1.-6. (No change.)

7. A written plan specifying the procedures to be followed in the event that the parent(s) or other person(s) authorized by the parent(s) fails to pick up or is late in picking up a child at the time of the center's daily closing. The plan shall insure that:

i.-ii. (No change.)

iii. Whenever the parent(s) and/or other person(s) authorized by the parent(s) fails to pick up the child one hour or more after closing time, **and provided that the center staff members have been unable to make other suitable arrangements for returning the child to his/her parent(s) and/or guardian(s),** a center staff member shall call the Division's 24-hour Child Abuse Hotline (800-792-8610) to seek assistance in caring for the child until his/her parent(s) or other person(s) authorized by the parent(s) is available to care for the child; and

8. (No change.)

10:122-3.4 (No change.)

SUBCHAPTER 4. STAFF REQUIREMENTS

10:122-4.1 (No change.)

10:122-4.2 Health requirements for staff

(a) Tuberculin testing requirements:

1. Prior to or upon employment, each staff member of a center who comes in contact with the children for at least one full day **or night** a week shall take a Mantoux tuberculin skin test with five TU (tuberculin units) of PPD tuberculin and submit to the center written proof of the results of the test.

2.-4. (No change.)

(b) Prior to employment, each staff member of a center who comes in contact with the children for at least one full day or night a week shall submit a written statement from a physician that s/he is in good health and free from chronic or recurrent communicable diseases. Such statement shall be based on a[n] **medical** examination conducted within the six months immediately preceding such person's association with the center.

(c) (No change.)

[10:122-4.3 Job responsibilities and education and experience requirements for staff

(a) Job responsibilities and education and experience requirements for the director shall include the following:

1. The director shall be responsible for the actual operation and management of the center and shall:

i. Set up and supervise the program; and
ii. Supervise and approve the selection, training and evaluation of staff, and delegate responsibility, as necessary, to appropriate qualified staff members.

2. The director shall be qualified by demonstrated knowledge, training and experience to fulfill the responsibilities and duties of the position.

3. The director may also serve as the head teacher, providing s/he possesses the qualifications for that position as specified in N.J.A.C. 10:122-4.3(b)2i, ii and iii.

(b) Job responsibilities and education and experience requirements for the head teacher shall include the following:

1. The head teacher shall be responsible for:

i. Developing and implementing the center's educational, child development and activities program; and
ii. Supervising the implementation of the program.

2. The head teacher shall possess the qualifications as specified in (b) 2i, ii and iii below for the appropriate program category.

i. Pre-school program: The head teacher shall:

(1) Possess a New Jersey Instructional Certificate for Teacher of Nursery School and have two years of teaching experience in a group program for pre-school age children; or

(2) Possess a New Jersey Instructional Certificate with the Teacher of Nursery School Endorsement and have two years of teaching experience in a group program for pre-school age children; or

(3) For conditional approval, submit to the Bureau documentation of enrollment in an undergraduate program or in courses approved by the New Jersey Department of Education leading to the required New Jersey Instructional Certificate for Teacher of Nursery School or New Jersey Instructional Certificate with the Teacher of Nursery School Endorsement and have two years of teaching experience in a group program for pre-school age children. This conditional approval shall be valid for a maximum of six months, at which time the individual must submit to the Bureau a copy of a New Jersey Instructional Certificate for Teacher of Nursery School or a New Jersey Instructional Certificate with the Teacher of Nursery School Endorsement in order to continue serving as head teacher; or

(4) For Montessori centers, possess a Montessori Diploma (AMI-USA) or a Montessori Pre-primary Credential (AMS) and have two years of teaching experience in a group program for pre-school age children.

ii. Drop-in and night care programs: The head teacher shall:

(1) Possess the pre-school program head teacher qualifications as specified in (b)2i above; or

(2) Possess a bachelor's degree in early childhood education, psychology, social work, nursing or any other field related to child growth and development, and have two years of teaching experience in a group program for pre-school age children; or

(3) For conditional approval, submit to the Bureau documentation of enrollment in courses necessary to complete the requirements for one of the degrees as stated in (b)2ii(2) above and have two years of teaching experience in a group program for pre-school age children. This conditional approval shall be valid for a maximum

of six months, at which time the individual must submit to the Bureau a copy of a bachelor's degree in one of the fields of study as stated in (b)2ii(2) above in order to continue serving as head teacher.

iii. Special needs program: The head teacher shall:

(1) Possess a New Jersey Teacher of the Handicapped Certificate and have two years of teaching experience in a group program for pre-school age children; or

(2) Possess a bachelor's degree in special education and have two years of teaching experience in a group program for pre-school age children; or

(3) Possess a New Jersey Instructional Certificate for Teacher of Nursery School Endorsement and have two years of teaching experience in a group program for pre-school age children with special needs.

(c) Job responsibilities and education and experience requirements for the consulting head teacher shall include the following:

1. The consulting head teacher serving pre-school, drop-in and/or night care programs on a less than full time basis shall be responsible for developing and implementing the center's educational, child development and activities program and for supervising the implementation of the program.

2. The consulting head teacher shall:

i. Possess the head teacher qualifications as specified in (b)2i(1), (2), (4) and (b)2ii (2); and

ii. Make two on-site visits to the center during each month the program is operating, one of which shall be for the purpose of staff training; observe the center's program, review all written program plans, schedules and curricula and discuss the center's overall operation with the center's staff. The center shall keep a written record of such visits.

(d) Job responsibilities and education and experience requirements for the group teacher shall include the following:

1. Under the supervision of a director or head teacher, a group teacher shall be responsible for teaching, supervising and/or caring for children.

2. A group teacher shall possess the qualifications as specified in (d)2i, ii and iii below for the appropriate program category.

i. Pre-school program: A group teacher shall:

(1) Have completed two full years of college work, including 15 college credits in early childhood education and/or child development and have one year of teaching experience in a group program for pre-school age children, which may include student teaching; or

(2) Have 15 college credits in early childhood education and/or child development and have two years of teaching experience in a group program for pre-school age children, which may include student teaching; or

(3) For conditional approval, submit to the Bureau documentation of 12 college credits in early childhood education and/or child development and documentation of enrollment in an additional three-credit college course in these subject areas and have two years of teaching experience in a group program for pre-school age children, which may include student teaching. This conditional approval shall be valid for a maximum of six months, at which time the center must submit to the Bureau documentation showing that the individual has acquired the three additional credits; or

(4) Possess a Child Development Associate Credential (CDA) and have one year of teaching experience in a group program for pre-school age children, which may include student teaching.

ii. Drop-in and night care programs: A group teacher shall:

(1) Possess the pre-school program group teacher qualifications as specified in (d)2i above; or

(2) Have completed two full years of college work, including 15 college credits in elementary education, psychology, social work, nursing or any other field related to early childhood education and/or child development and have one year of teaching experience in a group program for pre-school age children, which may include student teaching; or

(3) Have 15 college credits in elementary education, psychology, social work, nursing or any other field related to early childhood education and/or child development and have two years of teaching experience in a group program for pre-school age children, which may include student teaching; or

(4) For conditional approval, submit to the Bureau documentation of 12 college credits in one of the subject areas as specified in (d)ii(2) or (3) above and documentation of enrollment in an additional three-credit college course in the above noted subject areas and have two years of teaching experience in a group program for pre-school age children, which may include student teaching. This conditional approval shall be valid for a maximum of six months, at which time the center must submit to the Bureau documentation showing that the individual has acquired the three additional credits.

iii. Special needs program: A group teacher shall:

(1) Have completed two full years of college work, including 15 college credits in special education and have one year of teaching experience in a group program for pre-school age children, which may include student teaching; or

(2) Have 15 college credits in special education and have two years of teaching experience in a group program for pre-school age children, which may include student teaching; or

(3) Have completed two full years of college work, including 15 college credits in early childhood education and/or child development and have one year of teaching experience in a group program for pre-school age children with special needs, which may include student teaching; or

(4) Have 15 college credits in early childhood education and/or child development and have two years of teaching experience in a group program for pre-school age children with special needs, which may include student teaching.

(e) Job responsibilities and education and experience requirements for the assistant shall include the following:

1. Under the supervision of the director, head teacher and/or group teacher, the assistant shall be responsible for assisting in teaching, supervising and/or caring for children.

2. For any program category, the assistant shall:

i. Have a high school or secondary school diploma; or

ii. Have a high school graduate equivalency diploma (GED); or

iii. Be a high school student enrolled in a work-study program approved by a board of education; or

iv. Be a parent.]

10:122-4.3 Types, responsibilities and qualifications of staff

(a) General requirements for staffing.

1. Every center shall have a director who is responsible for the actual operation and management of the center and who shall:

i. Set up and supervise the program; and

ii. Supervise and approve the selection, training and evaluation of staff, and delegate responsibility, as necessary, to appropriate qualified staff members.

2. The director shall be qualified by demonstrated knowledge, training and experience to fulfill the responsibilities and duties of the position.

3. The director may also serve as the supervising caregiver or head teacher, providing s/he possesses the qualifications for that position as specified in N.J.A.C. 10:122-4.3(c)2i, ii and (e) 2i, ii, iii.

(b) Types of staff for centers serving children under 2 1/2 years of age:

1. Centers with day, drop-in and/or night programs serving from six to 15 children shall have:

i. A full-time supervising caregiver; or

ii. A full-time caregiver; or

iii. A full-time staff member who possesses:

(1) Two years of experience in a group program for children under six years of age and six college credits in early childhood

education, child growth and development, psychology, social work, health care, nursing or any other field related to child growth and development; or

(2) Three years of experience in a group program for children under six years of age. (The staff member should be enrolled in courses leading to six college credits in early childhood education, child growth and development, psychology, social work, health care, nursing or any other field related to child growth and development.

2. Centers with day, drop-in and/or night programs serving from 16 to 30 children shall have:

i. A full-time supervising caregiver; or

ii. A full-time caregiver.

3. Centers with day, drop-in and/or night programs serving from 31 to 180 children shall have a full-time supervising caregiver.

4. Centers with day, drop-in and/or night programs serving more than 180 children shall have two supervising caregivers.

5. Centers with a special needs program serving from six to 180 children shall have a full-time supervising caregiver.

6. Centers with a special needs program serving more than 180 children shall have two full-time supervising caregivers.

7. Centers serving more than 30 children should also utilize a full-time caregiver for every 30 children beyond the first 30 children served.

(c) Responsibilities and qualifications of staff for centers serving only children under 2 1/2 years of age:

1. The supervising caregiver shall be responsible for:

i. Developing and implementing the center's child development and activities program; and

ii. Supervising the implementation of the program.

2. The supervising caregiver shall possess the qualifications as specified in (c)2i and ii below for the appropriate program category.

i. Day, drop-in and night programs. The supervising caregiver shall:

(1) Possess a bachelor's degree in early childhood education, psychology, social work, health care, nursing or any other field related to child growth and development, and have two years of experience in a group program for children under six years of age; or

(2) For a conditional approval of (c)2i(1) above, submit to the Bureau documentation of enrollment in courses necessary to complete the requirements for a bachelor's degree in one of the fields of study as stated in (c)2i(1) above and have two years of experience in a group program for children under six years of age. This conditional approval shall be valid for a maximum of 18 months, at which time the individual must submit to the Bureau a copy of a bachelor's degree in one of the fields of study as stated in (c)2i(1) above in order to continue serving as supervising caregiver.

ii. Special needs program. The supervising caregiver shall:

(1) Possess a New Jersey Teacher of the Handicapped Certificate and have two years of teaching experience in a group program for children under six years of age; or

(2) Possess a bachelor's degree in special education and have two years of teaching experience in a group program for children under six years of age; or

(3) Possess a bachelor's degree in early childhood education and have two years of teaching experience in a group program for children under six years of age with special needs.

3. Under the supervision of a director or supervising caregiver, a caregiver shall be responsible for supervising and/or caring for children.

4. For any program category, the caregiver shall:

i. Have completed two full years of college work, including 15 college credits in early childhood education, psychology, social work, health care, nursing or any other field related to child growth and development, and have one year of experience in

a group program for children under six years of age, which may include student teaching; or

ii. Have 15 college credits in early childhood education, psychology, social work, health care, nursing or any other field related to child growth and development, and have two years of experience in a group program for children under six years of age, which may include student teaching; or

iii. For a conditional approval of (c)4i and ii above submit to the Bureau documentation of enrollment in college course(s) in early childhood education, psychology, social work, health care, nursing or any other field related to child growth and development as stated in (c)4i or ii above and have two years of experience in a group program for children under six years of age, which may include student teaching. This conditional approval shall be valid for a maximum of 18 months, at which time the center must submit to the Bureau documentation showing that the individual has acquired 15 credits in a field of study as stated above;

iv. Possess a Child Development Associate Credential (CDA) and have one year of teaching experience in a group program for children under six years of age, which may include student teaching.

(d) Types of staff for centers serving children over 2 1/2 years of age.

1. Centers with day, drop-in and/or night programs serving from six to 15 children shall have:

- i. A full-time head teacher; or
- ii. A full-time group teacher; or
- iii. A consulting head teacher.

2. Centers with day, drop-in and/or night programs serving from 16 to 30 children shall have:

- i. A full-time head teacher; or
- ii. A full-time group teacher and a consulting head teacher.

3. Centers with day, drop-in and/or night programs serving from 31 to 180 children shall have a full-time head teacher.

4. Centers with day, drop-in and/or night programs serving more than 180 children shall have two full-time head teachers.

5. Centers with a special needs program serving from six to 180 children shall have one full-time head teacher.

6. Centers with a special needs program serving more than 180 children shall have two full-time head teachers.

7. Centers serving more than 30 children should also utilize a full-time group teacher for every 30 children beyond the first 30 children served.

8. In a center where 15 percent or more of the children have limited English proficiency, a bilingual staff member should be utilized.

(e) Responsibilities and qualifications of staff for centers serving only children over 2 1/2 years of age.

1. The head teacher shall be responsible for:

- i. Developing and implementing the center's educational, child development and activities program; and
- ii. Supervising the implementation of the program.

2. The head teacher shall possess the qualifications as specified in (e)2i, ii and iii below for the appropriate program category.

i. Day program. The head teacher shall:

(1) Possess a New Jersey Instructional Certificate for Teacher of Nursery School and have two years of teaching experience in a group program for children under six years of age; or

(2) Possess a New Jersey Instructional Certificate with the Teacher of Nursery School Endorsement and have two years of teaching experience in a group program for children under six years of age; or

(3) For conditional approval, submit to the Bureau documentation of enrollment in an undergraduate program or in courses approved by the New Jersey Department of Education leading to the required New Jersey Instructional Certificate for Teacher of Nursery School or New Jersey Instructional Certificate with the Teacher of Nursery School

Endorsement and have two years of teaching experience in a group program for children under six years of age. This conditional approval shall be valid for a maximum of six months, at which time the individual must submit to the Bureau a copy of a New Jersey Instructional Certificate for Teacher of Nursery School or a New Jersey Instructional Certificate with the Teacher of Nursery School Endorsement in order to continue serving as head teacher; or

(4) For Montessori centers, possess a Montessori Diploma (AMI-USA) or a Montessori Pre-primary Credential (AMS) and have two years of teaching experience in a group program for children under six years of age.

ii. Drop-in and night programs. The head teacher shall:

(1) Possess the day program head teacher qualifications as specified in (e) 2i above; or

(2) Possess a bachelor's degree in early childhood education, psychology, social work, nursing or any other field related to child growth and development, and have two years of teaching experience in a group program for children under six years of age; or

(3) For conditional approval, submit to the Bureau documentation of enrollment in courses necessary to complete the requirements for one of the degrees as stated in (e)2ii(2) above and have two years of teaching experience in a group program for children under six years of age. This conditional approval shall be valid for a maximum of six months, at which time the individual must submit to the Bureau a copy of a bachelor's degree in one of the fields of study as stated in (e)2ii(2) above in order to continue serving as head teacher.

iii. Special needs program. The head teacher shall:

(1) Possess a New Jersey Teacher of the Handicapped Certificate and have two years of teaching experience in a group program for children under six years of age; or

(2) Possess a bachelor's degree in special education and have two years of teaching experience in a group program for children under six years of age; or

(3) Possess a New Jersey Instructional Certificate with the Teacher of Nursery School Endorsement and have two years of teaching experience in a group program for children under six years of age with special needs.

3. The consulting head teacher serving day, drop-in and/or night programs on a less than full-time basis shall be responsible for developing and implementing the center's educational, child development and activities program and for supervising the implementation of the program. The consulting head teacher shall:

i. Possess the head teacher qualifications as specified in (e)2i(1),(2),(4) and (e)2ii(2); and

ii. Make two on-site visits to the center during each month the program is operating, one of which shall be for the purpose of staff training; observe the center's program, review all written program plans, schedules and curricula and discuss the center's overall operation with the center's staff. The center shall keep a written record of such visits.

4. Under the supervision of a director or head teacher, a group teacher shall be responsible for teaching, supervising and/or caring for children.

5. A group teacher shall possess the qualifications as specified in (e)5i, ii and iii below for the appropriate program category.

i. Day program. A group teacher shall:

(1) Have completed two full years of college work, including 15 college credits in early childhood education and/or child development and have one year of teaching experience in a group program for children under six years of age, which may include student teaching; or

(2) Have 15 college credits in early childhood education and/or child development and have two years of teaching experience in a group program for children under six years of age, which may include student teaching; or

(3) For conditional approval, submit to the Bureau documentation of 12 college credits in early childhood education and/or child development and documentation of enrollment in an additional three-credit college course in these subject areas and have two years of teaching experience in a group program for children under six years of age, which may include student teaching. This conditional approval shall be valid for a maximum of six months at which time the center must submit to the Bureau documentation showing that the individual has acquired the three additional credits; or

(4) Possess a Child Development Associate Credential (CDA) and have one year of teaching experience in a group program for children under six years of age; which may include student teaching.

ii. Drop-in and night programs. A group teacher shall:

(1) Possess the day program group teacher qualifications as specified in (e)5i above; or

(2) Have completed two full years of college work, including 15 college credits in elementary education, psychology, social work, nursing or any other field related to early childhood education and/or child development and have one year of teaching experience in a group program for children under six years of age, which may include student teaching; or

(3) Have 15 college credits in elementary education, psychology, social work, nursing or any other field related to early childhood education and/or child development and have two years of teaching experience in a group program for children under six years of age, which may include student teaching; or

(4) For conditional approval, submit to the Bureau documentation of 12 college credits in one of the subject areas as specified in (e)5ii(2) or (3) above and documentation of enrollment in an additional three-credit college course in the above noted subject areas and have two years of teaching experience in a group program for children under six years of age, which may include student teaching. This conditional approval shall be valid for a maximum of six months, at which time the center must submit to the Bureau documentation showing that the individual has acquired the three additional credits.

iii. Special needs program. A group teacher shall:

(1) Have completed two full years of college work, including 15 college credits in special education and have one year of teaching experience in a group program for children under six years of age, which may include student teaching; or

(2) Have 15 college credits in special education and have two years of teaching experience in a group program for children under six years of age, which may include student teaching; or

(3) Have completed two full years of college work, including 15 college credits in early childhood education and/or child development and have one year of teaching experience in a group program for children under six years of age, with special needs, which may include student teaching; or

(4) Have 15 college credits in early childhood education and/or child development and have two years of teaching experience in a group program for children under six years of age with special needs, which may include student teaching.

(f) In centers serving a mix of children ranging from birth through five years of age, six or more of whom are above 2 1/2 years of age, the center shall either:

1. Meet the staff qualifications requirements for centers serving children above 2 1/2 years of age on the basis of the total number of children being served at the center, regardless of the number of children in each age category; or

2. Calculate the number of children above and the number of children below 2 1/2 years of age and meet the staff qualifications requirements required for the number of children being served in each age category.

(g) Under the supervision of the director, supervising

caregiver and/or caregiver, or head teacher and/or group teacher, the assistant shall be responsible for assisting in supervising and/or caring for children.

(h) For any program category, the assistant shall:

1. Have a high school or secondary school diploma; or

2. Have a high school graduate equivalency diploma; or

3. Be a high school student enrolled in a work study program approved by a board of education; or

4. Be a parent.

[10:122-4.4 Types of staff

(a) Every center shall have a director.

(b) Centers with pre-school, drop-in and/or night care programs serving from 6 to 15 children shall have:

1. A full-time head teacher; or

2. A full-time group teacher; or

3. A consulting head teacher.

(c) Centers with pre-school, drop-in and/or night care programs serving from 16 to 30 children shall have:

1. A full-time head teacher; or

2. A full-time group teacher and a consulting head teacher.

(d) Centers with pre-school, drop-in and/or night care programs serving from 31 to 180 children shall have a full-time head teacher.

(e) Centers with pre-school, drop-in and/or night care programs serving more than 180 children shall have two full-time head teachers.

(f) Centers with a special needs program serving from 6 to 180 children shall have one full-time head teacher.

(g) Centers with a special needs program serving more than 180 children shall have two full-time head teachers.

(h) Centers that meet the types of staff requirements, as specified in (a) through (g) above, do not have to meet additional types of staff requirements when also serving children under the age of 2 1/2 years.

(i) Centers serving more than 30 children should also utilize a full-time group teacher for every 30 children beyond the first 30 children served.

(j) In a center where 50 percent or more of the children have limited English proficiency, a bilingual staff member should be utilized.]

10:122-4.4 Exceptions for centers serving children from birth through five years of age

(a) Centers with day, drop-in and/or night programs serving from 16 to 30 children that were utilizing a consulting head teacher as of January 1, 1982 shall:

1. Be permitted to continue utilizing a consulting head teacher and a full-time staff member who possesses:

i. Two years of teaching experience in a group program for children under six years of age and six college credits in early childhood education and/or child development (the college credits should be acquired in teaching methods courses); or

ii. Three years of teaching experience in a group program for children under six years of age (the staff member should be enrolled in courses leading to six college credits in early childhood education and/or child development and the college credits should be acquired in teaching methods courses); and

2. Be permitted to utilize a consulting head teacher and a full-time staff member as specified in (a)1 above until July 1, 1985, at which time the center shall utilize a full-time head teacher or a consulting head teacher and a full-time group teacher.

(b) Centers with day, drop-in and/or night programs serving from 31 to 60 children that were utilizing a consulting head teacher as of January 1, 1982 shall:

1. Be permitted to continue utilizing a consulting head teacher and a full-time group teacher or a consulting head teacher and a full-time staff member who possesses the staff qualifications requirements as specified in (a)1 above, until July 1, 1985, at which time the center shall utilize a full-time head teacher.

[10:122-4.5 Exceptions

(a) Centers with pre-school, drop-in and/or night care programs serving from 16 to 30 children that were utilizing a consulting head teacher as of January 1, 1982 shall:

1. Be permitted to continue utilizing a consulting head teacher and a full-time staff member who possesses:

i. Two years of teaching experience in a group program for pre-school age children and six college credits in early childhood education and/or child development (The college credits should be acquired in teaching methods courses.); or

ii. Three years of teaching experience in a group program for pre-school age children (The staff member should be enrolled in courses leading to six college credits in early childhood education and/or child development and the college credits should be acquired in teaching methods courses.);

2. Be permitted to utilize a consulting head teacher and a full-time staff member as specified in (a)1 above until July 1, 1985, at which time the center shall utilize a full-time head teacher or a consulting head teacher and a full-time group teacher.

(b) Centers with pre-school, drop-in and/or night care programs serving from 31 to 60 children that were utilizing a consulting head teacher as of January 1, 1982 shall:

1. Be permitted to continue utilizing a consulting head teacher and a full-time group teacher or a consulting head teacher and a full-time staff member who possesses the staff qualifications requirements as specified in (a)1 above; and

2. Be permitted to utilize a consulting head teacher and a full-time group teacher or a consulting head teacher and a full-time staff member as specified in (b)1 above until July 1, 1985, at which time the center shall utilize a full-time head teacher.]

10:122-4.5 Staff/child ratios

(a) The children shall be supervised at all times.

(b) A minimum of two staff members who are involved in the care and supervision of the children shall be on the premises at all times when six or more children are present.

(c) When the supervising caregiver or head teacher is off the premises temporarily, for reasons such as illness, field trips, vacations and attending meetings, s/he shall be responsible for insuring that the program continues to function adequately in his/her absence.

(d) The following staff/child ratios shall apply for each program category listed below:

1. Day and drop-in programs:

Under 1 1/2 years of age	5 children	1 staff member
1 1/2 to 2 1/2 years of age	7 children	1 staff member
2 1/2 to 3 years of age	10 children	1 staff member
3 years of age	10 children	1 staff member
4 years of age	15 children	1 staff member
5 years of age	20 children	1 staff member

2. Night programs:

Under 1 1/2 years of age	5 children	1 staff member
1 1/2 to 2 1/2 years of age	7 children	1 staff member
2 1/2 to 3 years of age	8 children	1 staff member
3 years of age	8 children	1 staff member
4 years of age	12 children	1 staff member
5 years of age	15 children	1 staff member

3. Special needs programs:

i. For centers serving children under 2 1/2 years of age there shall be one staff member for every three or fewer children.

ii. For centers serving children over 2 1/2 years of age:

ambulatory	5 children	1 staff member
non-ambulatory	3 children	1 staff member

(1) In centers caring for non-ambulatory children above or below the ground floor, there shall be one staff member available for each non-ambulatory child for purposes of emergency evacuation.

(2) Non-ambulatory child, in this subchapter, means a child

with a handicap which prevents physical mobility or comprehension of instruction or direction for purposes of emergency evacuation.

(e) In computing the required staff size for a center, the Bureau shall apply the staff/child ratios, as specified in (d) above, for each program category to the actual number of children in attendance at the center. The total number of staff required for a center shall be the cumulative number of staff required per room. The number of staff per room shall be computed by dividing the number of children in attendance per room by the staff/child ratio required for the age of the children served. When this resulting figure is not a whole number, the computation for required staff shall be determined by rounding the figure to the nearest whole number. If the resulting figure is below .5, an additional staff member shall not be required; if it is .5 or above, an additional staff member shall be required. See examples below:

Example 1:

Program Category	Children In Attendance Per Room	Age	Staff/Child Ratio Required	Computation	Required Staff
Day	10	Under 1 1/2	1:5	No. of Children (10)÷5	2
Drop-In or Night	15	1 1/2 to 2 1/2	1:7	No. of Children (15)÷2.1	2
Total Staff Required for Center 4					7

Example 2:

Program Category	Children In Attendance Per Room	Age	Staff/Child Ratio Required	Computation	Required Staff
Day or Drop-In	30	2 1/2 to 3	1:10	No. of Children (30)÷3	3
	28	3	1:10	No. of Children (28)÷2.8	3
	34	2 1/2 to 3	1:10	No. of Children (34)÷3.4	3
	30	4	1:15	No. of Children (30)÷2	2
Total Staff Required for Center 11					15

(f) When children of mixed ages requiring different staff/child ratios are in one room, the Bureau shall compute the staff/child ratios applicable for each age group separately to the nearest 10th decimal. If the resulting cumulative figure for both age groups is below .5, an additional staff member shall not be required; and if it is .5 or above, an additional staff member shall be required. See examples below:

Example 3:

Program Category	Children In Attendance Per Room	Age	Staff/Child Ratio Required	Computation
Day or Drop-In	19	9	Under 1 1/2	1:5
				No. of Children (9)=1.8 <u>5</u>
	10	1 1/2 to 2 1/2	1:7	No. of Children (10)=1.4 <u>7</u>
Cumulative Total = 3.2				
Total Staff Required for this Room 3				

Example 4:

Program Category	Children In Attendance Per Room	Age	Staff/Child Ratio Required	Computation
Day or Drop-In	31	13	2 1/2 to 3	1:10
				No. of Children (13)=1.3 <u>10</u>
	18	4	1:15	No. of Children (18)=1.2 <u>15</u>
Cumulative Total = 2.5				
Total Staff Required for This Room 3				

(g) Staff members not meeting the education and/or experience requirements for supervising caregiver, caregiver, head teacher or group teacher may be counted in computing a center's staff/child ratios, but must work under the direct supervision of the supervising caregiver, caregiver, head teacher or group teacher.

(h) For purposes of determining whether a required staff/child ratio is met, only those staff members who are involved in the care and supervision of children shall be counted. Non-caregiving directors as well as clerical, housekeeping and maintenance staff shall not be counted for such purposes, although they may be used as substitutes in cases of emergency.

(i) Staff members under 16 years of age working in the center shall not be counted for purposes of computing the staff/child ratio. Any individual under 18 years of age working at the center must be under direct supervision of a supervising caregiver, caregiver, head teacher or group teacher.

[10:122-4.6 Staff/child ratios]

(a) The children shall be supervised at all times.

(b) A minimum of two staff members who are involved in the care and supervision of the children shall be on the premises at all times while children are present.

(c) When the head teacher is off the premises temporarily, for reasons such as illness, field trips, vacations and attending meetings, s/he shall be responsible for insuring that the program continues to function adequately in his/her absence.

(d) The following staff/child ratios shall apply for each program category listed below:

1. Pre-school and drop-in programs		
2 1/2 year olds	10 children	1 staff member
3 year olds	10 children	1 staff member
4 year olds	15 children	1 staff member

5 year olds	15 children	1 staff member
2. Night care programs		
2 1/2 year olds	8 children	1 staff member
3 year olds	8 children	1 staff member
4 year olds	12 children	1 staff member
5 year olds	15 children	1 staff member
3. Special needs programs		
ambulatory	5 children	1 staff member
non-ambulatory	3 children	1 staff member

i. In centers caring for non-ambulatory children above or below the ground floor, there shall be one staff member available for each non-ambulatory child for purposes of emergency evacuation.

ii. Non-ambulatory child, in this subchapter means a child with a handicap which prevents physical mobility or comprehension of instruction or direction for purposes of emergency evacuation.

(e) In computing the required staff size for a center, the Bureau shall apply the staff/child ratios, as specified in (d) above, for each program category to the actual number of children in attendance at the center. The total number of staff required for a center shall be the cumulative number of staff required per room. The number of staff per room shall be computed by dividing the number of children in attendance per room by the staff/child ratio required for the age of the children served. When this resulting figure is not a whole number, the computation for required staff shall be determined by rounding the figure to the nearest whole number. If the resulting figure is below .5, an additional staff member shall not be required; if it is .5 or above, an additional staff member shall be required. See example below:

Program Category	Children In Attendance Per Room	Age	Staff/Child Ratio Required	Computation	Required Staff
Pre-School or Drop-In	30	2 1/2	1:10	No. of Children (30)=3 <u>10</u>	3
	28	3	1:10	No. of Children (28)=2.8 <u>10</u>	3
	34	2 1/2	1:10	No. of Children (34)=3.4 <u>10</u>	3
		and 3			
	30	4 and 5	1:15	No. of Children (30)=2 <u>15</u>	2

Total Staff Required for Center 11

(f) When children of mixed ages requiring different staff/child ratios are in one room, the Bureau shall compute the staff/child ratios applicable for each age group separately to the nearest tenth decimal. If the resulting cumulative figure for both age groups is below .5, an additional staff member shall not be required; and if it is .5 or above, an additional staff member shall be required. See example below:

Program Category	Children In Attendance Per Room	Age	Staff/Child Ratio Required	Computation
Pre-School or Drop-In	31	13	2 1/2 and 3	1:10
				No. of Children (13)=1.3 <u>10</u>
	18	4 and 5	1:15	No. of

Children
(18) ~~1.2~~
15

Total Staff Required for This Room 3

(g) Staff members not meeting the educational and/or experience requirements for head teacher or group teacher may be counted in computing a center's staff/child ratios, but must work under the direct supervision of the head teacher or group teacher.

(h) For purposes of determining whether a required staff/child ratio is met, only those staff members who are involved in the care and supervision of children shall be counted. Non-teaching directors as well as clerical, housekeeping and maintenance staff shall not be counted for such purposes, although they may be used as substitutes in the classroom in cases of emergency.

(i) Staff members under 16 years of age working in the center shall not be counted for purposes of computing the staff/child ratio. Any individual under 18 years of age working at the center must be under direct supervision of a head teacher or group teacher.]

[10:122-4.7] **10:122-4.6** Staff training and development
(No change in text.)

SUBCHAPTER 5. PHYSICAL FACILITY REQUIREMENTS

10:122-5.1 Local government physical facility requirements

(a) An applicant seeking a license to open and operate a child care center for the first time as such shall:

1. For newly constructed buildings, existing buildings whose construction code use group classification would change from that which it had been or existing buildings that require major alteration or renovation, submit to the Bureau a copy of the building's certificate of occupancy issued by the municipality in which it is located, reflecting the center's compliance with the provisions of the State Uniform Construction Code (N.J.A.C. 5:23), hereinafter referred to as UCC, for **one of the following** use group classification:

i. A-4 (Assembly) for buildings accommodating children 2 1/2 years of age and/or older; or

ii. [for use group classification] B (Business) for buildings **accommodating children 2 1/2 years of age and/or older** and having a total occupancy (children and adults) that is fewer than 50; **or**

iii. I-2 (Institutional) for buildings **accommodating one or more children less than 2 1/2 years of age.**

2. For existing buildings whose construction code use group classification is already A-4 [or], B or I-2 and which has not had major alterations or renovations to make it suitable for use as a center, submit to the Bureau a copy of the building's certificate of occupancy issued by the municipality in which it is located at the time the building was originally constructed or approved for use in the A-4 [or], B or I-2 use group classifications, or a certificate of continued occupancy issued by the municipality in which it is located, reflecting the center's compliance with the municipality's construction code requirements that were in effect at the time it was originally constructed or converted to use group classification A-4 [or], B or I-2; and

3. Submit to the Bureau a copy of the municipal or county health inspection approval for the building, based on an inspection conducted within the preceding 12 months. The local or county health official shall certify that the center meets the provisions of all local or county health codes and Chapter 12 of the State Sanitary Code (N.J.A.C. 8:24-1), and poses no health hazard to the children served.

(b) (No change.)

(c) (No change.)

(d) **Whenever a variation(s) has been granted by the municipality for any of the requirements in the UCC, such variation(s) shall be accepted by the Bureau as meeting the appropriate requirement(s) as specified in 10:122-5.**

10:122-5.2 General life/safety requirements

(a) Exiting requirements:

1. Exits:

i. Exit shall be maintained in proper operating condition and the center shall insure that:

(1) (No change.)

(2) The maximum travel distance to an outside exit door or exit stairway does not exceed [150 feet. (Buildings equipped with a fire suppression system may have a maximum travel distance of 200 feet); and] **the following lengths:**

Use Group Classification	Without Fire Suppression System	With Fire Suppression System
A-4	150 feet	200 feet
B	200 feet	300 feet
I-2	100 feet	200 feet

(3) (No change.)

ii. Exits above or below the first floor:

(1) Exiting from a room(s) used by the children through a corridor shall be acceptable if the corridor leads to at least two **remote** stairways located in opposite directions from the room(s). The interior stairways shall be enclosed in fire separation assemblies **in accordance with table 401 of the UCC's building subcode (BOCA)**. [of the fire resistance rating of the building's construction type.]

2. Doors:

i. (No change.)

ii. Every room with a [n] **total** occupancy of more than 50 **children and adults** or whose [which] **travel distance** exceeds [2,000 square] **75** feet [in area] shall have at least two egress doorways leading from the room to an exit or corridor.

iii. Doors used for exit shall:

(1)-(2) (No change.)

(3) Swing [outward] **in the direction of egress** when serving an occupancy of more than 50;

(4) **Doors in enclosed exit [S]stairs [doors] shall swing in the direction of egress, [outward and have] be self-closing [devices] and not block the egress of people utilizing the floors above.**

(5) (No change.)

iv. (No change.)

3. Stairways:

i.-ii. (No change.)

iii. Exterior stairways:

(1) Exterior stairways conforming to the interior stairway requirements, as noted in (a)3ii above, shall be acceptable as required exits in child care centers [.] **that serve only children 2 1/2 years of age and/or older.**

(2) Exterior stairways shall be constructed of [noncombustible] materials [or of wood not less than two inches thick.] **that are permitted in table 401 of the UCC's building subcode.**

iv. Handrails and guardrails:

(1) Handrails shall be provided for all stairs [which] **that** have three or more risers.

(2)-(4) (No change.)

(5) Guardrails shall be provided with intermediate guards spaced six inches apart or with [screening.] **equivalent protection.**

4. (No change.)

(b) Fire protection:

1.-5. (No change.)

6. Interior drapes, curtains, panelling, mattresses, etc., shall be **noncombustible, flame resistant or have an [made of fire retardant materials.] acceptable flame spread or smoke rating as required by the UCC's building subcode.**

7. **Boiler or furnace rooms shall be free from highly flammable materials.**

[7. Storage areas containing highly flammable materials shall be segregated from areas used by the children.]

8.-10. (No change.)

(c) Electricity:

1.-2. (No change.)

(d) Maintenance and sanitation:

1. (No change.)

2. Indoor maintenance and sanitation requirements:

i. (No change.)

ii. All lally columns in areas used by the children shall have protective padding placed around them that is at least 48 inches above the floor.

[ii.] iii. (No change in text.)

[iii.] iv. (No change in text.)

[iv.] v. (No change in text.)

[v.] vi. (No change in text.)

[vi.] vii. (No change in text.)

[vii.] viii. (No change in text.)

[viii.] ix. (No change.)

x. Openable windows that are located within 48 inches above the floor shall have protective guards so as to avoid children from falling out of the windows.

3. (No change.)

(e) Glass surfaces:

1. (No change.)

(f) Lighting:

1. General requirements:

i. At least 20 foot candles of [N]natural or artificial light shall be provided in all child care areas. [There shall be at least 20 foot candles of light (artificial or natural) in these areas.] This illumination shall be measured three feet above the floor at the furthest point from the light source.

ii. (No change.)

2. (No change.)

(g) Heating:

1.-2. (No change.)

(h) Ventilation:

1. (No change.)

2. All mechanical [ventilation] exhaust systems shall [exhaust] vent directly to the outside.

3. Rooms not having windows with an openable area of at least four percent of the floor space shall be equipped with a mechanical ventilating or air conditioning system with a capacity [equal to that required for natural ventilation.] as specified in the UCC.

4. Corridors shall be provided with natural or mechanical ventilation [equivalent to two percent of the floor area.] that is in conformance with the UCC.

5.-7. (No change.)

8. Kitchens provided with a stove with more than four burners shall be vented with a mechanical system having a capacity [of at least three cubic feet per minute per square foot of floor area but not less than 150 cubic feet per minute.] as specified in the UCC.

9. Toilet facilities with a mechanical ventilation system shall have a minimum capacity of [50 cubic feet per minute when only one toilet is provided, or] 40 cubic feet per minute per toilet [when more than one toilet is provided].

10. There shall be at least one inch of space between the floor and the bottom of the toilet room door when the toilet is equipped with [providing] mechanical ventilation.

(i) Toilet facilities:

1. General requirements:

i. There shall be sufficient toilet facilities (toilets and sinks) to accommodate the bathroom needs of the children. [The minimum number of toilets and sinks required shall be in accordance with the following table:

No. of Children	No. of Toilets	No. of Sinks	Maximum Effective Ratio
6-15	1	1	1/15
16-35	2	2	1/17.5

36-60	3	3	1/20
61-80	4	4	1/20
81-100	5	5	1/20
101-125	6	6	1/25
126-150	7	7	1/25
151-175	8	8	1/25
176-200	9	9	1/25
200 plus			1/25

ii. Urinals may be counted in determining the center's toilets and sinks per children ratio, provided that (the Bureau shall determine on a center by center basis whether and to what extent urinals may be counted in meeting the requirements, based upon a number of factors, including but not limited to the number and sex of the children enrolled at the center, availability of separate toilet facilities for boys and girls, and the number and availability of toilets):

(1) A minimum of two toilets shall be available at the center before a urinal may be counted towards the toilet facility requirements;

(2) Only child size urinals or adult size urinals that are accessible to the children being served may be utilized; and

(3) A urinal may not be counted as more than half of a toilet towards the effective ratio.]

[iii.] ii. A supply of hot and cold running water shall be provided.

[iv.] iii. A supply of soap, toilet paper and individual hand towels or disposable paper towels shall be provided.

[v.] iv. Children shall not use common towels.

[vi.] v. Mirrors, dispensers, and other equipment shall be fastened securely.

[vii.] vi. Platforms shall be available for use by the children when adult size toilets and sinks are used.

2. Centers serving children 2 1/2 years of age and/or older:

i. The minimum number of toilets and sinks required shall be in accordance with the following table:

No. of Children	No. of Toilets	No. of Sinks	Maximum Effective Ratio
6-15	1	1	1/15
16-35	2	2	1/17.5
36-60	3	3	1/20
61-80	4	4	1/20
81-100	5	5	1/20
101-125	6	6	1/25
126-150	7	7	1/25
151-175	8	8	1/25
176-200	9	9	1/25
200 +			

ii. Urinals may be counted in determining the center's toilets and sinks per children ratio, provided that (the Bureau shall determine on a center by center basis whether and to what extent urinals may be counted in meeting the requirements, based upon a number of factors, including but not limited to the number and sex of the children enrolled at the center, availability of separate toilet facilities for boys and girls, and the number and availability of toilets):

(1) A minimum of two toilets shall be available at the center before a urinal may be counted towards the toilet facility requirements;

(2) Only child size urinals or adult size urinals that are accessible to the children being served may be utilized; and

(3) A urinal may not be counted as more than half of a toilet towards the effective ratio.

3. Centers serving children below 2 1/2 years of age:

i. In centers serving 15 or fewer children, there shall be a minimum of one toilet and one sink.

ii. In centers serving more than 15 children, there shall be a minimum of two toilets and two sinks.

[2.] 4. Location of toilet facilities: Toilet facilities shall be easily accessible to the children:

i. [Pre-school] Day, drop-in and night [care] programs:

(1) (No change.)

(2) Any toilet facilities in addition to those stated in (i) [2] 4i(1) above shall be located on the same floor above or below the floor level used by the children.

ii. Special needs programs:

(1)-(2) (No change.)

iii. For centers serving children below 2 1/2 years of age, sinks shall be within the vicinity of the children's changing area.

[3.] 5. Additional toilet facility requirements:

i.-ii. (No change.)

(j)-(l) (No change.)

(m) Swimming pools:

1. Any swimming pool used by the children shall comply with requirements pertaining to swimming pools, as specified in the UCC and in the New Jersey Youth Camp Safety Act Standards (N.J.A.C. 8:25-5.1 through 5.4 and 8:25-6.9).

(n) Emergency plan, first aid and equipment:

1. Emergency plan: A written plan specifying the procedures and manner in which emergencies, evacuations and injuries are handled shall be posted in a location of prominence within the center. All staff members shall review the plan periodically. The plan shall contain at least the following:

i.-v. (No change.)

vi. The [L]location of written authorization from parent(s) for emergency medical care for each child; and

vii. A diagram showing [description of] how the center is to be [evaluated] evacuated in case of emergency.

2.-3. (No change.)

(o) Supplemental requirement:

1. (No change.)

10:122-5.3 Additional life/safety requirements for centers in existence before January 1, 1977

(a) Centers, as defined in N.J.A.C. 10:122-5.1(a), in existence and operation before or on January 1, 1977 shall be inspected by the Bureau prior to renewal of its license to insure that the center has been maintained in accordance with (a)1 through 4 below.

1. Exit requirements: Doors, stairways, fire escapes and corridors used for exits shall be unobstructed and maintained as follows:

i. Doors:

(1) One of the exits shall be a minimum of 30 inches clear width and 80 inches in height. The second exit shall be a minimum of 28 inches clear width. Rooms that do not have a second exit, as specified in N.J.A.C. 10:122-5.2(a) [1] 2, shall provide a window with a minimum clear opening of two feet wide by two feet six inches high that leads directly to the outside or to a fire escape. When a window is used, stairs with handrails shall be provided for access to the exit.

ii.-iv. (No change.)

2.-4. (No change.)

10:122-5.4 Additional life/safety requirements for centers beginning operation after January 1, 1977

(a) Any center, as specified in N.J.A.C. 10:122-5.1(a), beginning operation after January 1, 1977 and approved to operate as a center, in accordance with provisions of the UCC, shall be inspected by the Bureau prior to beginning its operation or renewal of its license to insure that the center is being maintained in accordance with the UCC and (a)1 through [4] 6 below.

1. Exit requirements: [Doors, stairways, and passageways leading through kitchens, boiler, furnace or storage areas shall not be permitted as an approved means of egress. Doors and stairways used for exits must be unobstructed and maintained as follows:]

i. An exit access shall not pass through a kitchen, boiler or furnace room, toilet facility, storage or similar space.

ii. An exit access shall not pass through a room subject to locking.

2. Doors and stairways used for exits must be unobstructed and maintained as follows:

i. Any door exiting directly to the outside which is used to accommodate more than [49] 100 occupants shall be required to be equipped with panic hardware.

ii. Doors in enclosed exit [S]stairs [doors] shall swing [outward and have] in the direction of egress be self-closing [devices] and not block the egress of people utilizing the floors above.

iii. (No change.)

iv. All required interior stairways [in buildings of noncombustible construction over three stories or 40 feet in height] shall be built [entirely] of [noncombustible] materials [with solid risers, treads and landing platforms.] permitted in Table 401 of the UCC's building subcode.

[2.] 3. Fire protection:

i. General requirements:

(1) Boiler or furnace rooms shall be separated from the child care areas by a minimum one-hour fire-rated construction assembly and [material] with a C-label (3/4 hour) door. [Those boilers carrying more than 15 lbs. per square inch in pressure and having a rating in excess of 100 square feet of heat transfer surface shall be enclosed in a minimum two-hour fire rated material with a B-label (1 1/2 hour) door.]

(2)-(3) (No change.)

(4) Illuminated exit signs shall be provided at all doors used as exits in buildings having an occupant load of 50 or more, with directional signs being provided at locations where the exit may not be readily visible or understood. Any door, stairway or passageway that is not an exit, but may be mistaken for an exit, shall be identified with a sign that reads, "NOT AN EXIT".

ii. [Pre-school] Day and drop-in programs serving children 2 1/2 years of age and/or older: In addition, these programs shall meet the following requirements:

(1) A manual fire alarm system shall be installed and maintained in full operating condition when buildings are three or more stories in height or the total occupancy (children and adults) of the building is 50 or greater.

(2) (No change.)

iii. [Special needs and n]Night [care] programs serving children 2 1/2 years of age and/or older: In addition, these programs shall meet the following [fire protection] requirements:

(1) An automatic fire alarm and detection system shall be installed and maintenance in full operating condition. The detection devices shall be the smoke detector type.

(2) A manual fire alarm system shall be installed in conjunction with an automatic fire alarm system.

iv. Programs serving children below 2 1/2 years of age: In addition, these programs shall meet the following requirements:

(1) A fire suppression system and a manual fire alarm system shall be installed and maintained in full operating condition in buildings:

(A) Over one story in height; and/or

(B) Housing more than 100 children; and/or

(C) Not having an exit directly to the outside from each room.

(2) Buildings not required to have a fire suppression system, as specified in (a)3iv(1) above, shall install and maintain in full operating condition:

(A) An automatic fire alarm and detection system with the detection devices being smoke detectors; and

(B) A manual fire alarm system.

[3.] 4. Electricity: The electrical wiring and equipment shall comply with the requirements of the Electrical Sub-Code of the UCC.

[4.] 5. Plumbing:

i.-ii. (No change.)

6. Glass surfaces:

i. Glassed areas in locations subject to impact by the children shall be in accordance with the UCC and the U.S. Consumer Product Safety Commission.

SUBCHAPTER 6. PROGRAM REQUIREMENTS

10:122-6.1 Health

(a) Health certificate:

1. **Day** [Pre-school], night [care] and special needs programs:

i. The center shall have on file for each child a health examination certificate from a physician certifying that the child's health is satisfactory [.] **and that the child may attend the center.** [Proof of such examination shall be on file at the center within 30 days of the child's admission.]

[ii. The health examination certificate shall include:

(1) The child's medical history;

(2) Information on any condition or handicap affecting the general health of the child and any recommendations for needed medical treatment or special requirements as to diet, rest, avoidance of certain activities and other care; and

(3) Information regarding immunizations, in accordance with the provisions of Chapter 14 of the State Sanitary code (N.J.A.C. 8:57-4.1 through 4.16.)

ii. Centers serving children under 2 1/2 years of age shall maintain a record of such examination on file within 15 days of the child's admission. A health examination shall be performed annually thereafter and a record of such an examination shall be kept on file at the center.

iii. Centers serving children over 2 1/2 years of age shall maintain a record of such examination on file within 30 days of the child's admission.

iv. The health examination certificate shall include:

(1) The child's medical history;

(2) Information on any condition or handicap affecting the general health of the child and any recommendations for needed medical treatment or special requirements as to diet, rest, avoidance of certain activities and other care; and

(3) Information regarding immunizations, in accordance with the provisions of Chapter 14 of the State Sanitary Code (N.J.A.C. 8:57-4.1 through 4.16). For children younger than 12 months of age, the immunization guidelines of the American Academy of Pediatrics should be followed.

2. (No change.)

3. Any child whose parent(s) object to a physical examination, immunization or medical treatment for their child [(ren)] on grounds that it conflicts with the tenets and practice of a recognized religion of which the parent(s) or child [ren] are an adherent or member shall be exempt from complying with such requirements, provided that the parent(s) sign a statement requesting such an exemption and submit it to the center. The statement shall also indicate that the child [ren] is in good health and free from communicable disease.

(b) Communicable disease control:

1. The center shall report and make every effort to control the outbreak of a communicable disease, in accordance with the provisions of Chapter 2 of the State Sanitary Code (N.J.A.C. 8:57-1.1 et seq.).

2. A child who is ill at the center shall be isolated from other children in a separate area of the center, as specified in N.J.A.C. 10:122-6.5(f), where s/he can be cared for until arrangements are made for the child's return to a parent or other authorized person.

3. Staff members and/or children with a disease in a communicable state shall not be permitted at the center.]

(c)-(d) (No change.)

(e) If any child demonstrates unusual behavior or shows signs of possible illness while attending the center, a staff member shall report this information to the parent(s) at the time of the child's departure from the center.

[(f) Any child who has been absent for more than five days because

of illness or injury shall be readmitted only with a certificate from a physician.]

[(g)] (f) Pets kept by the center shall be domesticated and free from disease. Pets shall be inoculated as prescribed by law or as recommended by a veterinarian.

[(h)] (g) Medication (prescription and non-prescription):

1. Medication shall be administered to a child at the center only upon written approval from the child's parent(s).

2. The director of the center shall authorize and designate those staff members at the center who may administer medication to those children whose parent(s) have authorized it.

[3. Any prescription medication for a child shall be:

i. Prescribed by the child's physician;

ii. Stored in its original container according to the directions on the container;

iii. Labeled with the child's name, the name of the medication, date prescribed and directions for its administration.]

[4.] 3. All medication shall be kept in a secured area that is inaccessible to the children.

[5.] 4. Unused medication shall be discarded or returned to the parent(s) when no longer being administered.

[6. The center shall post a medication chart in a conspicuous place. The chart shall include:

i. Information about the medication needs of each child at the center; and

ii. A record of each time and by whom medication was administered to a child.]

5. The center shall insure that the staff member(s) responsible for administering medication are informed of the medication needs of each child at the center.

6. The center shall keep a record of each time and by whom medication was administered to a child.

7. In addition to (g)1 through 6 above, any prescription medication for a child shall be:

i. Prescribed by the child's physician;

ii. Stored in its original container according to the directions on the container; and

iii. Labeled with the child's name, the name of the medication, date prescribed and directions for its administration.

10:122-6.2 Hygiene

(a) (No change.)

(b) Diapering:

1.-4. (No change.)

[5. A toilet shall be available for emptying soiled diapers.]

[6.] 5. Used diapers shall be placed in a closed container that is lined. Such diapers shall be removed daily.

[7.] 6. Staff members changing children's diapers shall wash their hands with soap and water immediately after each diaper change.

(c) Toilet training:

1.-2. (No change.)

3. The center shall provide child-size **toilets**, (potty) toilet training chairs or children's toilet seats for children being toilet trained.

4. (No change.)

5. Toilet training chairs shall be located in rooms/areas separate from those used for cooking [,] and eating. [, playing and sleeping.]

(d) Additional requirements for centers serving children under 2 1/2 years of age:

1. Staff shall insure that unclean toys and objects are kept out of the children's mouths.

2. Floors and carpets used by children for crawling shall be maintained in a clean and sanitary condition at all times.

10:122-6.3 Food and nutrition

(a) [General] Food requirements:

1. The center shall provide food for consumption by the children by:

i. Cooking on-site; or

ii. Catering; or

iii. A parent providing the food from home; or

iv. Any combination of the above.

[2. Breakfast, lunch and/or dinner shall be made available to all children who are present at the center during the normal mealtime hours. Normal mealtime hours include: breakfast (7:00 A.M. to 9:00 A.M.); lunch (11:00 A.M. to 1:00 P.M.), and dinner (5:00 P.M. to 7:00 P.M.).

3. Children under care for three to five consecutive hours shall receive a nutritious snack.

4. Children under care for five to eight consecutive hours shall receive at least one nutritious meal and at least one nutritious snack; if a substantial proportion of children arrive at the center after the normal breakfast hour and have not eaten breakfast, the center should serve a mid-morning snack no later than 10:00 A.M.

5. In a night program, a nutritious snack shall be made available by the center to all children prior to bedtime.]

[6.] 2. Food provided for meals and snacks shall be selected, stored, prepared and served in a sanitary manner, as specified in N.J.A.C. 10:122-5.2(j).

[7.] 3. If [the center's policy permits] food for a child [to be] is brought from home, the center shall provide suitable storage facilities. [for such food.]

4. The center shall prepare and post a weekly menu of food to be served to the children.

[8.] 5. Drinking water shall be available to the children. Any private well water supply shall be approved by the appropriate health authority before it is used.

[9.] 6. The center staff members shall not force-feed or otherwise coerce a child to eat against his/her will, except by order of a physician.

[(b) Nutritional requirements:

1. The meal shall provide a sufficient amount and variety of nutritious food to satisfy the child; children shall be served small sized portions and permitted to have additional serving(s) as needed.

2. The center shall prepare and post a weekly menu of food to be served to the children.

3. Content of meals:

i. Breakfast shall consist of:

(1) Milk as a beverage and/or on cereal;

(2) A serving of fruit or vegetable juice; and

(3) A serving of enriched or whole grain bread, a bread product or cereal.

ii. Lunch and/or dinner shall consist of:

(1) Milk as a beverage;

(2) Meat, poultry, fish or a protein alternative;

(3) Fruits and vegetables; and

(4) Bread or bread product.

4. The center shall make available, as necessary, an alternate choice of food for each meal served in order to accommodate the needs of:

i. Children on special diets (e.g. due to health reasons, religious belief or parental request); and/or

ii. Children who might find the meal offered to be unappetizing that day.

5. Individual diets and feeding schedules that are submitted to the center by the child's parent(s) or physician shall be posted and followed. The center shall be obligated to provide the food for a child on an individualized diet. However, such food, when supplied by the parent(s), shall be properly stored and served to the child at the center, as specified in (b)4 above.

6. Snacks that have a high sugar content, such as candy and soda, should be avoided, as well as juice drinks that are distinguished from juice that is full strength.

(c) Furniture: Furniture appropriate to the maturity of the child shall be provided at mealtime, including:

1. Feeding chairs that have a wide sturdy base and safety straps; and

2. Low chairs and tables that provide adequate space to insure a comfortable seating arrangement for each child.]

(b) Feeding requirements for centers serving children under 2 1/2 years of age:

1. The center shall consult with each child's parent(s) and develop a mutual plan regarding the feeding schedule, specific formula, nutritional needs and introduction of new food for each child.

2. All food served to a child shall be appropriate to the child's developmental eating ability. Consideration shall be given to consistency, texture, fluidity and solidity of the food.

3. Individualized diets and feeding schedules that are submitted to the center by the child's parent(s) or physician shall be posted and followed.

4. Bottles, nipples and other feeding equipment shall be properly sanitized before use.

5. Each child's bottle shall be individually identified with the child's name after it is filled.

6. A child too young to use a feeding chair shall be held when fed.

7. When a child is feeding, the feeding bottle shall not be propped at any time.

8. A staff member shall report any feeding problems experienced by a child to his/her parent(s) upon the child's daily departure from the center.

(c) Mealtime and snack requirements for centers serving children 2 1/2 years of age and above and younger children who are developmentally ready to eat regular meals and snacks:

1. The center shall provide for or make provision for breakfast, lunch and/or dinner for all children who are present at the center during normal mealtime hours. Normal mealtime hours include: breakfast (7:00 to 9:00 A.M.); lunch (11:00 A.M. to 1:00 P.M.); and dinner (5:00 to 7:00 P.M.).

2. The center shall insure that children under care for three to five consecutive hours receive a nutritious snack.

3. The center shall insure that children under care for five to eight consecutive hours receive at least one nutritious meal and at least one nutritious snack.

4. In addition to (c)2 and 3 above, the center shall provide or make provision for a nutritious snack for all children throughout the day or evening who have not eaten and appear to be hungry, except during the normal meal-time hours, as specified in (c)1 above.

5. Snacks that have high sugar content, such as candy and soda, should be avoided, as well as juice drinks that are distinguished from juice that is full strength.

6. The meal shall provide an amount and variety of nutritious food to satisfy the child; children shall be served small sized portions and be permitted to have additional serving(s) as needed.

7. Content of meals:

i. Breakfast shall consist of:

(1) Milk as a beverage and/or on cereal;

(2) A serving of fruit or vegetable or full-strength fruit or vegetable juice; and

(3) A serving of enriched or whole grain bread, a bread product or cereal.

ii. Lunch and/or dinner shall consist of:

(1) Milk as a beverage;

(2) Meat, poultry, fish or a protein alternative;

(3) Fruits and vegetables; and

(4) Bread or bread product.

8. The center shall make available, as necessary, an alternate choice of food for each meal served in order to accommodate the needs of:

i. Children on special diets (e.g. due to health reasons, religious belief or parental request); and/or

ii. Children who might find the meal offered to be unappetizing that day.

9. Furniture appropriate to the maturity of the child shall be provided at mealtime, including:

- i. Feeding chairs that have a wide sturdy base and safety straps; and
- ii. Low chairs and tables that insure a comfortable seating arrangement for each child.

10:122-6.4 Rest and sleep

[(a) Pre-school, drop-in and special needs programs:

1. The center shall provide an opportunity for a rest and/or sleep period for each child in attendance for more than four consecutive hours or according to the child's individual physical needs.
2. The center shall provide each child with a crib/bed, cot or mat for use during the rest and sleep.
3. Each crib/bed shall be equipped with a waterproof mattress. The top of the crib rail shall be at least 19 inches above the mattress.
4. A center providing a mat for rest and sleep shall insure that the mat is:
 - i. Waterproof;
 - ii. At least one inch thick; and
 - iii. Stored so that there is no contact with the sleeping surface of another mat.
5. A center providing a mat for rest and sleep shall insure that the floor or surface on which the mat is placed is warm, dry, clean and draft free.
6. Each crib/bed, cot and mat shall be equipped with a clean sheet and blanket.]

(a) Day, drop-in and night programs serving children under the age of 18 months:

1. The center shall provide an opportunity for daily rest and sleep periods for each child according to the child's individual physical needs.
2. The center shall provide each child with a crib/playpen for use during rest and sleep.
3. Each crib/playpen shall be equipped with:
 - i. A waterproof mattress; and
 - ii. A clean sheet or other covering and blanket.
4. The tops of the crib/playpen rail shall be at least 19 inches above the mattress.
5. The crib/playpen slats shall not be more than 2 3/8 inches apart.
6. Any locks or latches on the dropside of a crib shall be safe and secure from accidental release.
7. The mattress used in the crib/playpen shall fit snugly.

(b) Special needs programs serving children under the age of 18 months:

1. The center shall provide an opportunity for a rest and/or sleep period for each child in attendance for more than two consecutive hours or according to the child's individual physical needs.
2. The center shall provide each child with a crib/playpen for use during rest and sleep.
3. A center providing a crib/playpen for rest and sleep shall comply with the requirements, as specified in (a)3 through 7 above.

(c) Day, drop-in and special needs programs serving children over the age of 18 months and under the age of five years:

1. The center shall provide an opportunity for a rest and/or sleep period for each child in attendance for more than three consecutive hours or according to the child's individual physical needs.
2. The center shall provide each child with a crib/playpen, cot or mat for use during rest and sleep.
3. A center providing a crib/playpen for rest and sleep shall comply with the requirements, as specified in (a)3 through 7 above.
4. A center providing a cot for rest and sleep shall comply with the requirements, as specified in (a)3ii above.
5. A center providing a mat for rest and sleep shall insure that the mat is:
 - i. Waterproof;
 - ii. At least one inch thick; and

iii. Stored so that there is no contact with the sleeping surface of another mat.

6. A center providing a mat for rest and sleep shall insure that the floor or surface on which the mat is placed is warm, dry, clean and draft free.

[(b)] (d) Night [care] programs [:] serving children over the age of 18 months:

1. The center shall [provide an opportunity for sleep for each child in attendance] insure that each child is placed in an individual crib, bed or cot during the normal night time sleeping hours.

[2.] 2. The center shall provide each child with a crib/bed or cot for use during sleep.]

[3.] 2. A center providing a crib/bed for sleep shall comply with the requirements, as specified in (a)3 [and 6] through 7 above.

[4.] 3. A center providing a cot for rest and sleep shall comply with the requirements, as specified in (a)[6] 3ii above. In addition, a cot shall be provided with a minimum one inch, waterproof rest mat secured with a fitted sheet.

[5.] 4. The center shall provide or arrange for the provision and storage of comfortable sleeping garments and personal belongings for each child.

[c)] (e) Other requirements:

1.-5. (No change.)

6. The center shall comply with any special health conditions for rest and sleep that have been provided in writing from a child's [parent(s) or] physician.

7. The staff members responsible for supervising the children during rest and sleep periods shall be awake at all times and [have visual contact with] shall oversee the children.

[8. To insure visual contact with the children during rest or sleep periods, natural or artificial light shall be provided in the room or area.]

8. Dim lighting shall be provided in the sleeping room in order to enable staff to oversee the children during rest or sleep periods.

9. The center shall insure that no child is deprived of needed sleep or has it unnecessarily interrupted. The center shall arrange the scheduled hours for admitting children and for picking them up so that sleeping children are not disturbed by the arrival or the pick-up of other children.

10:122-6.5 Enrollment and space

(a)-(c) (No change.)

(d) The center shall provide sufficient space to allow for the implementation of the center's program. The center shall include:

1.-4. (No change.)

4. [Toilet] Bathroom facilities to accommodate the needs of the children served; and

5. (No change.)

(c) Space requirements for play rooms/sleep rooms:

1. The minimum net square footage shall be determined by excluding the space used in hallways, [toilet] bathroom facilities, lockers, offices, storage rooms, [the isolation area,] staff rooms, furnace rooms, kitchen areas ,the isolation area and any other areas that children do not use for sleep or play.

2. [Pre-school,] Day, drop-in and special needs programs: There shall be a minimum of 30 square feet of net indoor floor space [in play rooms] for each child [,] in play rooms.

3. Night [care] programs: [There shall be a minimum of 50 square feet of net indoor floor space for each child in all rooms utilized by the children.]

i. For centers serving children under 2 1/2 years of age, there shall be a minimum of 30 square feet of net indoor floor space for each child; and

ii. For centers serving children over 2 1/2 years of age, there shall be a minimum of 50 square feet of net indoor floor space for each child.

(f) (No change.)

(g) Space requirements for physical activities [:] for children over the age of 10 months:

1. For children in attendance for three or more consecutive hours, the center shall provide a minimum of 150 square feet of net outdoor space. When more than five children are using such space at one time, there shall be 30 square feet of net outdoor space for each additional child [.] **in addition to the required minimum of 150 square feet.**

2. The outdoor area shall be adjacent to or within close proximity of the center and available for use by the children.

3. Outdoor areas located near or adjacent to hazardous areas determined by the bureau to be unsafe ([such as,] **including**, but not limited to, streets, roads, driveways, parking lots, railroad tracks, swimming pools, rivers, streams, steep grades, cliffs, open pits, high voltage boosters or propane gas tanks) shall be fenced or otherwise protected by a natural or man made barrier or enclosure.

4. If a center can demonstrate to the satisfaction of the Bureau that it cannot meet the outdoor space requirement, the center shall provide, in addition to space for playrooms, a minimum of 150 square feet of net indoor space. When more than five children are using such space at one time, there shall be 30 square feet of net indoor space for each additional child [.] **in addition to the minimum 150 square feet.** The indoor space may be either on the site of the center or at another nearby indoor facility, such as a gymnasium, exercise room or other recreational facility.

(h) Space requirements for [toilet] **bathroom** facilities: See N.J.A.C. 10:122-5.2(i) for the space requirements for [toilet] **bathroom** facilities.

(i)-(j) (No change.)

10:122-6.6 Activities

(a) General:

1. The center shall provide a variety of planned activities and sufficient equipment and supplies so that each child attending the center will have adequate stimulation [.] **and learning experiences.**

[2. The center shall provide children with opportunities to choose materials freely during the program activities.]

[3.] **2.** Daily activities shall promote the development of **language and thinking** [personal] skills, **large and small muscles**, social competence, self-esteem, and positive self-identity and shall be geared to the age levels of the child served.

[4. The center shall develop and keep on file a written plan of daily activities.]

3. The center shall provide children with opportunities to choose materials freely during the program activities.

[5.] **4.** Activities shall be planned and conducted [so] **in such a way** that children are not sitting for long periods of time [.] **and** the arriving and departing of children are not disruptive to the overall program.

5. The center shall develop and keep on file a written plan of daily activities.

6. Children at the center for more than three hours should be taken outdoors when the weather permits.

7. When groups of children are taken for outdoor walking trips, the staff members shall insure that all safety precautions are followed for the protection of the children.

(b) Pre-school, drop-in and special needs programs: The center center shall include in its program a minimum of five activities from those listed below.

1. Art activities: Suggested supplies include paints (tempera, poster and finger), easels, crayons, blunt scissors, paste and clay.

2. Building activities: Suggested supplies include large and small blocks and toy boats, cars, planes, trains and animals.

3. Reading and language activities: Suggested supplies include picture and story books, flannel boards and other materials which promote discussion and verbal exchange.

4. Dramatic activities: Suggested supplies include toy telephones, toy ironing boards and irons, dress-up clothing, large mirror placed at child's level, puppets and material for costumes.

5. Large muscle activities: Suggested supplies include saw horses,

barrels, climbers, ladders, work benches, sand, water wheel toys, slides, and balls.

6. Manipulative activities: Suggested supplies include pegs, beads, lotto, puzzles, pounding boards and small building sets.

7. Musical activities: Suggested supplies include piano, records, record player, drums, cymbals, bells, rhythm sticks and radio.

8. Science activities: Suggested supplies include aquarium with fish, non-poisonous seeds and flower pots, plants, blunt gardening tools, dry batteries, magnets, compass, ropes and pulleys and magnifying glass.

9. Water activities: Suggested supplies include plastic basins, soap suds, sand and dirt.

10. Cooking activities: Preparing food according to simple recipes is recommended.]

(b) For centers serving children under 2 1/2 years of age, the following shall be provided to children of that age group:

1. Staff members shall interact with children who are awake and being cared for in cribs/playpens.

2. To insure direct contact with the children, staff members shall hold, rock, cuddle, play with or talk to the children while they are being cared for at the center.

3. Staff members shall provide all children, when developmentally able, an opportunity to leave his/her crib/playpen to crawl, toddle, walk and play.

4. Day and drop-in programs: The center shall include a minimum of three daily activities from the following:

i. Sensory stimulation activities: Suggested equipment/materials include crib mobiles/chimes, teether toys and baby mirrors;

ii. Language stimulation activities: Suggested equipment/materials include picture books; suggested activities include verbal interactions, chants, songs and stories;

iii. Manipulative activities: Suggested equipment/materials include rattles, squeeze and grip toys, boxes, sorting and stacking toys, three-and four-piece wooden inlay puzzles, puzzle blocks, simple threading toys and mobiles pull toys;

iv. Building activities: Suggested equipment/materials include soft lightweight blocks, cars, trains, boats and figures of animals and people;

v. Dramatic play: Suggested equipment/materials include soft washable dolls, stuffed animals, hand puppets and play telephones;

vi. Large muscle activities: Suggested equipment/materials include low climbers, slides, riding/rocking toys, medium size balls made of fabric foam or soft plastic; and

vii. Musical activities: Suggested equipment/materials include rhythm instruments, record player, records, drums, and toys equipped with musical tones.

(c) For centers serving children over 2 1/2 years of age, the following shall be provided to children of that age group:

1. Day and drop-in programs: The center shall include in its program a minimum of five activities from those listed below.

i. Art activities: Suggested supplies include paints (tempera, poster and finger), easels, crayons, blunt scissors, paste and clay;

ii. Building activities: Suggested supplies include large and small blocks and toy boats, cars, planes, trains and animals;

iii. Reading and language activities: Suggested supplies include picture and story books, flannel boards and other materials which promote discussion and verbal exchange;

iv. Dramatic activities: Suggested supplies include toy telephones, toy ironing boards and irons, toy sinks, stoves, dishes, brooms, dress-up clothing, large mirror placed at child's level, puppets and materials for costumes;

v. Large muscle activities: Suggested supplies include saw horse, barrels, climbers, ladders, work benches, sand, water wheel toys, slides and balls;

vi. Manipulative activities: Suggested supplies include pegs, beads, lotto, puzzles, pounding boards and small building set;

[(c)] (d) Night [care] programs:

1. The center shall insure that the activity level for children in evening or night care is reduced in preparation for sleep and a selection of toys or other materials for quiet activities is provided.

2. Children shall be washed as necessary and changed into comfortable night clothing for sleeping. Children shall be attended when bathing or washing.

[(d) Additional requirements:] (e) **Special needs programs:**

[1. When groups of children are taken for outdoor walking trips, the staff members shall insure that all safety precautions are followed for the protection of the children.]

[2.] 1. Centers serving identified handicapped children shall provide a program and activities for each child according to his/her identified strengths and needs.

2. The program shall [provide opportunities and] utilize equipment and supplies in a setting that meets the **special identified** [diagnostic] needs of each child.

[3. The activities in drop-in programs shall be planned in such a way that the continual arriving and departing of children are not disruptive to the over-all program.]

10:122-6.7 (No change.)

10:122-6.8 (No change.)

10:122-6.9 Parent participation

(a) (No change.)

(b) The center shall allow the parent(s) opportunity to visit and observe the center's program.

(c) When a child has been identified by the center as having a handicapping condition, or suspected handicapping condition, the director or staff member of the center shall inform the parent(s) of their child's right to a special education program and related services and shall refer the parent(s) to the special toll-free Child Find telephone number (800) 322-8174 for a possible comprehensive evaluation and individual service plan development for the child.

SUBCHAPTER 7. TRANSPORTATION REQUIREMENTS

10:122-7.1 (No change.)

10:122-7.2 (No change.)

10:122-7.3 Safety practices

(a)-(d) (No change.)

(e) All children below the age of 1 1/2 years in the vehicle shall be secured in car seats (child passenger restraint system) meeting Federal motor vehicle safety standards in accordance with the New Jersey Division of Motor Vehicles Law (N.J.S.A. 39:3-76.2a.).

[(e)] (f) When transporting more than six children **who are 2 1/2 years of age and/or older**, there shall be one adult in addition to the driver in the vehicle at all times.

(g) When transporting more than three but fewer than 13 children who are below 2 1/2 years of age, there shall be one adult in addition to the driver in the vehicle at all times.

(h) When transporting 13 or more children who are below 2 1/2 years of age, there shall be two adults in addition to the driver in the vehicle at all times.

[(f)] (i) The driver or second adult(s) shall ensure that each child is received by a responsible person.

[(g)] (j) There shall be no standees in any vehicle transporting children.

10:122-7.4-7.7 (No change.)

LAW AND PUBLIC SAFETY

(a)

DIVISION OF CRIMINAL JUSTICE

Police Training Commission

Proposed Readoption with Amendments: N.J.A.C. 13:1

Authorized By: Police Training Commission, Leo A. Culloo, Executive Secretary.

Authority: N.J.S.A. 52:17B-66, specifically 52:17B-71h.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Leo A. Culloo, Executive Secretary
New Jersey Police Training Commission
Richard J. Hughes Justice Complex
CN 085
Trenton, NJ 08625

The Police Training Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on July 18, 1983. The readoption of the existing rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their readoption. The concurrent amendments to the existing rules become effective upon publication in the Register of a notice of their adoption.

This proposal is known as PRN 1983-271.

(Continued on next page.)

The agency proposal follows:

Summary

In accordance with the provisions of Executive Order No. 66, the Police Training Commission, pursuant to the general authority of N.J.S.A. 52:17B-66, et seq., and the specific authority of N.J.S.A. 52:17B-71h, proposes to readopt the existing rules having determined that such readoption is necessary, adequate, reasonable, efficient, understandable and responsive to the purposes for which they were originally promulgated. Simultaneously the Police Training Commission proposes amendments of the readopted rules as set forth herein.

The purpose of the proposed readoption is to assist the Police Training Commission in meeting its statutory obligation pursuant to the Police Training Act (N.J.S.A. 52:17B-66 et seq.); to certify the efficient training of police officers as defined by law; to ensure that such officers become proficient in the field of law enforcement; and to better ensure the health, safety and welfare of the citizens of New Jersey.

The current text of N.J.A.C. 13:1 contains provisions regulating the following: Subchapter 1, General Provisions; Subchapter 2, Definitions; Subchapter 3, School Certification; Subchapter 4, Instructor Certification; Subchapter 5, Police Officer Certification; Subchapter 6, Curriculum; Subchapter 7, School Administration; Subchapter 8, Responsibilities of Law Enforcement Agencies; Subchapter 9, Police Scholarships; Subchapter 10, Police Consultants and Subchapter 11, Appeals.

The Police Training Commission rules were revised in 1978 and the proposed amendments to those rules are, for the most part, language changes to clarify existing rules. The following amendments are proposed:

1. N.J.A.C. 13:1-1.1 would require the commission chairperson to inform the other commissioners of the chairperson's actions taken in conformance with this rule.
2. N.J.A.C. 13:1-2.1 clarifies through language changes definitions related to Police Training Commission activities.
3. N.J.A.C. 13:1-3.7 provides further clarification for the Police Training Commission to suspend or revoke school certification.
4. N.J.A.C. 13:1-7.2(h) clarifies reasons which a school director can rely upon to dismiss a trainee.
5. N.J.A.C. 13:1-8.1(b) mandates that sheriff's officers under the jurisdiction of the Police Training Act and certain fire personnel assigned as arson investigators pursuant to P.L. 1981, c. 409, submit to a physical examination prior to enrollment in a basic course.
6. N.J.A.C. 13:1-8.2 allows a law enforcement agency to request an extension of time for the purpose of completing required fingerprinting and investigation of a trainee.
7. N.J.A.C. 13:18.3 provides that all agencies enrolling individuals in a basic training course comply with N.J.A.C. 13:18.1 and N.J.A.C. 13:18.2 regarding fingerprinting and investigation.
8. N.J.A.C. 13:110.2(a) allows a municipal manager, in conjunction with the chief police executive, to request the services of Police Training Commission consultants.

Social Impact

The amendments to this chapter should assist the Police Training Commission in its statutory responsibility concerning the training of local and county law enforcement personnel and is in accordance with the powers and duties of the Police Training Commission pursuant to N.J.S.A. 52:17B-71. The amendments are in accordance with the legislative intent of the Police Training Act in that individuals seeking to become municipal and county police officers would be required to receive efficient training to become proficient in the field of law enforcement.

Economic Impact

Administrative expenses of the Police Training Commission are

paid for by the State of New Jersey. The schools licensed pursuant to these rules are funded by the county or municipality in which they are located. Law enforcement agencies who send trainees to the schools pay a fee to offset training expenses. Individual trainees are not required to pay for their training.

The readoption of the presently existing rules will not present any additional economic impact upon individuals, agencies or schools evident by the rules. The amendments provide clarification for the Police Training Commission and approved schools in regulating the training of law enforcement personnel. The only economic impact that may be evident is the requirement for fire personnel assigned as arson investigators to submit to a physical examination.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

CHAPTER 1 POLICE TRAINING COMMISSION

SUBCHAPTER 1. GENERAL PROVISIONS

13:1-1.1 Relaxation of rules

The rules that follow shall be considered as general rules for the operation of the commission. In that these rules have been designed to facilitate business and advance justice, the rules may be relaxed or dispensed with by the commission in any instance where it shall be manifest to the commission that a strict adherence to them will result in an injustice to an individual and/or an agency. In any matter not expressly controlled by these rules or by statute, the commission chairperson, **acting on behalf of the other commissioners**, shall exercise his or her discretion **in commission matters**. **When it becomes necessary for the commission chairperson to exercise discretion, he or she shall report on his or her actions to the other commissioners as soon thereafter as practical.**

SUBCHAPTER 2. DEFINITIONS

13:1-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Appointing Authority" means a person or group of persons having power of appointment to, or removal from offices, positions or employment.

"Basic Course" means [a training] an entry-level course designed for [newly appointed police officers.] individuals who are required by N.J.S.A. 52:17B-66 et seq. to be trained under commission jurisdiction.

"Certification" means a written statement issued by the commission acknowledging that a school or individual has complied with commission requirements.

"Commission" means the Police Training Commission or officers or employees thereof.

"Curriculum" means a specific course of study.

"Executive Secretary" means the individual designated to perform general administrative functions for the commission.

"In-Service Course" means any course above the entry-level basic course.

"Institution of Higher Learning" means any college or university accredited by the State Department of Higher Education.

"Law Enforcement Agency" means any police force or organization in a municipality or county which has by statute or ordinance the responsibility of detecting crime and enforcing the general criminal laws of the state.

"Medical Examination" means an evaluation of an individual by a physician licensed in this state.

"Police Instructor" means an individual certified by the commission to teach [a subject(s)] at a commission-approved school.

"Police Officer" means any employee of a law enforcement [unit] **agency**, other than a civilian employee, [including sheriff's officers.] **including any member of a fire department or force who is assigned to an arson investigation unit pursuant to Public Law 1981, Chapter 409.**

"Range Master" means an individual designated by a School Director to control and supervise all activities at [the] a firearms range.

"Scholarship Recipient" means a police officer who has been awarded financial support by the commission to attend college.

"School" means [a school or academy] **an institution** approved by the commission to offer [a] basic **and/or in-service** [course] **courses** [to police officers].

"School Director" means an individual designated as having the responsibility for the administrative and day-to-day operations of a school.

"Subject" means a component of a curriculum dealing with a specific matter.

"Trainee" means an individual attending a commission-approved school.

SUBCHAPTER 3. SCHOOL CERTIFICATION

13:1-3.1 Eligibility for certification

A law enforcement agency or a combination of law enforcement agencies or an institution of higher learning or a recognized governmental entity is eligible to apply to the commission for certification to operate a school.

13:1-3.2 Application for certification

Application for certification shall be submitted on a form prescribed by the commission which shall require the applicant to demonstrate a need for the school and [that the applicant has] the **availability of** necessary resources to operate a school.

13:1-3.3 Notice of application

The applicant shall send a written notice, on a form prescribed by the commission, to every law enforcement agency within the county wherein certification for a school is sought, [of] **indicating** the applicant's intent to seek commission certification to operate a school [and shall send]. [a] **A written notice shall be forwarded** to the commission **stating** that this rule has been complied with.

13:1-3.4 Hearing on application

In the event a law enforcement agency within the county interposes an objection with respect to school certification, the commission's Executive Secretary may, for good cause, schedule a hearing on the matter after due notice to the affected parties.

13:1-3.5 Application review

Commission staff shall review the application to determine if the applicant has demonstrated a need for the school, shall inspect the facility where the training [will] **is to** be conducted and [shall] determine if the applicant has the necessary resources to operate a school. The [executive secretary] **Executive Secretary** shall [prepare] **submit** a written report [on the application for submission] to the commissioners, which shall [also include] **contain** a [recommendation(s)] **recommendation** with respect to the request. The commissioners shall approve or disapprove the certification request [and may stipulate] **with** any [additional] conditions they believe to be appropriate.

13:1-3.6 Appeal of certification denial

Appeal of a commission denial of certification shall be in accordance with commission regulations on appeals as prescribed in subchapter [9] **11** [hereof].

13:1-3.7 Suspension or [Revocation] revocation of certification

School certification may be **temporarily suspended or** revoked by the commission for failure to comply with commission [policy] **policies and** [statements,] commission [regulations] **rules, for failure to substantiate that the school reasonably serves the needs of the law enforcement agencies within the locale where the school is situated, for failure to operate a basic course for a period exceeding 18 months,** or for other good cause. In the event of **suspension or** revocation, the School Director shall be notified in writing as to the reason(s) [therefor] **for the action.** The commission may restore [recertification] **certification** when the [condition(s)] **conditions** [that caused the] **for the suspension or** revocation [has] **have** been corrected. Appeal of a commission **suspension or** revocation shall be in accordance with commission regulations on appeals prescribed in Subchapter [9] **11** [thereof].

SUBCHAPTER 4. INSTRUCTOR CERTIFICATION

13:1-4.1 [Need for] Certification requirement

All instructors participating in [the basic] a course [at a] **authorized by the** commission [school] must be certified **before they are permitted to teach except for the conditions set forth under N.J.A.C. 13:1-7.2(n).**

13:1-4.2 Eligibility for certification

[Any] **An** individual who has completed two [(2)] years of college, **who** has a minimum of three [(3)] years of experience in his or her [occupation] **teaching specialty** or [profession] **career** and who can demonstrate knowledge **and/or** skill in a subject contained [in the basic course] **in a commission approved** curriculum [offered at a commission school] is eligible for consideration for [police] instructor certification. The commission may waive the educational and/or work experience requirement for compelling reason(s).

13:1-4.3 Certification process

An individual seeking [police] instructor certification shall complete the commission-prescribed [-application] form and shall [be interviewed by the] **have his or her law enforcement agency administrator endorse the form.** The School Director [. Following the interview,] **shall interview the applicant and,** if there is an intention to utilize the services of the individual, [the School Director] shall **then** endorse the application and forward [the application] **it** to the commission. The commission shall review the application and either approve or disapprove the request for certification.

13:1-4.4 Types of certification

Individuals approved [by the commission] for certification shall be entitled to a [regular instructor's] **police instructor** certificate if they are police officers and [must] **have completed or will subsequently** complete a commission-recognized instructor training course. [All others] **Individuals other than police officers** shall be entitled to a special [instructor's] **instructor** certificate.

13:1-4.5 Certification

Initial certification shall be for the period prescribed on the [Police Instructor] **instructor** certificate and shall be renewable [annually] thereafter at the discretion of the commission. The commission may impose conditions with respect to any certification and may withdraw certification at any time for good cause.

13:1-4.6 Additional certification requirements for firearms [instructor] **instructors**

(a) In addition to the requirements set forth in N.J.A.C. 13:1-4.1, [and] 13:1-4.2, [above] **13:1-4.3 and 13:1-4.4,** an individual seeking certification to [instruct in the subject of firearms] **serve as a firearms instructor** must [possess] **meet** additional

qualifications. **The individual must successfully complete a commission-recognized firearms instructor course.** Under the immediate supervision of a school's Range Master, the individual must successfully demonstrate that he or she can:

1. Identify the principal parts of the weapons used in the training program;
2. Demonstrate familiarity with the proper and safe handling of weapons;
3. Demonstrate familiarity with the established range safety rules; and
4. [be able to fire safely and] Score no less than 90 in the commission-required firearms course.

(b) In order to [receive] **be eligible for** recertification, [police] instructors used for firearms training must successfully demonstrate [paragraphs 1 through 4 of subsection (a) of this section] **(a)1 through 4 above** annually under the immediate supervision of a Range Master.

13:1-4.7 Appeal of certification denial

An individual seeking [police] instructor certification who [does not receive the endorsement of a School Director or who] is denied certification as a result of the commission **staff** review of his or her application may appeal the [action(s)] **staff action** [in accordance with commission regulations on appeals as prescribed in Subchapter 9 thereof] **to the Police Training Commissioners.**

SUBCHAPTER 5. POLICE OFFICER CERTIFICATION

13:1-5.1 Certification requirements; basic course

(a) A trainee shall be [considered] eligible for certification when[, among other requirements,] the School Director affirms that:

1. The trainee has achieved the minimum requirements [for examination grades as] set forth in the commission's Written Examination Manual [, the minimum qualifying score as set forth in the commission's] **and** Firearms Manual and **has** demonstrated an acceptable degree of proficiency in the [subject] **subjects** of Defensive Tactics and First Aid **or a similar course.**

2. The trainee has participated in no less than 90 percent of the total subject hours in the curriculum that the commission has approved for the school, [the trainee is attending. Subject hours include those mandated by the commission and additional subject hours or additional subjects required by the school] **exclusive [to] of physical [conditioning] conditioning.**

(b) An individual who is not a police officer nor required by State statute to attend a commission-approved basic course shall be awarded a special certificate providing the individual complies with [subsection (a) of this section] **(a) above.**

SUBCHAPTER 6. CURRICULUM

13:16.1 Commission to prescribe curriculum

[The basic course] **A** curriculum promulgated by the commission shall be [offered] **the minimum required curriculum** at a school holding commission certification. In addition to [this] **the** required curriculum, [the] **a** school may also offer, with commission approval, additional subjects and/or increase the time elements allocated to the [subject] **subjects** in [the] **a** commission's curriculum. **A trainee must complete not only the commission's minimum required curriculum, but also any additional subjects and/or increase in time elements approved by the commission.**

SUBCHAPTER 7. SCHOOL ADMINISTRATION

13:1-7.1 School directors

Each commission-approved school shall be under the immediate control of an individual who is designated for the purposes of these [regulations,] **rules** by the title "School Director". The School Director shall perform general administrative functions and shall be responsible for the day-to-day operations of the school.

13:1-7.2 Responsibilities of School Director

(a) The School Director [, with respect to the basic course,] is vested with the power, responsibility and duty:

1. To comply with all commission rules governing operation of the school [, including certification processes that require the School Director's when appropriate].

2. To devise a basic course curriculum, in conjunction with appropriate local officials, that conforms to commission requirements and submit same to the commission for review.

3. Promulgate, subsequent to commission approval, and enforce rules governing the behavior of trainees enrolled in the school. As used herein, the term "promulgate" means: that each trainee is furnished a printed copy of the rules at the commencement of the course and that a copy of the rules is posted in a conspicuous place on the school bulletin board and remains there for [place on the school bulletin board and remains there for] the duration of the course. In addition, [to the foregoing] these rules shall explicitly state which rule(s), the violation of which, may result in the trainee's suspension or [removal] **dismissal** from school.

4. To verify that [N.J.A.C. 13:1-8.1,] **N.J.A.C. 13:1-8.2,** concerning the admission of [a police officer] **an individual** into the school, has been complied with [and that an individual holding the title of "sheriff's officer" additionally has complied with the commission medical requirement].

5. To maintain appropriate [information] **records** on each trainee which shall include, but not be limited to, attendance, written examination grades, [firearm] **firearms** qualification scores, behavior and counselling.

6. To report immediately the unauthorized absence of a trainee to an appropriate official in the trainee's law enforcement agency.

7. To report immediately [on a commission prescribed from] the injury of a trainee or an instructor to an appropriate official in the affected individual's agency and the commission.

8. To suspend or [remove] **dismiss** a trainee **who has demonstrated that he or she will be ineligible for commission certification under N.J.A.C. 13:1-5.1 or for unacceptable behavior, or for other** good cause. In such cases:

i. The trainee shall be immediately informed of the reason(s) for the action.

ii. As soon as possible thereafter a written statement of the reason(s) for the action shall be provided to the trainee, the appropriate official in the trainee's law enforcement agency and the commission.

iii. Within 72 hours of the suspension or [removal] **dismissal**, a final administrative disposition must be made. This may be accomplished as the result of individual or collective discussions among the [principles] **principals** set forth in [subparagraph ii] **(a)8ii above.**

iv. The [principles] **principals** set forth in [subparagraph ii] **(a)8ii** above shall be notified in writing the administrative disposition of [the matter] **a suspension or dismissal.**

9. To inform the commission, on form PTC-3, whether a trainee has complied with the certification requirements set forth in N.J.A.C. 13:1-5.1.

10. To submit required records and forms to the commission in accordance with a written schedule to be promulgated by the commission.

11. To maintain, for a period of three years, a [true] **master** copy of each written examination **administered in the course, together with the correct answers** [given to trainee in a basic course]. **The individual written examination papers of trainees who are academic failures and the targets of those who are firearms failures are also to be maintained for a period of three years.**

12. To forward to the commission, on the appropriate form, any request for the certification of an individual seeking to become a [police] **certified** instructor.

13. To forward to the commission, two months in advance of a [requested] starting date, [any] **a** request for commission staff to conduct a training course for [police] instructors.

14. To verify that all [police] instructors have commission certification. For emergency or compelling circumstances, a non-[certificate] **certified** [police] instructor [might] **may** be used; however, the commission shall be notified as soon as possible with an explanation [of the reason(s) for the use of the individual].

15. To designate a Range Master for the school.

16. To maintain and safeguard all commission equipment on loan to the school and to notify the commission immediately if any of the equipment is damaged or missing.

17. To provide the commission with [classroom] **class** time for purposes of conducting orientation sessions for trainees and **with** bulletin board space for the posting of appropriate commission rules.

18. To charge a fee to a law enforcement agency for each trainee enrolled at the school providing:

- i. The fee is reasonable; and
- ii. The fee has been approved by the agency or organization that sponsors the school.

SUBCHAPTER 8. [LAW ENFORCEMENT AGENCY] RESPONSIBILITIES OF LAW ENFORCEMENT AGENCIES AND OTHER AGENCIES

13:1-8.1 Investigation of police [officer] **officers** prior to acceptance into a basic course

(a) Prior to the acceptance of a police officer into a basic course, the employing law enforcement agency shall:

1. Fingerprint the individual and forward copies of the fingerprints to the New Jersey State Police and the Federal Bureau of Investigation in order to ascertain if the individual has [a prior] **an** arrest record. The results obtained from the State Police and the Federal Bureau of Investigation shall be made known and available to the appropriate appointing authority.

2. Investigate the individual to ascertain if he or she is suitable for police service. The results of this investigation shall be made known and available to the appropriate appointing authority.

(b) Additionally, any member of a fire department or force who is assigned to an arson investigation unit pursuant to Public Law 1981, Chapter 409, and all sheriff's officers, must undergo a medical examination given by a physician licensed to practice in New Jersey. The physician shall state, on a form prescribed by the commission, that the individual is medically fit to undergo training.

13:1-8.2 Notification to school director

An appropriate official from [a law enforcement] **an** agency seeking to enroll [a police officer] **an individual** in a basic course shall notify the School Director in writing, 10 days prior, to the commencement of the course, that the employing agency has complied with N.J.A.C. 13:1-8.1. **In the event an agency is unable to comply with this rule within the stipulated time frame, the agency shall forward a written request to the commission for an extension of time and shall indicate the reason(s) for the request.** Failure to comply with respect to the notification may result in the affected [police officer] **individual** being denied admittance into the basic course.

13:1-8.3 Other agencies

Agencies not categorized as law enforcement agencies that wish to enroll individuals in the basic course must also comply with N.J.A.C. 13:1-8.1 and 13:1-8.2.

[13:1-8.3] 13:1-8.4 Waiver of basic course

The commission may, in its discretion, [waiver] **waive** all or portions of the basic course for a police officer who has successfully completed a [prior] basic course conducted by any Federal, State or other public or private agency which is substantially equivalent to the commission course. A request to [waiver] **waive** training

shall be submitted to the commission by [an] **the** employing law enforcement agency on a form prescribed by the commission.

SUBCHAPTER 9. POLICE SCHOLARSHIPS

13:1-9.1 Scholarship eligibility

An individual seeking a commission undergraduate college scholarship shall be a police officer, as defined in N.J.S.A. 52:17B-71.[4]**3**, and have not attained the age of 45 at the time the scholarship is to be awarded.

13:1-9.2 Scholarship selection process

The commission shall determine the selection process for awarding scholarships. The commission shall widely publicize the selection process[,] sufficiently in advance[,] so that interested individuals [will be apprised] **have knowledge** of it.

13:1-9.3 Selection of scholarship recipients

The awarding of undergraduate college scholarships shall be determined by the commission. The granting of a scholarship to a police officer, other than a [state police] **State Police** officer, is subject to the review and approval of the governing body of the community that employs the police [officers] **officer**. The granting of a scholarship to a [state police] **State Police** officer is subject to the review and approval of the Superintendent of State Police.

13:1-9.4 Scholarship recipients

Scholarship recipients shall comply with all commission rules and procedures governing scholarships.

13:1-9.5 Amount of scholarship

The commission shall determine the amount of each scholarship award consistent with the provisions of N.J.S.A. 52:17B-71.5.

13:1-9.6 Institutions of higher learning

Institutions of higher learning[,] that accept scholarship recipients[,] shall comply with all commission rules and regulations governing scholarships that involve institutional participation.

13:1-9.7 Duration of [scholarships] **scholarship**

Each scholarship award shall be for a period of time consistent with the provisions of N.J.S.A. 52:17B-71.6.

13:1-9.8 Termination of a scholarship

(a) A scholarship award may be terminated if the scholarship recipient:

1. Fails to maintain an overall average of "C" in his or her college studies.
2. Fails to complete his or her studies within the period prescribed by statute.
3. Fails to make use of the award for a period of one calendar year without good cause.
4. [Terminated] **Terminates** his or her employment as a police officer.

SUBCHAPTER 10. POLICE CONSULTANTS

13:1-10.1 Services provided by commission

(a) Upon the written request of appropriate officials from a county and/or municipal entity containing a law enforcement agency, the commission may:

1. Conduct a study and analysis of the administration, management and/or operation of an agency.
2. Conduct a study to determine the feasibility of an agency providing police service to another municipality by a contractual agreement between the affected municipalities.
3. Conduct a study to determine the feasibility of the consolidation of two or more law enforcement agencies.
4. Conduct a study to determine the feasibility of the pooling of police functions by two or more agencies.

(b) Upon the written request of appropriate officials from a municipal entity not containing a law enforcement agency the commission may:

1. Conduct a study to determine the feasibility of the entity entering into a contractual agreement with a law enforcement agency for the provision of police services.

2. Conduct a study to determine the feasibility of creating a law enforcement agency.

(c) Upon the request of a county prosecutor, county sheriff, police director or chief of police, the commission may provide oral counselling with respect to the administration, management and/or operation of a law enforcement agency, that the individual making the request administrates, and/or furnish appropriate printed information and materials.

13:1-10.2 Request for services

(a) Requests for services enumerated in N.J.A.C. 13:1-10.1 (a) and (b) shall be in writing and bear the signature(s) of the appropriate public officials [as indicated] as follows:

1. Municipality (organized law enforcement agency)—Mayor or **Municipal Manager** and the Chief Police Executive.

2. Municipality (no organized law enforcement agency)—Mayor or **Municipal Manager**.

3. Multiple Municipalities—Mayor or **Municipal Manager** and Chief Police Executive if there is an organized law enforcement agency.

4. County Prosecutor's Department—Prosecutor and the Chief of the Prosecutor's Detectives.

5. County Sheriff's Department—Sheriff.

6. County Police Department—Director of the County Board of Chosen Freeholders or County Administrator [where appropriate] and the Chief of the County Police.

(b) Requests for services enumerated in N.J.A.C. 13:1-10.1(c)[.] need only bear the signature of the official cited in the subsection.

13:1-10.3 Commission to determine priority in responding to requests

The commission shall exercise discretion in determining the order of priority in providing services to county and municipal entities that request commission services.

13:1-10.4 Letter of agreement

The commission shall prepare a letter of agreement describing the services to [the] be provided by the commission, under N.J.A.C. 13:1-10.1(a) and (b), and forward the agreement to the appropriate county or municipal entity requesting the service for signature(s). The letter of agreement must be signed by the appropriate official(s) as set forth in N.J.A.C. 13:1-10.2(a).

13:1-10.5 Commission reports

Written reports shall be prepared by the commission with respect to the services provided under N.J.A.C. 13:1-10.1 and distributed to the public officials whose [signature appears] **signatures appear** on the letter of agreement.

SUBCHAPTER 11. APPEALS

13:1-11.1 Notice of appeal

All appeals to the commission shall be by a notice of appeal to the Executive Secretary setting forth the subject matter of the appeal, the relief sought and the grounds therefor. All appeals shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

13:1-11.2 Service of notice

The appellant shall first serve a copy of the notice of appeal upon the respondent authority. The notice of appeal, together with an acknowledgement or affidavit of service, shall be filed with the Executive Secretary forthwith.

13:1-11.3 Time for appeal

Appeals relating to action of a school authority must be made within 30 days from the date of the action appealed.

13:1-11.4 Answer

Within 10 days after service of the notice and petition of appeal, each respondent shall file an answer with the Executive Secretary and serve a copy thereof on each of the parties to the appeal. The answer filed by the respondent issuing authority shall include a statement of the grounds for its action.

13:1-11.5 Notice of hearing

Upon the filing of the notice and petition of appeal, at least five days' notice of the time and place fixed by the Executive Secretary for the hearing of the appeal shall be given to the appellant and the respondent issuing authority.

13:1-11.6 Appeals de novo; burden of proof

All appeals shall be heard de novo, except as otherwise provided in N.J.A.C. 13:1-11.8, and the parties may introduce oral testimony and documentary evidence, but the burden of establishing that the action of the respondent issuing authority was erroneous and should be reversed shall rest with the appellant.

13:1-11.7 Appeals open to public; exception

All appeals shall be heard at the Police Training commission office or other locale designated by the commission's Executive Secretary and shall be open to the public, unless otherwise directed by the Executive Secretary.

13:1-11.8 Appeal on agreed statement of facts

Where none of the material facts is disputed, the appeal may be presented, subject to the approval of the commission, upon an agreed statement of facts. Where there is available a stenographic transcript of the proceedings before the issuing authority, either party may, if at least three days' notice of intention [so] to do so has been given to opposing parties, or counsel therefor, offer the transcript of testimony of any witness or witnesses named in a said notice in lieu of producing said witness or witnesses at the hearing of the appeal. In such event, any opposing party may subpoena such witness or witnesses to appear personally, and any party may produce any additional evidence, oral or documentary, at the hearing of the appeal. Subject to the approval of the commission, the parties may agree to present the appeal solely upon such stenographic transcript.

13:1-11.9 Subpoenas

Subpoenas and subpoenas duces tecum, signed by the Executive Secretary for the attendance of witnesses and the production of books, records and other documents at the hearing on the appeal, may be obtained by the parties upon request to the Executive Secretary.

13:1-11.10 Failure

The failure of the appellant to appear at the time and place designated for the hearing of an appeal shall be cause for the dismissal of the appeal, and upon failure of the respondent to appear at such time and place, the commission may permit the appellant to proceed ex parte.

13:1-11.11 Conduct of hearing

(a) Hearing shall be conducted by the Executive Secretary or a duly designated hearer. Each party may be represented by an attorney admitted to practice in the courts of this State and shall have the right to present his or her case by oral and documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Testimony shall be taken stenographically and transcribed in each case. Each party shall be afforded the opportunity to present argument, either orally before

the hearer immediately upon the close of the evidence, or by written brief. Oral argument shall be limited to 15 minutes for each party, unless the hearer shall otherwise order. Briefs, if any, shall be submitted within the time fixed by the hearer. In cases where a hearer's report is not to be prepared, such fact shall be announced by the hearer at the close of the evidence. In other cases, the hearer shall, upon receipt of the transcribed record and briefs, if any, prepare a report containing recommended conclusions and order and file the original with the commission and forthwith transmit a copy, either personally or by mail, to the parties or their attorneys. Within 10 days of the receipt of the report, each party may file written exceptions and argument with the commission together with proof of service of a copy thereof upon the other parties or their attorneys. Within five days after such service, answering argument may be filed with the commission together with proof of service of a copy thereof upon the other parties or their attorneys. With respect to an [objectors] **objector** appearing without an attorney, the provisions relating to the hearer's report shall apply only to one or more of such objectors as shall be designated by the hearer for such purpose. Except as otherwise provided herein, no oral argument may be had before the commission unless, on their own motion, the commission decides to hear oral argument and notifies the parties or their attorneys of the date and place fixed therefor.

(b) The hearer's report shall not be binding upon the commission and the commission's decision may, in whole or in part, adopt, modify or reject the report, provided, however, that no material change in the result recommended by the hearer shall be made by the commission without first affording the parties or their attorneys an opportunity to present oral argument before the commission. The decision of the commission shall be in the form of a written opinion setting forth the conclusions together with supporting reasons therefor, and their order, if any. A copy of the opinion shall be mailed forthwith to the parties or their attorneys.

(c) Any of the provisions of this rule relating to the presentation of his or her case or argument, or to the procedure in connection with the hearer's report, may be waived by any party or his or her attorney.

13:1-11.12 Relaxation of rules

The rules herein contained shall be considered as general rules governing the conduct of appeals and, since they are designed to facilitate the hearing of appeals and advance justice, they may be relaxed or dispensed with by the commission in any case where a strict adherence to them will result in injustice.

(a)

DIVISION OF MOTOR VEHICLES

Unsatisfied Claim and Judgment Fund Board Reimbursement of Excess Medical Expense Benefits Paid by Insurers

Proposed Readoption with Amendment: N.J.A.C. 13:18-10

Authorized By: Clifford W. Snedeker, Director, Division
of Motor Vehicles.
Authority: N.J.S.A. 39:6-73.1.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clifford W. Snedeker, Director
Division of Motor Vehicles
25 So. Montgomery Street
Trenton, NJ 08666

The Division of Motor Vehicles thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on June 22, 1983. The readoption of the existing rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their readoption. The concurrent amendment to the existing rules becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-270.

The agency proposal follows:

Summary

The Division of Motor Vehicles proposes to readopt with amendments the provisions of N.J.A.C. 13:18-10.1 through 13:18-10.7 concerning the Unsatisfied Claim and Judgment Fund's reimbursement of excess medical benefits paid by automobile liability insurance carriers. These rules were filed and became effective on June 22, 1978 and are now to be readopted in accordance with Executive Order 66(1978).

The rules implement the provision of the "Unsatisfied Claim and Judgment Fund Law" (N.J.S.A. 39:6-73.1) dealing with the Fund's reimbursement of medical expense benefits paid by insurers in excess of \$75,000 on account of personal injury to any one person in any one accident. The rules provide that carriers notify the Fund of (1) all claims for medical expense benefits where the potential exposure to the carrier exceeds \$75,000, (2) all claims wherein the carrier has paid medical expense benefits of \$50,000, and (3) all claims wherein the carrier has paid medical expense benefits of \$75,000. Additionally, the rules impose a continuing duty on carriers to investigate claims where their potential exposure exceeds \$75,000 and provide for payment and audit procedures. The proposed amendment simply corrects a typographical error in N.J.A.C. 13:18-10.6 (b). The reference in that section to \$57,000 is an error. The figure should be \$75,000. The Division, in consultation with the Unsatisfied Claim and Judgment Fund Board, has reviewed the rules in accordance with Executive Order 66 and has determined that the rule is "necessary, adequate, reasonable, efficient, understandable and responsive to the purposes for which they were promulgated." The rules have provided an efficient procedure for the Fund's reimbursement of excess medical expense benefits. The procedures established by the rules have enabled the Fund and the insurance industry to carry out the legislative purpose of protecting small insurance companies from the financial burden of large claims. Reimbursement of excess benefits is equitably apportioned among all insurers on the basis of their percentage of the automobile insurance market.

Social Impact

The rule proposed for readoption promotes the legislative objective that small insurance companies be protected from large claims by providing that the payment of excess medical benefits be equitably apportioned among insurers on the basis of their net direct written premiums in this State. The solvency of smaller insurance companies is therefore protected with the concomitant benefit to policy holders and the general public.

Economic Impact

The Unsatisfied Claim and Judgment Fund Board is totally funded by assessments imposed upon insurance companies licensed to write automobile insurance in this State. N.J.S.A. 39:6-63. Fund expenditures, therefore, impose no economic burden on the State. Since the inception of the legislative program in 1978, insurance carriers have been reimbursed by the Fund for excess medical expense benefits in the amount of \$21,765,054.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 13:18-10.

Full text of the proposed amendment to the readoption follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

13:18-10.6 Reimbursement of excess medical expense benefits paid by insurers

(a) (No change.)

(b) The fund shall not reimburse a carrier for excess medical expense benefits if it is determined that there are multiple insurance policies applicable to a claim unless a carrier or carriers have expended medical benefits in an amount exceeding **[\$57,000] \$75,000** per policy on account of personal injury to any one person in any one accident.

(c) (No change.)

(d) (No change.)

(a)

BOARD OF CERTIFIED SHORTHAND REPORTING

Certified Shorthand Reporting Fee Schedule

Proposed New Rule: N.J.A.C. 13:43-4

Authorized By: New Jersey State Board of Certified Shorthand Reporting, Terence E. Headd, President.
Authority: N.J.S.A. 45:1-3.2.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

John J. Meade, Executive Secretary
State Board of Certified
Shorthand Reporting
Room 507-A
1100 Raymond Boulevard
Newark, NJ 07102

The Board of Certified Shorthand Reporting thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-269.

The agency proposal follows:

Summary

The proposal sets fees for examination, reexamination, and biennial registration for licensure as a Certified Shorthand Reporter.

Social Impact

The proposal implements the regulatory structure as authorized by N.J.S.A. 45:1-3.2 allowing the Board of Certified Shorthand Reporting to prescribe and change the charges for examination and licensure and other services it performs as shall be necessary to defray all proper expenses incurred.

Economic Impact

The fees are designed to defray all the increasing necessary and proper expenses of the Board including the cost of administering

the examination, maintaining an office and staff to keep the required records of all licensees and to cover the cost of conducting appropriate investigative disciplinary matters to enforce the laws governing the field. The charges are reasonable in view of the services performed and required of the Board.

Full text of the proposed new rule follows.

SUBCHAPTER 4. FEES

13:43-4.1 Fee schedule

(a) The following fees shall be charged by the Board:

1. Examination—\$75.00.
2. Reexamination—\$50.00.
3. Biennial registration for licensure—\$50.00.

(b)

NEW JERSEY RACING COMMISSION

Harness Racing Smoking Prohibited in Barn Areas

Proposed New Rule: N.J.A.C. 13:71-1.23

Authorized By: New Jersey Racing Commission, Harold G. Handel, Deputy Director.
Authority: N.J.S.A. 5:5-30.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Harold G. Handel, Deputy Director
New Jersey Racing Commission
Justice Complex
CN 088
Trenton, NJ 08625

The New Jersey Racing Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-282.

The agency proposal follows:

Summary

The proposed rule would provide penalties for violations on fire safety standards in the barn area of race tracks.

Social Impact

The proposed rule is anticipated to have a significant public safety impact by proscribing conduct in the barn area at harness race tracks constituting a fire safety hazard.

Economic Impact

Providing penalties for fire safety violations may have positive secondary economic impact within racing industry by reducing chance of fire destroying horse or horses on grounds.

Full text of the proposed new rule follows.

13:71-1.23 Smoking prohibited

Smoking is prohibited under the shed row of any barn. Persons found violating this rule will be reported to the judges and shall be subject to a fine of \$25.00 for the first offense, \$50.00 for the

second offense and to suspension for the third or subsequent violation.

PUBLIC UTILITIES

(a)

OFFICE OF CABLE TELEVISION

Rules of Cable Television Application for Municipal Consent and Certification

Proposed Readoption with Amendments: N.J.A.C. 14:18-11

Authorized By: Office of Cable Television, John P. Cleary,
Director.

Authority: N.J.S.A. 48:5A-10(d) and (e).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

John P. Cleary, Director
Office of Cable Television
Board of Public Utilities
1100 Raymond Blvd.
Newark, NJ 07102

Pursuant to N.J.S.A. 48:5A-10, a hearing on the proposed readoption and amendments will be held at the above address at 10 A.M., June 21, 1983.

The Board of Public Utilities thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on June 22, 1983. The readoption of the existing rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their adoption.

This proposal is known as PRN 1983-268.

The agency proposal follows:

Summary

The rules to be readopted cover the filing procedures for municipal consent applications; the information the application must contain; provide for appointment of two citizens' advisory committee to aid the governing body; require hearing dates to be fixed; prohibit ex-parte communications; provide for publication of notice and hearing procedures before the municipal governing body; and require a stenographic record of all proceedings.

They also specify the form and contents of the consent ordinance, as well as specifying terms which are pre-empted by State or Federal authority.

Also to be readopted are information requirements and deadlines for filing for certificates of approval.

The proposed readoption makes certain changes in the format of the expiring rules, which establish the procedures for obtaining municipal CATV consents and filing petitions for certificates of approval.

The numbering and sequence of certain sections of the subchapter have been reordered for logic and clarity. Provisions concerning filing date applications for certificates of approval are made a separate subchapter because they are filed with the Office of Cable Television, not the municipality. Language has been clarified and obsolete provisions deleted in several instances.

Substantive changes are proposed in N.J.A.C. 14:18-11.9 and 10, concerning amendments to consent applications and submission of supplemental or explanatory information during municipal proceedings.

Existing rules on amended supplemental submissions have proved troublesome due to last minute changes in proposals without affording competing parties adequate response time. To prevent last minute changes by applicants, no amendments to applications will be permitted less than seven days before the first municipal hearings (N.J.A.C. 14:18-11.9). Notice provisions are revised to assure more or less simultaneous notice to all parties of such changes.

The former provision (N.J.A.C. 14:18-11.8) for amendments after the initial hearing is deleted. Information of a clarifying or explanatory nature may be submitted on the applicant's initiative until four days before the close of hearings (N.J.A.C. 14:18-11.10). The municipality remains free to solicit additional information and evidence prior to close of the hearings. Responses to such requests are subject to the same simultaneous notice requirements.

The intent of these proposals for N.J.A.C. 14:18-11.9 and 10 is to enable the Office of Cable Television to spot procedural problems in franchise proceedings in time to forestall procedural problems which may later cause litigation and delay CATV service.

N.J.A.C. 14:18-11.20 is included as a new rule to put all interested parties on continuous notice of the Board's declaratory ruling of May 5, 1983 in Docket No. 825C-6912, interpreting the commencement and expiration dates for CATV operating authority. The proposed rule provides that the term of a municipal CATV consent ordinance does not begin until the issuance of a certificate of approval.

Sections of N.J.A.C. 14:18-11 concerning deadlines for certificate of approval petitions should not be buried within the subchapter; it is more appropriate to treat them as a separate subchapter. This is done in the proposal by moving the pertinent sections to N.J.A.C. 14:18-12.

N.J.A.C. 14:18-12.1(b) includes a new provision to cover situations when a petition is based upon denial by way of resolution, and no related ordinance is passed. Other provisions, recodified as subchapter 12, are rephrased, but without substantive change.

The current subchapter 12 is recodified as subchapter 13.

Social Impact

The rules being readopted affect CATV companies and municipal governing bodies which conduct consent proceedings. In the past, these uniform procedures have expedited franchising and made New Jersey attractive to cable operators to the point where all but some 50 municipalities have completed franchise proceedings. No other State has attained this degree of cable coverage.

The readoption of and amendments to the expiring rules will maintain orderly franchising procedures for CATV systems while making the rules clearer and more readable.

Proposed rule N.J.A.C. 14:18-11.20 will forestall controversy, delay and litigation that may arise from varying interpretations concerning the expiration dates for municipal consents and certificates of approval authorizing CATV operation. By proposing the rule and promptly adopting it before the refranchising cycle starts, cable systems, municipalities, and the public will have at least six months' notice of Board of Public Utility policy.

Economic Impact

Overall, the procedures and rules readopted have made Office operations more efficient. Office staff states that the uniformity of these rules avoids the costly litigation incurred by franchise applicants in other States. These rules limit costly requirements and prolonged franchise procedures which a municipality might otherwise impose. While the existence of these rules incur some paperwork costs to the cable companies, these costs cannot be avoided if the Office is to meet its statutory mandate.

The readoption of and amendment to the expiring rules with the proposed changes will have no economic impact on the existing franchising process.

Proposed rule N.J.A.C. 14:18-11.20 will have no effect on subscriber rates. Some savings to CATV companies and municipalities may be realized as a result of smoother transition between franchise periods, but such amounts cannot be quantified.

Full text of the proposed readoption follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

SUBCHAPTER 11. APPLICATION BY CATV COMPANIES FOR MUNICIPAL CONSENT

14:18-11.1 Application for municipal consent; who may apply

(a) (No change in text.)

(b) Application for consent shall conform to the requirements of [section 20 of this subchapter] **N.J.A.C. 14:18-11.2**, shall be filed on forms promulgated by the Office, and shall have attached a filing fee in the amount of \$100.00.

[14:18-11.20] recodified as

14:18-11.2 Application for municipal consent to operate a cable television system

(a) Every application for a new consent shall be submitted on a standard form supplied by the office, which form shall include but not be limited to the following information:

1. Organization and management:

- i. Type of business organization;
- ii. System name, address and telephone number;
- iii. Stockholders, directors, owners;
- iv. Personnel, including system manager, accountant, attorney, chief engineer and registered agent;

2. Legal:

- i. Individuals or organizations other than those listed in (a)1 above with financial interests in the applicant;
- ii. Affiliations with other media enterprises, including but not limited to newspapers, television companies and radio stations;
- iii. Public licenses revoked or suspended, or legal or administrative action by any government agency;
- iv. Conviction of any applicants, or party to the application, by a United States Federal Court concerning violation relating to unlawful restraints and to all agreements in restraint of trade;
- v. Convictions by any court or administrative agency concerning any felony, libel, slander, obscenity, invasion of privacy, lotteries or unfair methods of competition;
- vi. Any bankruptcy proceedings;
- vii. Any outstanding unsatisfied judgments or decrees against the applicant or any party to the application;

3. Cable experience: Affiliation with other television system;

4. System design and construction timetable:

- i. The system design concept contemplated, indicating initial construction proposed and the development and extension of the system within the franchise boundaries. The total signals to be carried in terms of auxiliary equipment to be provided to subscribers. Two-way capability of the proposed system;
- ii. The schedule for the construction of the system;

5. Service:

- i. Broadcast signals to be carried;
- ii. Access channels to be carried;
- iii. [Origination by the applicants;] **Local origination channels to be carried;**

- iv. Production facilities to be available;
- v. Other services available to subscribers;

(b) The office's guidelines for the composition of the municipal consent ordinance may be utilized.

[14:18-11.2] recodified as

14:18-11.3 Appointment of citizens' committee; duties

(a) The municipal governing body, prior to or upon receipt of the first application for municipal consent to operate a cable television system, may appoint a citizens' committee which shall be responsible for obtaining and disseminating information concerning cable communications generally, analyzing those services which a cable system may be required or able to provide, investigating the backgrounds of the applicants or parties to the application, ascertaining the desires of the citizens of the municipality concerning cable television and studying those sections of the application concerning which they, as residents of the municipality, have special knowledge [for example, the acceptability of the construction schedule in the areas proposed].

(b) (No change in text.)

[14:18-11.3] recodified as

14:18-11.4 Hearing date

(No change in text.)

[14:18-11.4] recodified as

14:18-11.5 Ex parte communications; prohibitions

(No change in text.)

[14:18-11.5] recodified as

14:18-11.6 Notice of hearing

(a) (No change in text.)

(b) This notice must be published twice in accordance with N.J.S.A. 48:5A-23c, which specifies that the first publication must be, at the latest, on the [fifth] **45th** day prior to the hearing, and the second between the 14th day and the seventh day prior to the hearing. Copies of both notices shall be filed with the Office within three days of each publication.

[14:18-11.6] recodified as

14:18-11.7 Hearings; before whom held

(No change in text.)

[14:18-11.7] recodified as

14:18-11.8 Procedure at hearing

(No change in text.)

[14:18-11.8 Amendments to application; filing, notice]

[a] Any applicant shall be allowed at any time until the date of hearing, after he has submitted his application, to provide additional information in the form of amendments to that application, provided, however, that the applicant shall be required to advise any other person whose application is on file at the time that such additions or amendments have been submitted. If any applicant wishes to provide amendments to the application at any stage after the initial hearing has been called, or after the close of such hearing, he shall also be required to provide notice of such additions or amendments to each other applicant. At any stage of the hearing, the presiding officer may call for further evidence upon any issue and require such evidence to be presented by the applicant or applicants concerned.

(b) Copies of such amendments shall be filed with the Office within three days of the filing with the municipality.]

[14:18-11.9 Additional information other than amendatory; filing; notice]

[Any applicant may, until seven days prior to the first hearing scheduled, submit to the municipal governing body such additional information as may be helpful to the members in reaching a decision, provided, however, that copies of all such information

shall be served by the supplying applicant upon such other applicant listed in the final notice of hearing. Such service shall be within three days of the date supplied to the municipal governing body, but in no case shall service occur later than the fourth day prior to initial hearing. Copies of such information shall be filed with the Office within three days of the filing with the municipality.]

14:18-11.9 Amendments to application; notice

(a) An applicant may, until seven days prior to the first hearing scheduled, submit to the municipal governing body changes, modifications or amendments of information contained in the application.

(b) Copies of such amendments shall be served upon the municipality, each applicant active in the proceeding and the Office, at the same time by the same method of service.

14:18-11.10 Additional information other than amendatory; notice

(a) An applicant may, until four days prior to the close of hearings, submit to the governing body such additional, clarifying, explanatory, or supplemental information as may be helpful to the members in reaching a decision.

(b) At any stage prior to close of the hearing, the presiding officer may require further information or evidence upon any issue to be presented by the applicant(s) concerned.

(c) Copies of such information shall be served upon the municipality, each applicant active in the proceeding, and the Office at the same time by the same method of service.

[14:18-11.10] recodified as

14:18-11.11 Record of hearing (No change in text.)

[14:18-11.11] recodified as

14:18-11.12 Adjournments of hearing (No change in text.)

[14:18-11.12] recodified as

14:18-11.13 Decision; time; contents

The municipal governing body shall, not later than 30 days from the date of the last hearing, make a decision as to whether to grant one or more of the applicants a municipal consent to operate a cable television system. A report of that decision shall be filed promptly with the clerk of the municipality and with the Office of Cable Television. In addition to the decision itself, the report shall contain information as to the reasons for the decision and shall have attached information concerning the municipality, governing body and hearing proceedings.

14:18-11.13 Filing of information with the office]

[Within 30 days of the date on which the municipal decision and report are filed, the successful applicants shall file such additional information with the Office as is set forth in this subchapter.]

14:18-11.14 through 14:18-11.17 (No change in text.)

14:18-11.18 [Time] Office review (No change in text.)

14:18-11.19 Acceptance by company [and filing certificate of approval]

(a) Any company receiving a municipal consent to operate a cable television system shall, within 10 days of final passage, accept in writing the terms and conditions of the consent. [Within 30 days of the date of acceptance by the company, a petition for a certificate of approval and any information required by N.J.A.C. 14:18-11.21

shall be filed with the office in accordance with the provision of N.J.A.C. 14:17-6.6 unless specific approval is given by the director for filing at a later date.]

(b) (Renumbered as **14:18-12.1(b).**)

14:18-11.20 Commencement date

For purposes of determining the term of a consent ordinance, the date of issuance of a certificate of approval shall be deemed the commencement date.

SUBCHAPTER 12. APPLICATION FOR CERTIFICATE OF APPROVAL

14:18-12.1 Filing for a certificate of approval

(a) Within 30 days of the date of acceptance by the company, a petition for a certificate of approval and any completed forms and information required by N.J.A.C. 14:18-12.2 shall be filed with the Office in accordance with the provision of N.J.A.C. 14:17-6.6 unless specific approval is given by the director for filing at a later date.

(b) A petition for a certificate of approval filed pursuant to N.J.S.A. 48:5A-17(d) (Arbitrary Refusal) shall be filed within 30 days of the date of adoption of a final ordinance by a municipality.

[14:18-11.21] recodified as

14:18-12.2 Information to [be supplied to the office] accompany petition for certificate of approval

(a) At the time of filing of a petition for a certificate of approval, the [successful] applicant(s) shall file with the office on standardized forms, where applicable, information including, but not necessarily limited to, the following:

1.-3. (No change in text.)

[14:18-11.22] recodified as

14:18-11.21 Special provisions for renewal of municipal consents [granted prior to December 15, 1972]

[(a) Cable television systems which were granted municipal consents prior to December 15, 1972, and which hold certificates of approval issued pursuant to N.J.S.A. 48:5A-17f shall be required to file applications for renewal of their municipal consents in accordance with section 1 of this subchapter on the special forms provided by the office.]

[(b)] Municipalities receiving applications for renewal of municipal consent shall be required to conduct hearings in accordance with [section 2 through 6 in this subchapter.] **N.J.A.C. 14:18-11.2 through 11.19.**

14:18-11.23 Effective date[s]

[(a) These amendments shall become effective immediately except as follows:

1. The time requirements contained in section 18 of this subchapter shall begin 30 days from the date of promulgation of these regulations (December 18, 1975) in any circumstance under which a municipality had, prior to the date of said promulgation, completed its hearing process;

2. The time requirement contained in section 19 of this subchapter shall begin 30 days from the date of promulgation (December 18, 1975) of these regulations in any case in which a CATV system received a consent from a municipality prior to the date of said promulgation.

3. Section 20 of this subchapter shall become effective 30 days after promulgation (December 18, 1975), provided that no application filed prior to the effective date is under consideration. If such previously filed application is under consideration, all other timely applications shall conform to sections 1 through 8 of this subchapter, which became effective on April 23, 1973.

4. No cable television applicant whose municipal consent

application was filed in accordance with sections 1 through 8 of this subchapter, which became effective on April 23, 1973, shall be required to file any of the information contained in section 21 of this subchapter, unless specifically requested by the office.]

This subchapter shall become effective _____.

SUBCHAPTER [12]13 MISCELLANEOUS PROVISIONS
[14:18-12]recodified as **14:18-13**

TRANSPORTATION

(a)

TRANSPORTATION OPERATIONS

Speed Limits for State Highways Route I-80

Proposed Amendment: N.J.A.C. 16:28-1.2

Authorized By: John P. Sheridan, Jr., Commissioner,
Department of Transportation.
Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

The Department of Transportation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-257.

The agency proposal follows:

Summary

The proposal will establish a 40 mile per hour speed limit along a portion of Smith Road in the Route I-80 interchange in the Township of Parsippany-Troy Hills, Morris County. The establishment of the speed limit was requested by local officials of the Township of Parsippany-Troy Hills. The establishment of the 40 mile per hour limit was determined warranted after engineering studies conducted by the Department of Transportation's Traffic Bureau. Appropriate signs will be erected advising the motoring public.

Social Impact

The amendment will establish a 40 mile per hour speed limit along Smith Road in the area designated for the safe and efficient flow of vehicular traffic along the interchange system and the enhancement of safety within the Township of Parsippany-Troy Hills.

Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

16:28-1.2 Route I-80 including Littleton Road and Cherry Hill interchange, Parsippany-Troy Hills, Frontage Road number 2, Paterson, [and] Landing Road interchange, **and Smith Road interchange**

(a)-(d) (No change.)

(e) The certain part of State highway Route I-80, Landing Road interchange described in [(e) of] this section shall be [and hereby is] established and adopted as the maximum legal rate of speed thereat:

1.-2. (No change.)

(f) **The certain part of Smith Road in the State highway Route I-80 interchange, described in this section shall be established and adopted as the maximum legal rate of speed thereat:**

1. Along Smith Road in the Township of Parsippany-Troy Hills, Morris County:

i. Forty miles per hour between the Department of Transportation - Morris County jurisdictional line and US Route 46.

(b)

PUBLIC TRANSPORTATION

Autobus Specifications

Vans, Small Buses, Recreational Vehicles, Sedans; Special Equipment for Wheelchairs; Modified Interiors for Charter or Special Bus Operations; Certificates; Public Liability Insurance

Proposed Amendments: N.J.A.C. 16:53-1.29, 1.30, 3.23, 3.24, 6.21, 6.30, 7.17, 7.23, 8.22, 8.25

Authorized By: John P. Sheridan Jr., Commissioner,
Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 52:14D-1 et seq., Executive Order on Reorganization Plan for Board of Public Utilities, September 19, 1978. (See: 10 N.J.R. 466(a)).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, NJ 08625

The Department of Transportation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-265.

The agency proposal follows:

Summary

The proposal amends previous rules on "Autobus Specifications" proposed on December 6, 1982, (see 14 N.J.R. 1347(a)) and adopted on May 2, 1983, (see 15 N.J.R. 694(b)). The existing regulations regarding autobus specifications, provide for certain

vehicular standards, pertaining to the construction of autobuses, vans, sedan-type autobuses and special equipment to transport passengers in wheelchairs. In view of recent technological advances, the proposed amendments provide guidelines and requirements for periodic maintenance and inspection and establishes a self-inspection system by New Jersey Transit Corporation, its subsidiaries and the private Motor Carrier Industry in addition to inspection performed by the Department.

The amendments to N.J.A.C. 16:53-1.29, -3.24, -6.30 -7.23, and -8.25 add new subsections (b), (c), (h), (i), (j) and (k). Subsections (b) and (c) establish specifications inspection for vans and the issuance of Certificates of Compliance. Subsections (h), (i), (j) and (k) provide for a six month self-inspection Certificate program for New Jersey Transit Corporation and its subsidiaries and the bi-annual inspection of school buses.

The amendments to N.J.A.C. 16:53-1.30, -3.23, -6.21, -7.17 and 8.22 add new subsections (a), (b), (c) and (f). Subsections (a), (b), and (c) requires that inspection stickers be affixed to vehicles upon completion of the inspection. Subsection (f) effects charges for non-compliance with the required inspection procedures.

The amendments to N.J.A.C. 16:53-8.22 adds new subsection (e) which provides for road and terminal checks of sedan-type autobuses.

Social Impact

These amendments will reflect changes in inspection procedures which are the result of improvements in technology which will permit the New Jersey Department of Transportation to administer a system of self inspection coupled with adequate on site inspection. Additionally, these amendments will assure passengers that their best interests are being protected by State government by retention of periodic maintenance and inspection to ensure standards are being maintained.

Economic Impact

The Department will incur direct and indirect costs for its workforce for personnel and equipment requirements for the periodic inspection of vehicles. As a result of these amendments it is anticipated that a reduction of costs will occur.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

16:53-1.29 Maintenance and inspection

(a) (No change.)

(b) All equipment shall receive a specification inspection by Department personnel in order to insure compliance with all of the Department's specifications. All vehicles which meet Department specifications will be issued a Certificate of Compliance.

(c) [Vehicles inspected at other than the home garage shall have maintenance records available, at the inspection site.] All vans for which Certificates of Compliance have been issued by the Department shall receive a certification inspection at least twice annually. Nothing herein contained shall limit the Department's authority to require more frequent certification inspection of such vehicles by Department personnel when, in its opinion, the safety of the public so requires.

[(b)] (d) A systematic maintenance record shall be kept for each vehicle showing the vehicle identification, driver, date of breakdowns, defects reported and corrective measures taken. The records shall also indicate the party making corrections and the date corrections were made.

(e) The systematic maintenance records shall be available at the inspection site, at the time of inspection.

[(d)] (f) Each [utility] motor vehicle shall [make] receive a complete inspection [of each motor vehicle] at regular time and/or mileage intervals for mechanical or structural defects. [and] [a] All necessary repairs shall be completed and a Certificate of

Compliance affixed in accordance with N.J.A.C. 16:53-1.30, before the motor vehicle is returned to service. An itemized record of each inspection showing the date, vehicle identification, lubrication record and any adjustments or repairs shall be maintained in office or garage. A record of each sixth month certification inspection is to be submitted to the Department on a prescribed form within five days of the inspection.

[(c)] (g) The records referred to in [subsections (b) and (d) of this section] N.J.A.C. 16:53-1.29 (c) and (e) shall be retained [by the utility] for a period of at least [six] 12 months after the date of the matter recorded and shall be made available during that period to the duly authorized representative of the Department upon request.

[(f)] (h) The maintenance facilities [of each utility] shall be adequate to assure compliance with specifications herein and shall include either a suitable pit or lift or an arrangement for the use of such facilities.

[(g)] (i) The entire vehicle shall be kept clean and sanitary.

(j) All vehicles directly operated by New Jersey Transit Corporation and its wholly owned subsidiaries, will be on a six month self-inspection certification program. All other vehicles shall receive a certification inspection at six month intervals; once by Department personnel during the first six months and self-inspected at the completion of the second six month period.

(k) The self-inspection certification does not apply to vehicles certificated for school use. They will be inspected bi-annually by Department personnel.

16:53-1.30 [Inspection and] Certification of Inspection

[(a) All vans for which Certificates of Compliance have been issued by the Department shall be inspected at least twice annually. Nothing herein contained shall limit the Department's authority to require more frequent inspection of such vehicles when, in its opinion, the safety of the public so requires.]

(a) An authorized New Jersey Transit Corporation official or his representative shall affix a Certificate of Inspection (inspection sticker) to the vehicle at the completion of each six month certification inspection as outlined in N.J.A.C. 16:53-1.29(f) and N.J.A.C. 16:53-1.30(d).

(b) An authorized company official or his representative shall affix a Certificate of Inspection (inspection sticker) to all other vehicles, once yearly, in accordance with the self-inspection requirement (N.J.A.C. 16:53-1.29(f)) at the completion of the certification inspection as outlined in N.J.A.C. 16:53-1.30(d).

(c) No Certificate of Inspection shall be issued without certification by the person authorized to inspect the vehicle that the vehicle was inspected, is in proper and safe condition and complies with all requirements of this Department. The required certification shall be made on the maintenance inspection report as set forth in N.J.A.C. 16:53-1.29(f).

[(b)] (d) No van shall be operated unless it prominently displays an unexpired Certificate of Inspection issued by the Department, visible from the exterior, on the lower right corner of the right-hand windshield.

[(c)] (e) All vans operating in the State shall be subject to road and terminal checks. These shall be conducted at the Department's option as to location and frequency.

(f) Any person who issues a Certificate of Inspection or submits a certification to this Department without the required inspection and repair having been performed, shall be deemed to be a disorderly person in accordance with N.J.S.A. 48:4-2.1(a).

16:53-3.23 [Inspection and] Certificate of Inspection

[(a) All autobuses for which Certificates of Compliance have been issued by the Department shall be inspected at least twice annually. Nothing herein contained shall limit the Department's authority to require more frequent inspection of such autobuses when, in its opinion, the safety of the public so requires.]

(a) An authorized New Jersey Transit Corporation official or

his representative shall affix a Certificate of Inspection (inspection sticker) to the vehicle at the completion of each six month certification inspection as outlined in N.J.A.C. 16:53-3.24(c).

(b) An authorized company official or his representative shall affix a Certificate of Inspection (inspection sticker) to the vehicle once yearly in accordance with the self-inspection requirement (N.J.A.C. 16:53-1.29(j)) at the completion of the certification inspection as outlined in N.J.A.C. 16:53-3.24(c).

(c) No Certificate of Inspection shall be issued without certification by the person authorized to inspect the vehicle that the vehicle was inspected, is in proper and safe condition and complies with all requirements of this Department. The required certification shall be made on the maintenance inspection report as set forth in N.J.A.C. 16:53-3.24(e).

[(b)] (d) No autobus shall be operated unless it prominently displays an unexpired Certificate of Inspection issued by the Department, visible from the exterior, on the lower right corner of the right-hand windshield.

[(c)] (e) All autobuses operating in the State shall be subject to road and terminal checks. These shall be conducted at the Department's option as to location and frequency.

(f) Any person who issues a Certificate of Inspection or submits a certification to this Department without the required inspection and repair having been performed, shall be deemed to be a disorderly person in accordance with N.J.S.A. 48:4-2.1(a).

16:53-3.24 Maintenance and inspection

(a) (No change.)

(b) All equipment shall receive a specification inspection by Department personnel in order to insure compliance with all of the Department's specifications. All vehicles which meet Department specifications will be issued a Certificate of Compliance.

(c) All vehicles for which Certificates of Compliance have been issued by the Department shall receive a certification inspection at least twice annually. Nothing herein contained shall limit the Department's authority to require more frequent certification inspection of such vehicles by Department personnel when, in its opinion, the safety of the public so requires.

[(b)] (d) A systematic maintenance record shall be kept for each vehicle showing the vehicle identification, driver, date of breakdowns, defects reported and corrective measures taken. The records shall be retained by the utility for at least [three] 12 months and shall be available for review by the Department.

[(c)] (e) Each [utility] motor vehicle shall [make] receive a complete inspection [of each motor vehicle] at regular time and/or mileage intervals for mechanical or structural defects. [and] [a] All necessary repairs shall be [made] completed and a Certificate of Compliance affixed in accordance with N.J.A.C. 16:53-3.23, before the motor vehicle is returned to service. An itemized record of each inspection showing the date, vehicle identification, lubrication record, repairs and adjustments and signed by the person making such inspection, shall be [retained at the local office, garage of repair shop where such inspection is made,] available at the inspection site, at the time of inspection for at least [three] 12 months and available for review by the Department. A record of each sixth month certification inspection is to be submitted to the Department on a prescribed form within five days of the inspection.

[(d)] (f) The maintenance facilities [of each utility] shall be adequate to assure compliance with specifications herein and shall include either a suitable pit or lift or an arrangement for the use of such facilities.

[(e)] (g) The entire vehicle shall be kept clean and sanitary.

(h) The self-inspection certification does not apply to vehicles certificated for school use. They will be inspected bi-annually by Department personnel.

(i) All vehicles directly operated by New Jersey Transit

Corporation and its wholly owned subsidiaries, will be on a six month self-inspection certification program. All other vehicles shall receive a certification inspection at six month intervals; once by Department personnel during the first six months and self-inspected at the completion of the second six month period.

16:53-6.21 [Inspection and] Certificate of Inspection

[(a) All autobuses for which Certificates of Compliance have been issued by the Department shall be inspected at least twice annually. Nothing herein contained shall limit the Department's authority to require more frequent inspection of such autobuses when, in its opinion, the safety of the public so requires.]

(a) An authorized New Jersey Transit Corporation official or his representative shall affix a Certificate of Inspection (inspection sticker) to the vehicle at the completion of each six month certification inspection as outlined in N.J.A.C. 16:53-6.30(c).

(b) An authorized company official or his representative shall affix a Certificate of Inspection (inspection sticker) to the vehicles once yearly in accordance with the self-inspection requirement (N.J.A.C. 16:53-1.29(j)) at the completion of the certification inspection as outlined in 16:53-6.30(c).

(c) No Certificate of Inspection shall be issued without certification by the person authorized to inspect the vehicle that the vehicle was inspected, is in proper and safe condition and complies with all requirements of this Department. The required certification shall be made on the maintenance inspection report as set forth in N.J.A.C. 16:53-6.30(e).

[(b)] (d) No autobus shall be operated unless it prominently displays an unexpired Certificate of Inspection issued by the Department, visible from the exterior, on the lower right corner of the right-hand windshield.

[(c)] (e) All autobuses operating in the State shall be subject to road and terminal checks. These shall be conducted at the Department's option as to location and frequency.

(f) Any person who issues a Certificate of Inspection or submits a certification to this Department without the required inspection and repair having been performed, shall be deemed to be a disorderly person in accordance with N.J.S.A. 48:4-2.1(a).

16:53-6.30 Maintenance and inspection

(a) (No change.)

(b) All equipment shall receive a specification inspection by Department personnel in order to ensure compliance with all of the Department's specifications. All vehicles which meet Department specifications will be issued a Certificate of Compliance.

(c) All vehicles for which Certificates of Compliance have been issued by the Department shall receive a certification inspection at least twice annually. Nothing herein contained shall limit the Department's authority to require more frequent certification inspection of such vehicles by Department personnel when, in its opinion, the safety of the public so requires.

[(b)] (d) A systematic maintenance record shall be kept for each vehicle showing the vehicle identification, driver, date of breakdowns, defects reported and corrective measures taken. The records shall be retained by the utility for at least [three] 12 months and shall be available for review by the Department.

[(c)] (e) Each [utility] motor vehicle shall [make] receive a complete inspection [of each motor vehicle] at regular time and/or mileage intervals for mechanical or structural defects. [and] [a] All necessary repairs shall be [made] completed and a Certificate of Compliance affixed in accordance with N.J.A.C. 16:53-6.21, before the motor vehicle is returned to service. An itemized record of each inspection showing the date, vehicle identification, lubrication records, repairs and adjustments and signed by the person making such inspection, shall be [retained at the local office, garage or repair shop where such inspection is made] available at

the inspection site, at the time of inspection, for at least [three] 12 months and available for review by the Department. A record of each sixth month certification inspection is to be submitted to the Department on a prescribed form within five days of the inspection.

[(d)] (f) The maintenance facilities [of each utility] shall be adequate to assure compliance with specifications herein and shall include either a suitable pit or lift or an arrangement for the use of such facilities.

[(e)] (g) The entire vehicle shall be kept clean and sanitary.

(h) The self-inspection certification does not apply to vehicles certificated for school use. They will be inspected bi-annually by Department personnel.

(i) All vehicles directly operated by New Jersey Transit Corporation and its wholly owned subsidiaries, will be on a six month self-inspection certification program. All other vehicles shall receive a certification inspection at six month intervals; once by Department personnel during the first six months and self-inspected at the completion of the second six month period.

16:53-7.17 [Inspection and] Certification of Inspection

[(a) All vehicles for which Certificates of Compliance have been issued by the Department shall be inspected at least twice annually. Nothing herein contained shall limit the Department's authority to require more frequent inspection of such vehicle when, in its opinion, the safety of the public so requires.]

(a) An authorized New Jersey Transit Corporation official or his representative shall affix a Certificate of Inspection (inspection sticker) to the vehicle at the completion of each six month certification inspection as outlined in N.J.A.C. 16:53-7.23(c).

(b) An authorized company official or his representative shall affix a Certificate of Inspection (inspection sticker) to the vehicle once yearly in accordance with the self-inspection requirement (16:53-1.29(j)) at the completion of the certification inspection as outlined in 16:53-7.23(c).

(c) No Certificate of Inspection shall be issued without certification by the person authorized to inspect the vehicle that the vehicle was inspected, is in proper and safe condition and complies with all requirements of this Department. The required Certification shall be made on the maintenance inspection report as set forth in 16:53-7.23(e).

[(b)] (d) No vehicle shall be operated unless it prominently displays an unexpired Certificate of Inspection issued by the Department, visible from the exterior, on the lower right corner of the right-hand windshield.

[(c)] (e) All vehicles operating in the State shall be subject to road and terminal checks. These shall be conducted at the Department's option as to location and frequency.

(f) Any person who issues a Certificate of Inspection or submits a certification to this Department without the required inspection and repair having been performed, shall be deemed to be a disorderly person in accordance with N.J.S.A. 48:4-2.1(a).

16:53-7.23 Maintenance and inspection

(a) (No change.)

(b) All equipment shall receive a specification inspection by Department personnel in order to insure compliance with all of the Department's specifications. All vehicles which meet Department specifications will be issued a Certificate of Compliance.

(c) All vehicles for which Certificates of Compliance have been issued by the Department shall receive a certification inspection at least twice annually. Nothing herein contained shall limit the Department's authority to require more frequent certification inspection of such vehicles by Department personnel when, in its opinion, the safety of the public so requires.

[(b)] (d) A systematic maintenance record shall be kept for each

vehicle showing the vehicle identification, driver, date of breakdowns, defects reported and corrective measures taken. The records shall be retained by the utility for at least [three] 12 months and shall be available for review by the Department.

[(c)] (e) Each [utility] motor vehicle shall [make] receive a complete inspection [of each motor vehicle] at regular time and/or mileage intervals for mechanical or structural defects. [and] [a] All necessary repairs shall be [made] completed and a Certificate of Compliance affixed in accordance with N.J.A.C. 16:53-7.17, before the motor vehicle is returned to service. An itemized record of each inspection showing the date, vehicle identification, lubrication record, repairs and adjustments and signed by the person making such inspection, shall be [retained at the local office, garage or repair shop where such inspection is made,] available at the inspection site, at the time of inspection, for at least [three] 12 months and available for review by the Department. A record of each sixth month certification inspection is to be submitted to the Department on a prescribed form within five days of the inspection.

[(d)] (f) The maintenance facilities [of each utility] shall be adequate to assure compliance with specifications herein and shall include either a suitable pit or lift or an arrangement for the use of such facilities.

[(e)] (g) The entire vehicle shall be kept clean and sanitary.

(h) The self-inspection certification does not apply to vehicles certificated for school use. They will be inspected biannually by Department personnel.

(i) All vehicles directly operated by New Jersey Transit Corporation and its wholly owned subsidiaries, will be a on a six month self-inspection certification program. All other vehicles shall receive a certification inspection at six month intervals; once by Department personnel during the first six months and self-inspected at the completion of the second six month period.

16:53-8.22 [Inspection] [c]Certificate of Inspection

(a) An authorized New Jersey Transit Corporation official or his representative shall affix a Certificate of Inspection (inspection sticker) to the vehicle at the completion of each six month certification inspection as outlined in N.J.A.C. 16:53-8.25(c).

(b) An authorized company official or his representative shall affix a Certification of Inspection (inspection sticker) to the vehicle once yearly in accordance with the self-inspection requirements (N.J.A.C. 16:53-1.29(j)) at the completion of the certification inspection as outlined in N.J.A.C. 16:53-8.25(c).

(c) No Certificate of Inspection shall be issued without certification by the person authorized to inspect the vehicle that the vehicle was inspected, is in proper and safe condition and complies with all requirements of this Department. The required certification shall be made on the maintenance inspection report as set forth in N.J.A.C. 16:53-8.25(e).

(d) No vehicle shall be operated unless it prominently displays on the lower right-hand corner of the windshield, visible from the exterior, an unexpired Certificate of Inspection issued by the Department.

(e) All vehicles operating in the State shall be subject to road and terminal checks. These shall be conducted at the Department's option as to location and frequency.

(f) Any person who issues a Certificate of Inspection or submits a certification to this Department without the required inspection and repair having been performed, shall be deemed to be a disorderly person in accordance with N.J.S.A. 48:4-2.1(a).

16:53-8.25 Maintenance and inspection

(a) The body, chassis, engine and all equipment shall be maintained in proper adjustment and safe operating condition.

(b) All equipment shall receive a specification inspection by

Department personnel in order to ensure compliance with all of the Department's specifications. All vehicles which meet Department specifications will be issued a Certificate of Compliance.

(c) All vehicles for which Certificates of Compliance have been issued by the Department shall receive a certification inspection at least twice annually. Nothing herein contained shall limit the Department's authority to require more frequent certification inspection of such vehicles by Department personnel when, in its opinion, the safety of the public so requires.

[(d)] The records referred to in (b) and (c) shall be retained by the utility for at least three months after the date of the matter recorded and shall be made available during that period to the duly authorized representative of the Department on his request.]

[(b)] (d) A systematic maintenance record shall be kept for each vehicle showing the vehicle identification, driver, date of breakdowns, defects reported and corrective measures taken. The records shall be retained by the utility for at least [three] 12 months and shall be available for review by the Department.

[(c)] (e) Each [utility] motor vehicle shall [make] receive a complete inspection [of each motor vehicle] at regular time and/or mileage intervals for mechanical or structural defects. [and] [a] All necessary repairs shall be [made] completed and a Certificate of Compliance affixed in accordance with N.J.A.C. 16:53-8.22, before the motor vehicle is returned to service. An itemized record of each inspection showing the date, vehicle identification, lubrication record, repairs and adjustments and signed by the person making such inspection, shall be [retained at the local office, garage or repair shop where such inspection is made,] available at the inspection site, at the time of inspection, for at least [three] 12 months and available for review by the Department. A record of each sixth month certification inspection is to be submitted to the Department on a prescribed form within five days of the inspection.

[(e)] (f) The maintenance facilities [of such utility] shall be adequate to assure compliance with specifications herein and shall include either a suitable pit or [hoist] lift or an arrangement for the use of such facilities.

[(f)] (g) The entire vehicle shall be kept clean and sanitary.

(h) The self-inspection certification does not apply to vehicles certificated for school use. They will be inspected biannually by Department personnel.

(i) All vehicles directly operated by the New Jersey Transit Corporation and its wholly owned subsidiaries, will be on a six month self-inspection certification program. All other vehicles shall receive certification inspection at six month intervals; once by Department personnel during the first six months and self-inspected at the completion of the second six month period.

(a)

NEW JERSEY TRANSIT CORPORATION

Bus Allocation Guidelines and Procedure

Proposed New Rule: N.J.A.C. 16:75

Authorized By: New Jersey Transit Corporation, Jerome C. Premo, Executive Director.

Authority: N.J.S.A. 27:25-5(e), (h) and (k).

A public hearing concerning this proposal will be held on June 13, 1983 at 10:00 A.M. at:

New Jersey Transit Corporation
Headquarters
Board Room
Market Street and McCarter Highway
Newark, NJ

OFFICE OF ADMINISTRATIVE LAW NOTE: In accordance with N.J.A.C. 1:30-3.3(b)2, additional public notice providing 15 days notice of this proposal has been provided by the New Jersey Transit Corporation.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Albert R. Hasbrouck, III
Assistant Executive Director
New Jersey Transit Corporation
(NJ TRANSIT)
P.O. Box 10009
Market Street and McCarter Highway
Newark, NJ 07101

NJ TRANSIT thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-280.

The agency proposal follows:

Summary

The New Jersey Transit Corporation (NJ TRANSIT) was established by the New Jersey Public Transportation Act of 1979 (N.J.S.A. 27:25-1 et seq.) as the instrumentality of the State government responsible to establish and provide for the operation and improvement of a coherent public transportation system in the most efficient and effective manner. One of the programs by which NJ TRANSIT fulfills this responsibility is through the purchase of buses for lease to eligible bus carriers throughout New Jersey. The proposed new rules establish guidelines and procedures pursuant to which NJ TRANSIT will lease such buses.

Social Impact

The purpose of NJ TRANSIT'S bus procurement program is to replace overaged motorbuses used in the State of New Jersey with newer equipment that will provide improved and more reliable mass transit service to the public. The proposed rule is designed to distribute the buses to both public and private carriers based on the age of buses presently in use so that the buses are made available to riders who will benefit the most from new buses. While it is anticipated that most carriers with overaged buses will be allocated buses, the proposed rule would also permit NJ TRANSIT to consider the capabilities and responsibility of carriers requesting buses and to consider whether the leasing of buses to specific carriers would be consistent with an efficient, effective, coordinated and coherent public transportation system. Thus, there may be situations where overaged buses of some carriers will not be replaced because the lease of buses to such carriers is not consistent with sound transportation policy. There are procedures for consideration of the impact of not leasing buses in specific circumstances where NJ TRANSIT staff makes a preliminary determination that a carrier is not eligible to receive buses.

Economic Impact

The primary economic impact of this proposal and the leasing of buses pursuant to it would be to improve the financial condition of private bus carriers receiving buses from NJ TRANSIT. By reducing the need of carriers to use financial resources for capital requirements and by increasing ridership, the new buses may result in holding fares down. The proposal may also result in lower

subsidies thus benefiting the taxpayers of the State. It is possible that some carriers not receiving buses may be at a disadvantage where they compete with carriers receiving buses.

Full text of the proposed new rule follows.

CHAPTER 75 BUS ALLOCATION GUIDELINES AND PROCEDURE

SUBCHAPTER 1. GENERAL PROVISIONS

16:75-1.1 Purpose

NJ TRANSIT was established by the New Jersey Public Transportation Act of 1979 (N.J.S.A. 27:25-1 et seq.) as the instrumentality of the State government to establish and provide for the operation and improvement of a coherent public transportation system in the most efficient and effective manner. One of the programs by which NJ TRANSIT fulfills this responsibility is through the leasing of buses purchased with funds provided by the State, the Federal government or the Port Authority of New York and New Jersey. This chapter is designed to provide guidelines and procedures pursuant to which NJ TRANSIT will allocate these buses.

16:75-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Board" means the Board of Directors of NJ TRANSIT.

"Carrier" means any individual, co-partnership, association, corporation, joint stock company, trustee or receiver operating or controlling regular route peak bus service on established routes within the State or between points in this State and points in adjacent states.

"Executive Director" means the Executive Director of NJ TRANSIT or his designee.

"NJ TRANSIT" means the New Jersey Transit Corporation.

"Regular route peak services" means the operation of any motor bus or motor buses on streets, public highways or other facilities, over a fixed route and between fixed termini on a regular schedule for the purpose of carrying passengers for hire or otherwise, in this State or between points in this State and points in other states during the times of 6:00 A.M. to 9:30 A.M. and 4:00 P.M. to 7:00 P.M.

SUBCHAPTER 2. GUIDELINES

16:75-2.1 Eligibility

(a) A carrier must be authorized to provide regular route peak service by NJ TRANSIT, the New Jersey Department of Transportation, the Interstate Commerce Commission (ICC), a municipality or any other regulatory body. To be eligible, the service must be provided on a regular and continuing basis and may not be exclusionary or personal in nature. Service to special purpose areas or that which is exclusionary in nature such as to casinos or special events, is not eligible. Carriers will be asked to indicate the procurement programs in which they would like to participate. A decision not to participate in one program will not qualify a carrier for greater participation in another program. In addition, after NJ TRANSIT has determined bus allocation eligibility and if an operator chooses not to accept all buses which are allocated, NJ TRANSIT will view the status of that operator's fleet as if it had accepted all buses allocated. For new buses, a 12 year useful life is assumed for determining fleet composition. For rehabilitated buses, a five year useful life period is presumed.

(b) The allocation of buses will be based on the need to replace buses which are 12 years of age or older, and which are needed to meet a carriers' peak period requirement on its motor bus regular

route services. Peak period requirements will be those operated for eligible services described in (a) above as of a date certain to be determined by the Executive Director with respect to each procurement. Decreases in peak requirements due to service cutbacks which might occur after that date certain, and before the specific allocations are finalized, will be factored into final allocations. Increases in peak requirements due to fleet service expansion after the date certain will not be considered. Fleet expansion is not meant to include additional service due to the assumption of new service rights where such additional service does not duplicate existing service. Allocations will not be made for spare vehicle requirements until the peak period requirements of all carriers are met.

(c) Until such time as bus purchases are sufficient to replace all qualified overage buses in the State, individual allocations will be made on a percentage basis. This will be according to the relative need each qualified carrier has to replace its overage buses as compared to the total need of all qualified carriers to replace all overage buses. This percentage will be calculated for each bus procurement program.

(d) Buses which are not registered in the fleet of a carrier requesting participation in the program but which are leased or otherwise used occasionally by the carrier must be counted in the fleet of buses of the carrier which are used to meet its peak period requirements. If such buses are not used for regular route peak services on a regular or full time basis, they will be counted only according to the percentage of time that such buses are used for regular route peak services. This percentage will be calculated by determining the hours of service such buses are used for regular route peak services on an average daily basis as compared to the total hours of regular route peak services operated by the carrier on a daily basis. For the purpose of determining the age of these buses, the average age of all buses leased or otherwise used on an occasional basis by a carrier requesting participation in the program will determine a base age. Then, all such buses will be counted in a descending order of age (for example, buses that are older than the average age, with the newest ones being counted first).

(e) Buses will be allocated for different types of services according to service based characteristics. Generally, transit-type buses will be used for local urban services and commuter-type buses will be used for long haul intrastate or interstate services. Generally, cruiser-type buses (for example, deck and a half) will be used for commuter services which meet the following criteria:

1. The trips originate a minimum of 12 miles from the major point of destination, and express service is offered for at least the last four miles to the point of destination; or

2. The route to major point of destination requires substantial underfloor baggage capacity.

3. Generally, the major point of destination for the trips (and routes) must be a major trip generator such as a bus or rail terminal.

(f) It will be expected that carriers will make every effort to ensure that these buses are used in all day services first before they are used for other types of services, such as AM/PM trippers, split assignments, extras, etc. This should be done to the extent that it makes practical operating sense and should not interfere with the scheduling of maintenance for the bus.

16:75-2.2 Buses in a rehabilitation pool

(a) If a carrier wishes to participate in a bus rehabilitation program and it has buses which are in the age category of the program, then its privately owned bus will first be considered for use in the pool of buses to be included in the rehabilitation program. The inclusion of a privately owned vehicle in the rehabilitation pool will be based on an inspection of the condition of the bus by NJ TRANSIT to determine the cost-effectiveness of rehabilitating the bus. Title may be retained for the vehicle but, there will be an agreement for lease of the improvement of the bus due to rehabilitation (rehabilitated bus must be kept in regular route peak service at least five years, which is the expected extension of the useful life of the bus). After rehabilitation, the bus will be counted as a seven-year old bus.

(b) If a carrier wishes to participate in a bus rehabilitation program and it has buses which are older than 16 years of age, then it will qualify to lease a rehabilitated bus owned by NJ TRANSIT.

16:75-2.3 Disposal of buses

(a) For each NJ TRANSIT owned bus that an operator receives under these programs, it must agree to take one of its overage buses out of service. It may not use that bus to expand its regular route peak or charter or special services. It may dispose of the bus, and keep any proceeds that it might receive or it may keep the vehicle and use it for parts requirements for its regular route services. In such cases, the operator should officially notify the Office of Regulatory Affairs of the New Jersey Department of Transportation that the buses which will be used for spare parts are being scrapped and request that the Certificate of Operation for the vehicle be revoked. However, it must use the proceeds for capital expenditures for use on its regular route peak services. An operator may not transfer the vehicle to any affiliate unless the vehicle was originally purchased with private funds (for example, no Federal or State funds were involved) and unless the fair market value of the vehicle is credited to the line service company and proceeds used for eligible capital expenditures. An operator may request that the vehicle be set aside in an active reserve fleet for emergency purposes, in which event the vehicle may only be used for such purposes.

(b) In all instances, an operator must submit a plan for any such disposition to NJ TRANSIT for its approval. If a bus to be replaced is leased, then the lessor must agree that the vehicle will be taken out of regular route peak services in the State of New Jersey. In such cases, the lessor may keep the proceeds of a disposed vehicle for its use.

16:75-2.4 Other requirements

(a) A carrier must agree to abide by all requirements of NJ TRANSIT, and the Urban Mass Transportation Administration (UMTA). Also, the requirements of the Port Authority of New York and New Jersey will be applicable to the extent that Port Authority funds are used for each purchase. Of particular note are maintenance and insurance requirements and toll, platform, and departure fees, as applicable. A draft lease stating the required terms and conditions will be provided to eligible participants.

(b) Port Authority funds are generally used for the purchase of the new commuter buses which are used for services entirely within the Port Authority "regional bus area". This "regional bus area" is defined as a 75 mile radius of the Port Authority Bus Terminal in midtown Manhattan.

16:75-2.5 Ineligibility

(a) A carrier or any of its affiliates which is not current in any and all accounts it has with NJ TRANSIT and/or its predecessors, as well as with the State of New Jersey and all of its agencies, will be included in appropriate allocations but will not be able to receive any buses until such time as any outstanding sums are paid.

(b) Consideration will be given to the adequacy of performance by the carrier or any of its affiliates under prior vehicle leasing or other contractual arrangements with NJ TRANSIT and/or its predecessors. A carrier or any of its affiliates which have demonstrated a negative performance in the past may not be considered eligible under these programs.

(c) Consideration will also be given to a carrier's ability to maintain and operate advance design, articulated and other technologically complex types of buses that require sophisticated and expensive maintenance systems. Carriers may be considered ineligible for the receipt of such buses based on its apparent inability to maintain and operate such equipment.

(d) A carrier may be declared ineligible under any of these programs if NJ TRANSIT determines that the lease of buses or the continued lease of buses to the carrier is inconsistent with its statutory obligation to provide efficient, effective, coordinated and coherent state transportation systems.

SUBCHAPTER 3. PROCEDURE

16:75-3.1 Notification

(a) When NJ TRANSIT contemplates declaring an operator ineligible under any of its bus procurement programs pursuant to N.J.A.C. 16:75-2.5, it shall notify the carrier of the preliminary decision, the reasons therefore and allow the carrier the opportunity to respond.

(b) The Executive Director shall consider the carrier's response and all other relevant material including the applicable provisions of N.J.S.A. 27:25-1 et seq. and any other applicable law and shall render a decision. A carrier may seek a review of such decision by the Board by filing a notice of such intention within 10 days after receipt of the Executive Director's decision.

16:75-3.2 Factors to be considered

(a) The factors to be considered by the Executive Director in determining whether a carrier is eligible to lease buses shall include, but not be limited to:

1. Whether a carrier or its affiliates are current in its accounts with NJ TRANSIT or its predecessor as well as with the State of New Jersey and all of its agencies;

2. The adequacy of performance by a carrier or its affiliates under prior leasing or other contractual arrangements with NJ TRANSIT or its predecessor;

3. Whether a carrier has the ability to maintain and operate advance design, articulated or other technologically complex types of buses;

4. The public need for all or a portion of the service operated by the carrier;

5. The impact of the service operated by the carrier on other carriers, the riding public and the taxpayers of the State;

6. The extent to which the carrier operates a complete array of service, or only operates on the more profitable routes and at the more profitable times, leaving other service to be operated by NJ TRANSIT or other carriers;

7. The extent to which the carrier has other equipment available for its use and not otherwise eligible for replacement under the NJ TRANSIT Bus Purchase Programs; and

9. Whether the lease should be conditioned on a carrier agreeing that it or any present or future affiliate shall not provide additional regular route services without NJ TRANSIT's approval.

TREASURY-GENERAL

(a)

DIVISION OF PENSIONS

Police and Firemen's Retirement System Age Requirements for Police and Firemen

Proposed Amendment: N.J.A.C. 17:4-2.5

Authorized By: Board of Trustees, Police and Firemen's Retirement System, Anthony Ferrazza, Secretary.
Authority: N.J.S.A. 43:16A-3(1) and 43:16A-13(7).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Anthony Ferrazza, Secretary
Police and Firemen's Retirement System
Division of Pensions
20 West Front St.
CN 295
Trenton, NJ 08625

The Board of Trustees of the Police and Firemen's Retirement System thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-275.

The agency proposal follows:

Summary

The proposed amendment clarifies the current text of the rule to reflect that, to be eligible for membership in the Police and Firemen's Retirement System, an applicant must be appointed to an eligible job title on or before his or her 35th birthday. That age requirement is required by N.J.S.A. 43:16A-3(1).

Social Impact

Although this proposal is a clarification of past and present policy, it may affect present and future applicants in eligible job titles who are seeking membership in the Police and Firemen's Retirement System.

Economic Impact

The proposed amendment does not have any significant economic impact on public employers, public employees or the public in general since it is merely a clarification of policy already in existence for many years and mandated by New Jersey statutes.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

17:4-2.5 Age requirements

(a) Applicants [are subject to a maximum age requirement which is 35 years.] **must be appointed to an eligible title on or prior to their 35th birthday.**

(b)—(d) (No change.)

(a)

DIVISION OF PENSIONS

State Health Benefits Program Guidelines for Purchase of Contracts by Local Employers

Proposed New Rule: N.J.A.C. 17:9-1.7

Authorized By: State Health Benefits Commission, William J. Joseph, Director.
Authority: N.J.S.A. 52:14-17.27.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Joseph, Secretary
State Health Benefits Commission
Division of Pensions
20 West Front Street
CN 295
Trenton, NJ 08625

The State Health Benefits Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-251.

The agency proposal follows:

Summary

The proposed rule sets forth the policy of the State Health Benefits Commission that local governments may purchase contracts of insurance for certain health benefits, such as prescription drug, dental expense and vision care coverage, but, when they do so, they must adhere to the guidelines previously adopted by the Commission regarding these coverages. Such guidelines were previously distributed to all public employers in the State.

Social Impact

The proposed rule may affect all local public employers and their employees if such local public employers seek to purchase contracts of health benefits insurance for their employees.

Economic Impact

The proposed rule may have an economic impact upon local employers, their employees and the public who ultimately pays for the health benefits coverages through taxes. The rule attempts to set the parameters of health benefits coverages that can be obtained so that local employers cannot compel the taxpaying public to pay for overgenerous benefits that can become unreasonable.

Full text of the proposed new rule follows.

17:9-1.7 Guidelines; local employers; purchase of contracts

Pursuant to the provisions of N.J.S.A. 52:14-17.25 et seq., it is the policy of the State Health Benefits Commission that when local governments purchase insurance contracts of health benefits, such as prescription drug, dental expense and vision care coverages, such contracts and coverages therein must adhere to the guidelines approved by the State Health Benefits Commission for such contracts or coverages, as such guidelines were transmitted to all public employers by the Division of Pensions. Local governments cannot deviate from such guidelines in purchasing such contracts or coverages without the approval of the State Health Benefits Commission.

OFFICE OF ADMINISTRATIVE LAW NOTE: Guidelines for vision care, prescription drug and dental expense contracts were submitted as part of this proposal. The guidelines may be inspected at:

Office of Administrative Law
Administrative Filings
88 East State Street
CN 301
Trenton, NJ 08625

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

Local Property Tax Senior Citizens' Deduction

Proposed Amendment: N.J.A.C. 18:14-3.9

Authorized By: John R. Baldwin, Acting Director, Division of Taxation.

Authority: N.J.S.A. 54:4-8.40 specifically 54:4-8.47.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Samuel Temkin
Superintendent
Local Property Tax Branch
Division of Taxation
West State and Willow Streets
Trenton, NJ 08646

The Division of Taxation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-259.

The agency proposal follows:

Summary

The proposed amendment makes provision for the disallowance of a property tax deduction under certain circumstances where a deduction recipient forfeits entitlement to the deduction. The proposal makes it clear that pursuant to P.L. 1963, c.172, in addition to other disqualifying factors, a claimant may be disallowed the deduction if he moves out of the dwelling house and assumes another principal place of residence. While the law expressly provides for disallowance where the claimant sells or transfers the dwelling house, it is apparent that retention of the dwelling is a constitutional requisite wherein Art. VIII, sec. 1, par. 4 of the New Jersey Constitution provides for the deduction respecting a qualified claimant "... residing in a dwelling house owned by him ...".

Social Impact

The amendment of the existing rule to provide for disallowance of the deduction on a residence no longer resided in by the claimant will give positive guidance to local taxing officials in the absence of a statement in the statute to this effect. Heretofore, doubt existed respecting the proper treatment of claims where such a change in circumstances has occurred.

Economic Impact

Compliance with the constitutional requirement that claimants must reside in the dwelling house will eliminate allowance of ineligible deductions, thus decreasing loss of property tax revenue at the local level and, consequently, the amounts to be reimbursed by the State of New Jersey.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

18:14-3.9 Pro rata or complete revocation of deduction

(a) Where a claimant sells [or], transfers title to [his] **or no longer principally occupies** the dwelling house during the tax year, a post-tax year statement must be filed to prove his entitlement to the deduction for that portion of the tax year prior to the sale [or], transfer[.], **or where the property is no longer occupied as the principal residence**. The amount of any lien and tax liability shall be prorated by the tax collector upon the transfer of title based on the number of days during the tax year that entitlement to the claimant's tax deduction is established. Hence, where a claimant sells [or], [transfers] **transfers** title to [his] **or no longer principally occupies** the property during the tax year, a post-tax year statement must be filed to prove his entitlement to the deduction for the portion of the tax year prior to the sale[.], **transfer or when the property is no longer occupied as the principal residence**.

(b) Upon the failure of any such person to file the statement within the time prescribed or to submit such proof as the collector deems necessary to verify a statement that has been filed, or if it is determined that the income of any such person exceeded [the maximum deduction allowed pursuant to the provisions of N.J.S.A. 54:4-8.40, et seq.] **\$10,000** for the tax year during which the [transfer of title] **change of circumstances** occurred, his tax deduction for said tax year shall be disallowed and his taxes to the extent represented by the amount of said deduction shall be payable on or before March 1 of the post-tax year or, where an extension of time for filing has been granted no later than 30 calendar days after the expiration of said extension, after which date if unpaid, said taxes shall be delinquent, constitute a lien on the property, and, in addition, the amount of said taxes shall be a personal debt of said person.

(b)

DIVISION OF TAXATION

Sales and Use Tax Prescription Drugs and Over the Counter Drugs; Exemption from Sales and Use Tax

Proposed New Rule: N.J.A.C. 18:24-30

Authorized By: John R. Baldwin, Acting Director, Division of Taxation.

Authority: N.J.S.A. 54:32B-24 and P.L. 1982, c.227.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, NJ 08646

The Division of Taxation thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-263.

The agency proposal follows:

Summary

The proposed rules will clarify the application of statutory exemptions from sales and use tax as they apply to sales of prescription and over the counter drugs on or after July 1, 1983. These exemptions from tax were authorized under the provisions of P.L. 1982, c.277.

Social Impact

The proposed rules will inform New Jersey retailers and consumers of the conditions for exemption for sales and use tax purposes and give specific examples of the kinds of products included in the provisions of the exemption sections.

Economic Impact

The proposed rules will implement the sales and use tax exemptions for the sale of prescription medicines and drugs and over the counter drugs. It is estimated that these exemptions from sales and use tax will decrease State revenue by \$30 million dollars per annum.

Full text of the proposed new rule follows.

SUBCHAPTER 30. PRESCRIPTION DRUGS AND OVER THE COUNTER DRUGS; EXEMPTION FROM SALES AND USE TAX

18:24-30.1 Scope of subchapter

This subchapter is intended to clarify the application of the Sales and Use Tax Act (N.J.S.A. 54:32B-1, et seq.) to the purchase and use of prescription and over the counter drugs for human use.

18:24-30.2 Sale of prescription and over the counter drugs

(a) The sale of medicines and drugs pursuant to a doctor's prescription for human use is exempt from sales and use tax.

(b) Effective July 1, 1983, the sale of over the counter drugs recommended and generally sold for the relief of pain, ailments, distresses or disorders of the human body whether used externally or internally is exempt from sales and use tax.

18:24-30.3 Medicines and drugs defined

(a) Drugs and medicines mean articles, whether or not a prescription is required for purchase, which are recognized as drugs or medicines in the United States Pharmacopoeia, Homeopathic Pharmacopoeia of the United States, or National Formulary, and intended for use in the cure, mitigation, treatment or prevention of disease in humans.

(b) The base or vehicle used (oil, ointment, talc, etc.) and the medium used for delivery (disposable wipe, syringe, saturated pad, etc.) of a drug or medicine will not affect its exempt status.

(c) The following are examples of exempt medicines and drugs:

Example 1: Analgesics, antiseptics, antacids, cough and cold remedies, laxatives, aspirin, boric acid, ointment, cod liver oil and castor oil are exempt.

Example 2: Acne preparations including acne soaps are exempt provided they contain a recognized drug or medicine.

Example 3: Vaginal creams, foams, ointments, douches, jellies, powder, and sprays provided they function as treatments for specific ailments are exempt, but products that only deodorize are taxable.

Example 4: Foot powders that eliminate excessive perspiration and prevent athletes foot or other fungus infections are exempt, but foot powders which act only as deodorants are taxable.

Example 5: Products used to kill lice which infest humans are exempt. Similar products which prevent or treat mange and ringworm in humans are also exempt.

Example 6: Products used for treatment of burns and products used to relieve pain from burns are exempt.

18:24-30.4 Cosmetics

Articles intended to be rubbed, poured, sprinkled or sprayed on, introduced into, or otherwise applied to the human body for beautifying, promoting attractiveness, or altering the appearance,

and articles intended for use as a component of any such articles are subject to tax.

Example: Cold creams, lipstick, suntan lotions and makeup are taxable cosmetics.

18:24-30.5 Toilet articles

Any article advertised or held out for grooming purposes and those articles which are customarily used for grooming purposes, regardless of the name by which they may be known are subject to tax.

Example: Hair spray, toothpaste, after shave lotion and deodorants are taxable toilet articles.

OTHER AGENCIES

(a)

NEW JERSEY TURNPIKE AUTHORITY

Turnpike Authority Rules

Proposed Readoption with Amendments: N.J.A.C. 19:9

Authorized By: New Jersey Turnpike Authority, William J. Flanagan, Executive Director.

Authority: N.J.S.A. 27:23-1, 27:23-29.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Flanagan, Executive Director
New Jersey Turnpike Authority
New Brunswick, NJ 08903

The New Jersey Turnpike Authority thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on July 27, 1983. The readoption of the existing rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of their readoption. The concurrent amendments to the existing rules become effective upon publication in the Register of a notice of their adoption.

This proposal is known as PRN 1983-266.

The agency proposal follows:

Summary

Under the provisions of Executive Order No. 66(1978) (which provides for the expiration of amended or new rules within five years), Subchapters 1, 2, 3, 4 and 5, Rules and Regulations of the New Jersey Turnpike Authority, N.J.A.C., Title 19, Chapter 9, will expire July 27, 1983. These rules were filed and became effective prior to December 3, 1963. The New Jersey Turnpike Authority, pursuant to the authority of N.J.S.A. 27:23-1 and 27:23-29, proposes to readopt these subchapters with amendments.

The rules augment the provisions of N.J.S.A. 27:23-1, et seq., the enabling legislation of the New Jersey Turnpike Authority, which specifically empowers the Turnpike Authority to construct, operate, maintain, and repair modern express highways, and to issue revenue bonds, payable solely from tolls, other revenues and proceeds of such bonds to finance such projects.

N.J.A.C. 19:9 consists of five subchapters, 1 through 5. Subchapter 1 relates to the control of traffic on the New Jersey Turnpike, including speed limits, limitation on the use of the

Turnpike, transportation of hazardous materials and the payment of tolls. Subchapter 2 deals with the Turnpike Authority's procedure for prequalification and award of construction contracts. Subchapter 3 sets the rates for towing disabled vehicles on the Turnpike project. Subchapter 4 concerns the inspection and obtaining of Turnpike Authority records, and sets the fees for such records, including documents, slides, photographs, bid documents, and New Jersey State Police reports. Subchapter 5 relates to the pre-employment screening standards for applicants for employment with the Turnpike Authority.

Since July 31, 1978, a number of sections of N.J.A.C. 19:9 have been amended. The fees for photographs of the Turnpike roadway structures and appurtenances, and accident site photos, have increased due to the increased costs to the Turnpike Authority in providing such materials. Three-vehicle combinations, wherein a tractor is hauling two additional tractors, have been prohibited on the Turnpike roadway. Autobuses up to 61 feet in length have been permitted on the New Jersey Turnpike. Several amendments have been made to the regulations regarding the procedure for prequalification and award for New Jersey Turnpike Authority construction contracts. Bidders must submit affidavits of non-disqualification. Bidders are disqualified from future bidding on Turnpike Authority contracts for six months from the date of the bid opening if the bidder seeks to withdraw such bid because of unilateral mistake. Bidders rejected for prequalification or dissatisfied with their classification may request a hearing before the Executive Director of the Turnpike Authority. Applicants for employment with the Turnpike Authority must be of good moral character and shall not have been convicted of any crime. Towing rates on the Turnpike project have increased to meet the costs of such services. School buses using the Turnpike project must display "Out-of-Service" signs as required by the administrative rules and regulations of the Department of Education.

The amendments herein proposed concern Subchapter 1, Traffic control on the New Jersey Turnpike. The most significant changes have been to N.J.A.C. 19:9-1.9(a)12 and 23. These proposed amendments would permit the use on the New Jersey Turnpike of a tractor semitrailer with a maximum semitrailer length of 48 feet; and tandem trailer combinations, commonly known as "double bottoms," with overall individual trailer length not exceeding 28 feet, 6 inches. Also, these proposed amendments would permit the use on the New Jersey Turnpike of trailers with a width of up to 102 inches. These amendments have been mandated by the enactment of Federal legislation known as the Surface Transportation Assistance Act of 1982, Public Law 97-424 on January 6, 1983; and the enactment of New Jersey State legislation into Title 39 of the law, commonly referred to as Senate Bill No. 1138, on April 6, 1983. The proposed amendment to N.J.A.C. 19:9-1.18, Noise limits, is merely an adjustment to update the criteria for maximum sound levels.

Those rules which have been proposed for readoption without amendments have provided an efficient and effective mechanism for the regulation of the safe and efficient use of the New Jersey Turnpike by all those who travel on it and who are situated nearby it. Those rules have also provided an effective means for the proper administration of the New Jersey Turnpike Authority so as to fulfill the command of the Turnpike Authority's enabling legislation.

Upon review, it is the judgment of the Turnpike Authority Commissioners that these rules will continue to be just as effective in the future in meeting the legislative goals prescribed by N.J.S.A. 27:23-1, et seq. Therefore, the whole of N.J.A.C. 19:9 is proposed for readoption, and the amendments are proposed for the reasons given above.

Social Impact

These rules and regulations are essential to ensure the safe and efficient use and operation of the New Jersey Turnpike and the effective maintenance and administration of the New Jersey Turnpike Authority, which purposes are mandated by the enabling

legislation of the Turnpike Authority, N.J.S.A. 27:23-1, et seq. Failure to readopt these rules could seriously jeopardize the realization of the legislative intent of N.J.S.A. 27:23-1, et seq., for example, the construction and operation of a modern express highway embodying every known safety device, and the collection of tolls necessary for the administration of the Turnpike Authority, and to meet the Turnpike Authority's bonding indebtedness.

Economic Impact

The only way that the New Jersey Turnpike Authority can meet the financial obligations created in fulfillment of the legislative mandate of N.J.S.A. 27:23-1, et seq., to construct, operate, maintain and repair a modern express highway, is through the collection of tolls for the use of its roadway. By law, N.J.S.A. 27:23-2, Turnpike Revenue bonds do not constitute a debt nor a pledge of the faith and credit of the State of New Jersey, nor does the State contribute funds to the Turnpike Authority. Thus, the New Jersey Turnpike Authority must generate its own funds to meet its financial obligations, including its bonding indebtedness. Tolls are set by the New Jersey Turnpike Authority Commissioners, upon consideration of the Turnpike Authority's financial needs, and must be approved by the Governor of the State of New Jersey in order to become effective.

The fees required by these regulations are incidental to the services provided. They do not constitute a source of revenue for the New Jersey Turnpike Authority.

All other of these rules and regulations which may cause anyone to incur any expense are vital if the New Jersey Turnpike Authority is to meet the above enumerated goals of its enabling legislation.

Full text of the proposed readoption with no changes appears in the New Jersey Administrative Code at N.J.A.C. 19:9, as amended in the New Jersey Register.

Full text of the proposed amendments to the readoption follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

19:9-1.9 Limitations on use of turnpike

(a) Use of the New Jersey Turnpike and entry thereon by the following is prohibited:

- 1.-11. (No change.)
12. Vehicles or combinations of vehicles, including any load thereon, exceeding the following extreme overall dimensions or weights:
 - i. Height: 13 feet, 6 inches;
 - ii. Width: 8 feet, **6 inches**;
 - iii. Length: [55 feet] **semitrailer in excess of 48 feet in length when in a tractor-semitrailer combination**;
 - iv. Gross weight: 80,000 lbs.;
 - (1) Single axle: 22,400 lbs.;
 - (2) Tandem axle: 34,000 lbs.: No private utility, house-type semitrailer or trailer with a maximum length for a single vehicle of more than 35 feet, a maximum length for a semitrailer and its towing vehicle of more than 50 feet shall be operated on the New Jersey Turnpike.
 - [v. No commercial motor vehicle drawing or having attached thereto any other vehicle shall be operated on the turnpike in excess of a total overall length inclusive of load of 55 feet;]
 - [vi.] v. Notwithstanding the above limitations, a combination of vehicles designed, built and used to transport other motor vehicles may carry a load which exceeds the [55] **65 feet overall length, including load overhang.** [, provided, however, the] **The** total load overhang shall be limited to five feet and may not exceed three feet at either the front or rear and that the overhang shall be above the height of the average passenger car;
 - [vii.] vi. Commercial vehicles with tandem trailer combinations, commonly known as "double bottoms," with overall **individual trailer** length not exceeding [55] **28 feet 6 inches** are permitted to travel on the New Jersey Turnpike provided a written permit has

been secured from the Director of Operations of the New Jersey Turnpike Authority;

13.-22. (No change.)

23. Commercial motor vehicles, trailer and semitrailers including farm trucks, while loaded with hay or straw when the extreme overall dimension is greater than [96] 102 inches in width.

24.-26. (No change.)

(b) (No change.)

19:9-1.18 Noise limits

(a) No vehicle shall be operated or permitted to operate on the New Jersey Turnpike at any time or under any condition of highway grade, load, acceleration or deceleration in such manner as to generate a sound level in excess of the maximum sound levels specified in table 1 for the category of vehicle and posted speed when measured at a distance of 50 feet from the center of the lane of travel, and at other distances in accordance with the table of distance adjustment factors specified in table 2. Measurements shall be made in accordance with the procedures and the measuring device specifications adopted by the authority. Sound level limits are based on the use of A-weighting and fast meter response.

Table 1. Maximum sound levels
Posted speed limit
or posted advisory speed

Type of vehicle	35 mph or less	over 35 mph
Any vehicle having six or more tires, or any vehicle having a G.V.W.R. or G.C.W.R. in excess of 10,000 lbs.		
[After October 1, 1974	88 dB(A)	90 dB(A), except 92 dB(A), over 55 mph]
After January 1, 1975	86 dB(A)	90 dB(A)
	45 mph or less	over 45 mph
After January 1, 1978	80 dB(A)	84 dB(A)
After January 1, 1990	75 dB(A)	78 dB(A)
Any vehicle with four tires or a G.V.W.R. of less than 10,000 lbs.	35 mph or less	over 35 mph
[After October 1, 1974	76 dB(A)	82 dB(A)]
After January 1, 1978	70 dB(A)	79 dB(A)
Any motorcycle		
[After October 1, 1974	82 dB(A)	86 dB(A)]
After January 1, 1978	78 dB(A)	82 dB(A)
After January 1, 1990	75 dB(A)	78 dB(A)

Table 2. Distance adjustment factors
(No change.)

(b)-(d) (No change.)

RULE ADOPTIONS

AGRICULTURE

(a)

DIVISION OF RURAL RESOURCES

Agricultural Preserve Demonstration Program

Adopted Repeal: N.J.A.C. 2:85-1

Proposed: March 21, 1983 at 15 N.J.R. 371(a).
Adopted: May 3, 1983 by Arthur R. Brown, Jr., Secretary,
Department of Agriculture.
Filed: May 10, 1983 as R.1983 d.169, **without change**.

Authority: N.J.S.A. 4:1B-14.

Effective Date: June 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978) None.

Summary of Public Comments and Agency Responses:
No comments received.

BANKING

(b)

DIVISION OF BANKING

Consumer Credit Bureau License Fees

Adopted Amendment: N.J.A.C. 3:23-2.1

Proposed: April 4, 1983 at 15 N.J.R. 463(a).
Adopted: May 18, 1983 by Michael M. Horn,
Commissioner, Department of Banking.
Filed: May 19, 1983 as R.1983 d.183, **without change**.

Authority: N.J.S.A. 17:1-8.1; 17:10-3.9 and 23; 17:11A-38
and 54; 17:15-1; 17:15A-4 and 6; 17:15B-7 and 17;
17:16C-7, 8, 82(a), 82(b) and 82(c); 17:16D-4 and 8
and N.J.S.A. 45:22-4 and 11 (see P.L. 1981 c.321).

Effective Date: June 6, 1983.
Expiration Date pursuant to Executive Order No. 66:
May 3, 1987.

Summary of Public Comments and Agency Responses:
No comments received.

(c)

DIVISION OF SAVINGS AND LOAN

Action Upon Detection or Discovery of Crime

Readoption with Amendments: N.J.A.C. 3:26-3.1

Proposed: March 21, 1983 at 15 N.J.R. 372(a).
Adopted: May 18, 1983 by Michael M. Horn,
Commissioner, Department of Banking.
Filed: May 19, 1983 as R.1983 d.184, **without change**.

Authority: N.J.S.A. 17:1-8.1.

Effective Date (Subchapter): May 19, 1983.
Effective Date (Amendments): June 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
May 19, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

CIVIL SERVICE

(d)

CIVIL SERVICE COMMISSION

Hours of Work Inclement Weather Emergency Policy for State Employees

Adopted New Rule: N.J.A.C. 4:1-18.5 Adopted Repeal: N.J.A.C. 4:2-18.1

Proposed: March 7, 1983 at 15 N.J.R. 273(a).
Adopted: May 16, 1983 by Civil Service Commission,
Eugene J. McCaffrey, Sr., President.
Filed: May 23, 1983 as R.1983 d.196, **without change**.

Authority: N.J.S.A. 11:5-1a, 11:1-7a, 11:14-1.

Effective Date: June 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
December 7, 1986.

Summary of Public Comments and Agency Responses:
No comments received.

(a)

CIVIL SERVICE COMMISSION

**Performance Evaluation and Employee
Training
EPEIS: Increments**

Adopted Amendment: N.J.A.C. 4:2-20.3

Proposed: February 7, 1983 at 15 N.J.R. 112(a).
Adopted: May 2, 1983 by Civil Service Commission,
Eugene J. McCaffrey, Sr., President.
Filed: May 5, 1983 as R.1983 d.164, **without change**.

Authority: N.J.S.A. 11:13-1.

Effective Date: June 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
December 7, 1986.

Summary of Public Comments and Agency Responses:
No comments received.

EDUCATION

(b)

STATE BOARD OF EDUCATION

**Public School and College Libraries
County Library Reorganization**

Adopted New Rules: N.J.A.C. 6:64-2.1 through 2.4

Proposed: February 22, 1983 at 15 N.J.R. 194(a).
Adopted: May 4, 1983 by State Board of Education, Saul
Cooperman, Secretary.
Filed: May 23, 1983 as R.1983 d.199, **without change**.

Authority: N.J.S.A. 18A:4-15, N.J.S.A. 40:33-13.2d
through 13.2n.

Effective Date: June 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
May 1, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(c)

STATE BOARD OF EDUCATION

**State Library Assistance Programs
Library Construction Incentive Act**

Adopted Amendments: N.J.A.C. 6:68-4.1 through 4.9

Proposed: February 22, 1983 at 15 N.J.R. 196(a).
Adopted: May 4, 1983 by State Board of Education, Saul
Cooperman, Secretary.
Filed: May 23, 1983 as R.1983 d.198, **without change**.

Authority: N.J.S.A. 18A:4-15 and 18A:74-14.

Effective Date: June 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
May 1, 1988.

Summary of Public Comments and Agency Responses:

Two written comments were received. One requested full State funding or all first priority applicants particularly for poorer communities. The other requested equal division of State funds among eligible applicants.

The reaction of the Department of Education to these comments was that:

1. The existing rules give priority to poorer communities;
2. There is an insufficiency of State funds to award maximum grants;
3. Equal division of funds would be inequitable resulting in a State share ranging from 24.0 percent to 0.7 percent.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

6:68-4.6 Priorities for the receipt of construction grants

(a) General provisions **for priorities for the receipt of construction grants** include the following:

1. Those applications properly submitted and found to be in an approvable form shall first be assigned to respective priority groupings. All applications of the first priority fulfilling the criteria of these [regulations] **rules** shall be awarded grants before applications of the second priority are funded. [Similarly, all applications in the second priority shall be ***[found]* *funded*** before those in the third priority are considered.] Availability of funds and number of applications within each priority grouping shall, within any one fiscal year, determine the projects to be funded.

2. (No change from proposal.)

[(c)] (b) (No change from proposal.)

ENVIRONMENTAL PROTECTION

(a)

NEW JERSEY WATER SUPPLY AUTHORITY

Consolidation of General Rate Schedule and Establishment of Debt Service Assessments for the Delaware and Raritan Canal and the Spruce Run/Round Valley Reservoir Complex

Adopted Amendment: N.J.A.C. 7:11-2

Adopted Repeal: N.J.A.C. 7:11-4

Proposed: February 7, 1983 at 15 N.J.R. 122(a).

Adopted: May 19, 1983 by Robert E. Hughey, Chairman,
New Jersey Water Supply Authority, and Commissioner,
Department of Environmental Protection.

Filed: May 23, 1983 as R.1983 d.191, **with substantive
changes** not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 58:1B-7.

Effective Date: June 6, 1983.

Operative Date: July 1, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
June 6, 1988.

Summary of Public Comments and Agency Responses:

COMMENT: The rate proposal procedures of the Authority should
require an adjudicative trial-type hearing.

RESPONSE: The Water Users Association and the New Jersey
Public Advocate filed an appeal on this matter before the Appellate
Division of the Superior Court of New Jersey. The court denied this
appeal and, in doing, so stated: "The court regards the procedures
under which the newly created New Jersey Water Supply Authority
is attempting to establish that portion of a general rate attributable
to mandatory debt service which rate will be applicable to all users
of water taken from Round Valley/Spruce Run and the Delaware
and Raritan Canal to be legislative in nature thus not requiring a trial
type hearing, since the basic facts upon which the decision will be
made cannot be disputed."

COMMENT: Other systems, especially in northeastern New
Jersey, benefit directly and indirectly from the existing water
supply facilities of the New Jersey Water Supply Authority;
therefore, the existing customers of the Authority should not be
responsible for paying for the block of water reserved for the
drought insurance.

RESPONSE: The Water Supply Authority in proposing the
assessment of the debt service has recognized and implemented this
principle through the assessment of the total remaining debt service
to all benefiting users of the Delaware and Raritan Canal as well
as the Spruce Run/Round Valley Reservoirs System. This action is
totally consistent with the Authority's policy of an integrated
system (D & R - SR/RV). All Raritan Basin customers of the D &
R - SR/RV System benefit from the availability of the water
supplied from these facilities; therefore, they shall share equally in
the remaining debt service for the facilities.

COMMENT: Middlesex Water Company (M.W.C.) has stated that
their original contract for the sale of water from SR/RV sets forth
the formula by which debt service is to be charged. They also state
that the Authority's proposal seeks to unilaterally change the
provisions of their contract. Another related point raised by
M.W.C. is their belief that their Delaware and Raritan Canal
contract prevents the assessment of the debt service until January
1, 1987.

RESPONSE: The Authority has been advised by counsel that
Middlesex Water Company is legally responsible for payment of its
proportionate share of the debt service assessment. As a matter of
public policy, all customers benefiting from the improvements
financed under the 1958 New Jersey Bond Act (L.58, c. 35), the
1969 Water Conservation Bond Act (L. 69, c.127), and the 1981
Water Supply Bond Act (L. 81, c.261) must pay an equivalent fair
share of the bonded indebtedness component. To require other
customers to pay a disproportionate share of the bonded
indebtedness assessment would be tantamount to providing an
unjust subsidy for Middlesex Water Company's operations at the
expense of other users of the Raritan Basin System.

COMMENT: Provisions of the Special User Rates under N.J.A.C.
7:11-2.11 indicate a requirement that the water is to be returned to
the stream substantially undiminished in quantity only. Substantial
degradation in quality should also be added.

RESPONSE: The Authority agreed with this proposal and has
modified the regulation upon adoption. This provision will also be
incorporated in all Special User Contracts.

COMMENT: Request for identity of special users (non-depletive
water use) diverted amounts and revenue.

RESPONSE: American Cyanamid Corporation, Tenneco, Johns
Manville, and National Starch, identified as current special users,
have submitted surface water diversion applications to the
Department of Environmental Protection for diversion of 14.0
million gallons per day (MGD), 4.0 mgd, 12.2 mgd, and 0.4 mgd,
respectively, and are currently identified as Authority "Special
Users". To date, no formal contracts have been executed with these
special users.

COMMENT: Objection to the rate adjustment provision which
allows the Authority to adjust the General Rate Schedule and Debt
Service Assessment Rate based upon a change in the sales base
without a public hearing.

RESPONSE: The Authority, in response to this concern, and upon
reconsideration of the proposal, agrees that a public hearing should
be held.

COMMENT: Several comments were received which referred to
the assessment of increased debt service charges resulting in a
possible discouragement of those systems currently dependent upon
groundwater supplies, which are presently overstressed or will be
in the near future, from joining the surface water supply system.
The related question has been raised as to whether the provision of
the General Rate Schedule, which requires all new users of surface
water to pay their proportionate share of the total debt service,
would discourage those currently on groundwater from becoming
new contractual customers for the surface water supply.
Additionally related, one issue raised was that the period for the
retroactive payment by new customers should be shortened
substantially from that which is provided in the proposal.

RESPONSE: The two divergent opinions expressed in the above
stated questions are: (1) nothing should be done to discourage new

customers from joining the system, and (2) the period of repayment should be reduced. The Authority in its proposal has taken the position that it should not neglect the need to recover an appropriate proportionate share of the total debt service from any new customers while at the same time encouraging the sale of available water to new customers, including those who must at some point in time cease their overuse of groundwater supplies. Shortening the period of repayment, as has been suggested, would, in the judgment of the Authority, run contrary to the need to encourage the sale of the available water for new contracts. It should also be pointed out that new sales of water will not only help to reduce the debt service rate but will also contribute to the payment of future operation and maintenance costs. This is a very important consideration in itself and will benefit all users. Therefore, it has been concluded that the Authority's proposal satisfies the aim of encouraging new water sales while at the same time requiring the payment of appropriate shares of the debt service.

COMMENT: Under 7:11-2.10(c) of the General Rate Schedule, do pre-existing users include previous customers or diversion amounts which do not now exist and for which no contracts are in force?

RESPONSE: Any distribution of additional revenues resulting from debt service payments from new water customers will be made only to those users having contracts in effect during the time for which the payments are to be made by the new user. The distribution would also only apply to the period for which the existing contracts were actually in effect.

COMMENT: N.J.A.C. 7:11-2.3, Debt Service Assessments, states that the debt service rate will be based on only three (1958, 1969, 1981) bond issues, which appears to preclude future bond sales and associated rate revisions. The definition and reservation for Delaware and Raritan Canal sediment removal and improvements is not clear. Are there any additional projects foreseen under this section?

RESPONSE: N.J.A.C. 7:11-2.3 includes the reservation for the assessment of rates to cover the rehabilitation of the Delaware and Raritan Canal as undertaken by the dredging contracts. The source of funding as indicated is expected to be out of the 1981 bond issue. The purpose of indicating a reservation for this bond issue was to apprise the Authority's customers, as best it can at this time, of the need in the short term for an additional assessment of debt service to cover this vital project. Its intent was not to preclude any future debt which might be necessary for system improvements.

COMMENT: At what time will we know the total cost of clearing the Canal to restore its full flow capacity of 100 million gallons per day: The estimated debt service rate for the 1981 Bonds is \$34.55. When will this rate go into effect?

RESPONSE: The dredging project is to cover the upstream 32 mile section of the Canal from Prallsville to the Kingston Lock. The most current engineer's estimate of the cost for this construction program is approximately 20 million dollars. The project has been divided into three contracts. The first contract which is to cover the central 16 mile stretch has been estimated, based upon contract drawings, to cost \$11,600,000. This contract is expected to be under construction by August of 1983. The other two contracts are estimated at this time to cost approximately \$8,400,000. These contracts, as yet, are not in contract drawing stage, but it is expected that they will be under construction by late 1983. The rate of \$34.55 was used in a supporting document, which accompanied the proposed change in our General Rate Schedule, to provide Authority customers with an order of magnitude estimate of the amount which might apply for repayment of the 1981 Bonds.

COMMENT: Why should Authority water use contracts be for 22

and 25 day periods, and why are some contracts for six or eight months demand charge periods when the purveyors must pay on a full year basis?

RESPONSE: It is correct that some of the existing contracts currently have provisions which include 22 and 25 day periods for determination of the volume of water for which rates are to be assessed. As these contracts are renewed, the terms of the contract will be modified to include a requirement that the demand charge be based upon 365 days per year. There are also existing contracts which include demand charges for either a six month or an eight month period, with the remainder of the year to include the standby charge. These contracts are based upon the premise that the existing customers will impose a demand on our system for either a six month or eight month period. It should also be pointed out that in the event they actually use water during the standby period, they will be assessed the total cost for the water utilized.

COMMENT: The General Rate Schedule specifies a standby rate provision for the Delaware and Raritan Canal. Is there a standby service for the Raritan River Basin System?

RESPONSE: N.J.A.C. 7:11-2.8 entitled "Standby Service" establishes the classification of standby service for the use of water from the Delaware and Raritan Canal-Spruce Run/Round Valley Reservoir System. Therefore, the standby service and the imposition of the appropriate standby charge is applicable within the Raritan River Basin.

COMMENT: An examination of the Delaware and Raritan Canal contract allotments indicates that the total exceeds its 65 mgd safe yield by 9.711 mgd.

RESPONSE: It is correct that the contract commitments based upon the recently completed good faith negotiations within the Delaware River Basin exceeds the 65 mgd, but by 6.611 million gallons per day. The Authority has adopted a policy of integrated management of both the available water supplies, namely, the Spruce Run/Round Valley Reservoir System and the Delaware and Raritan Canal. The Authority has recently approved a study contract to determine the net effects on the total safe yield of the integrated system, including the impact of the 65 mgd restricted diversion from the Delaware River and the positive effects of being able to utilize both systems as an integrated water resource. It is anticipated that this work will be completed before the end of 1983. In the meantime, however, with the completion of the pumping station at Ten Mile Lock, the Authority has the ability to transfer water out of the Raritan Basin System as supported by the two reservoirs into the Delaware and Raritan Canal to make up for any possible deficiencies or other limitations which might restrict the flow in the Canal, including weed growth, sediment accumulation, or possible failure of the Canal embankments.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

7:11-2.3 Debt Service Assessments

(a) (No change.)

(b) The debt service assessment rate for the 1958 Bonds and 1969 Bonds shall be based on the current sales base of 149,986 million gallons per day, excluding water users of the Delaware and Raritan Canal within the Delaware River Basin. This debt service assessment rate does not apply to Delaware and Raritan Canal customers in the Delaware River Basin.

1. 1958 Bond Funds:

Period	Allocation	Rate/Million Gallons
7/1/83 to 6/30/88	Million gallons per day (mgd)	\$23.59

ADOPTIONS

2. 1969 Bond Funds:

Period	Allocation	Rate/Million Gallons
7/1/88 to *[6/20/2002]* *6/30/2002*	Million gallons per day (mgd)	\$14.07

(c) (No change.)

[7:11-2.6]7:11-2.9 Standby Charge

(a) A user classified under standby service, as provided in N.J.A.C. [7:11-2.5] 7:11-2.8 above shall pay [the] a monthly minimum charge based on the capacity of his withdrawal system as specified below. Said purchaser shall also pay for all water [withdrawal] withdrawn during the month [, and charges as set forth in the General Rate Schedule which are in excess of such monthly Standby Charge.] in excess of such monthly Standby Charge, based on charges as set forth under N.J.A.C. 7:11-2.2 and 2.3.

Note: Mgd. – million gallons daily; Gpm = gallons per minute.

1. For Delaware and Raritan Canal Standby Contracts within the Delaware River Basin:

Maximum withdrawal capacity	Charge per month
Each 1 mgd (700 gpm) *[[* or fraction thereof *]]*	\$81.80 plus annual debt service assessment rate for 1981 Bonds when assessed.

2. For *[Delaware and Raritan Canal]* Standby Contracts within the Raritan River Basin:

Maximum withdrawal Capacity	Charge per month
Each 1 mgd (700 gpm) *or fraction thereof*:	\$81.80 plus annual debt service assessment rates for 1958 Bonds and 1969 Bonds plus 1981 Bond debt service rate when assessed.

[7:11-2.7] 7:11-2.10 Rate adjustment

(a) The New Jersey Water Supply Authority reserves the right to review and revise [these rates and charges] the General Rate Schedule from time to time by the establishment of a new General Rate Schedule [subject to public hearing. Purchasers shall be notified of such charges not less than six months in advance of the effective date of such revision.] promulgated pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and any regulations promulgated thereto. *A purchaser shall be notified of such changes not less than six months in advance of the effective date of such revision. Adjustments made under this section shall be subject to public hearing.* Any contract for the sale of water shall be subject to the exercise of this power.

(b) The New Jersey Water Supply Authority reserves the right to annually review the sales base to make adjustments, if necessary, in the General Rate Schedule as set forth at N.J.A.C. 7:11-2.2 and the Debt Service Assessment Rate as set forth at N.J.A.C. 7:11-2.3. Any said adjustments shall be promulgated pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and any regulations promulgated thereto. *If any adjustment is required, at least six months notice shall be provided prior to the next fiscal year. Adjustment made under this section shall be subject to public hearing.*

(c) (No change from proposal.)

ENVIRONMENTAL PROTECTION

7:11-2.11 Special user rates: Spruce Run/Round Valley Reservoirs System

Where the water withdrawn within the Raritan River Basin, as supported by releases from Spruce Run and Round Valley Reservoirs, is returned to the stream channel at a point reasonably considered to be in the near vicinity of the point of withdrawal, substantially undiminished in quantity, *or substantially degraded in quality,* all as determined by the New Jersey Water Supply Authority, the purchaser shall only pay at the rate specified under the General Rate Schedule as set forth at N.J.A.C. 7:11-2.2, as applied to the daily allotment. The annual Demand Charge for such use shall be determined by multiplying the daily allotment charge by 365.

(a)

DIVISION OF WATER RESOURCES

Flood Hazard Area Delineations in the Atlantic Basin

Flood Delineations along Wreck Pond Brook, Hannabrand Brook Tributary, Shark River and its Tributaries of Jumping Brook and Branch "E", Hog Swamp Brook, Poplar Brook, Whale Pond Brook, Turtle Mill Brook and Little Silver Creek

Adopted Amendment: N.J.A.C. 7:13-1.11

Proposed: October 18, 1982 at 14 N.J.R. 1134(a).

Adopted: May 9, 1983 by Robert E. Hughey,
Commissioner, Department of Environmental
Protection.

Filed: May 10, 1983 as R.1983 d.168, with technical
changes not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1D-1 et seq. and 58:16A-50 et
seq.

Effective Date: June 6, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
July 19, 1983.

Summary of Public Comments and Agency Responses:

The Department of Environmental Protection held a public hearing on November 19, 1982 at the Court Room of Police Headquarters in Wall Township, New Jersey.

The only comment relating to this specific amendment was raised by the Ocean County Engineer concerning whether or not the maps of this delineation reflected a discharge from a recently built garden apartment complex near Poplar Brook in Ocean Township. A subsequent investigation by the Department revealed that it did not. The maps were revised to show the discharge and a copy of the revised map has been filed with this adoption notice. There were no changes to the floodway limit as a result of this change.

No written comments were received.

(a)**DIVISION OF WATER RESOURCES**

**Flood Hazard Area Delineations
Flood Delineations Along Portions of the
Manasquan River, the North Branch,
Metedeconk River, the Yellow Brook and
Toms River, including Various Tributaries**

Adopted Amendment: N.J.A.C. 7:13-1.11

Proposed: November 1, 1982 at 14 N.J.R. 1189(b).
Adopted: May 20, 1983 by Robert E. Hughey,
Commissioner, Department of Environmental
Protection.
Filed: May 23, 1983 as R.1983 d.197, **without change**.

Authority: N.J.S.A. 13:1D-1 et seq. and 58:16A-50 et
seq.

Effective Date: June 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
July 19, 1983.

Summary of Public Comments and Agency Response:

The Department of Environmental Protection held a public hearing on November 29, 1982 at the Manchester Township Municipal Building, in Lakehurst, New Jersey. No testimony was presented. No written comments were received in response to the November 1, 1982 notice in the New Jersey Register at 14 N.J.R. 1189(b). The comment period closed December 1, 1983. The proposal is adopted without change.

(b)**DIVISION OF FISH, GAME AND WILDLIFE**

**Wildlife Management Areas
Field Trial Activities**

**Adopted Amendment: N.J.A.C. 7:25-2.14
(Regulation No. 5)**

Proposed: March 21, 1983 at 15 N.J.R. 387(a).
Adopted: May 10, 1983 by Fish and Game Council,
Anthony DiGiovanni, Chairman.
Filed: May 19, 1983 as R.1983 d.185, **without change**.

Authority: N.J.S.A. 23:7-9 and N.J.S.A. 23:4-26.

Effective Date: June 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
May 11, 1984.
DEP Docket No. 012-83-02.

**Summary of Public Comments and Agency Responses:
No comments received.**

(c)**DIVISION OF WASTE MANAGEMENT**

**Collection and Disposal of Waste
Sanitary Landfill Facility Closure and Post-
Closure Requirements**

**Adopted Amendments: N.J.A.C. 7:26-1.4,
2.13****Adopted New Rule: N.J.A.C. 7:26-2.9****Adopted Repeal: N.J.A.C. 7:26-2.9**

Proposed: August 16, 1982 at 14 N.J.R. 883(a).
Adopted: May 20, 1983 by Robert E. Hughey,
Commissioner, Department of Environmental
Protection.
Filed: May 23, 1983 as R.1983 d.192, **with substantive
changes** not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1E-6, 13:1E-9, and 13:1E-100 et
seq. (Sanitary Landfill Facility Closure and Contingency
Fund Act).

Effective Date: June 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
N.J.A.C. 7:26-1, June 30, 1983; 7:26-2, December 6,
1987.
DEP Docket No. 031-82-07.

Summary of Public Comments and Agency Responses:

On August 16, 1982, a new regulatory program was proposed by the New Jersey Department of Environmental Protection to establish a more comprehensive and efficient regulatory scheme addressing the closure and post-closure care and recordkeeping requirements of sanitary landfills. A public hearing was held on September 16, 1982. Public comments were received until the end of the comment period on October 1, 1982. Thirty-four commentators provided written and oral testimony on the proposed subsections.

In response to and after evaluation of the comments presented on the proposed N.J.A.C. 7:26-1.4, 2.9, and 2.13, the following major revisions have been incorporated into the adopted rules:

Correction of the term "Department", wherever it appears in the adopted rules, so that the term appears each time in the lower case, i.e., "department".

Rewording of references to sanitary landfills to provide uniformity with that term as defined in N.J.A.C. 7:26-1.4.

Rewording of references to the Closure and Post-Closure Plan to indicate that only one department approval is required, but the Closure and Post-Closure Plan shall consist of two parts: a Closure and Post-Closure Care Plan, and a Closure and Post-Closure Financial Plan.

Deletion of proposed N.J.A.C. 7:26-2.9(e) and (i) because these provisions either were duplicative of other subsections or were consolidated under other subsections as described below. These deletions resulted in the renumbering of subsequent subsections.

N.J.A.C. 7:26-1.4 Definitions

"Sanitary landfill" has been revised to clarify that long-term storage means storage for a period exceeding six months.

N.J.A.C. 7:26-2.9 Closure and post-closure care of sanitary landfills

(a): Deletion of the exclusion for transfer stations from the applicability of these rules since "sanitary landfill" by definition excludes transfer stations.

(b): Addition of a definition for escrow account. Rewording of the definition of "owner or operator" for greater consistency with the Sanitary Landfill Closure and Contingency Fund Act, N.J.S.A. 13:1E-100 et seq.

(c): Addition of a new title for this subsection, which governs general closure and post-closure care requirements, and inclusion of paragraphs from other subsections relating to such general requirements, for easier reference. This subsection includes proposed (c)2, 3, and 4 (relating to the 30-year post-closure care period) now recodified as (c)5i-iii, as well as (d)3 (joint and several liability of owner or operator), (d)5 (requirement for recording description of sanitary landfill with deed), (d)6 (requirement of notice in contract for sale of land used as a sanitary landfill), and (d)7 (requirement for notice to department of intent to discontinue operations), now recodified as (c)1 through 4.

Rewording of (c)1 concerning owner or operator joint and several liability for proper operation and closure of the sanitary landfill, for greater consistency with the Sanitary Landfill Closure and Contingency Fund Act, N.J.S.A. 13:1E-100 et seq.

Addition at (c)2 to the notice requirements that the owner or operator give at least 10 days notice of his intention to suspend operations at the sanitary landfill. Deletion of the requirement that notice of discontinuance of operations also be given to the Board of Public Utilities.

Addition at (c)6 requiring the department to give public notice if it intends to reduce or extend the 30-year post-closure care period.

(d): Revision of (d)1 to clarify that department approval shall be for one Closure and Post-Closure Plan for each sanitary landfill which shall consist of both a Closure and Post-Closure Care Plan and a Closure and Post-Closure Financial Plan.

Revision of (d)2 to require submission of closure plans in accordance with a specific schedule, and deletion of the proposed reference to submission in accordance with the New Jersey Pollutant Discharge Elimination System regulations, N.J.A.C. 7:14A.

Revision of proposed (d)4-(d)10, as adopted—to require submission, within six months of completion of closure, of New Jersey licensed professional engineer certifications of closure in compliance with the approved Closure Plan.

Addition of new general requirements (d)3 through 7, and 9.

(e): Deletion of this proposed subsection governing sanitary landfill recordkeeping and reporting requirements as duplicative of provisions of N.J.A.C. 7:26-2.9(g), as adopted, pertaining to escrow account reporting requirements and as duplicative of provisions of N.J.A.C. 7:26-2.13 pertaining to sanitary landfill general recordkeeping requirements. Such deletion resulted in the relettering of the N.J.A.C. 7:26-2.9(f) concerning specific requirements for the Closure and Post-Closure Care Plan as N.J.A.C. 7:26-2.9(e) and also resulted in the relettering of the succeeding subsections (g) and (h) as (f) and (g).

Revision of new (e)1 concerning submission of the Care Plans to clarify the department's intent that the Care Plan be prepared, signed and sealed by a New Jersey licensed professional engineer.

Deletion of proposed (f)2 concerning maintenance of the Plan on site and with the municipal clerk, after closure, to N.J.A.C. 7:26-2.9(d) governing general plan requirements.

Revision of proposed (f)6-(e)5, as adopted—to clarify the department's intent that "as built" certifications by a New Jersey licensed professional engineer shall be submitted within 90 days of the closure of the landfill that each provision of the Closure and Post-Closure Plan has been implemented as designed and approved.

(f): Revision of new (f)1 to clarify the department's intent that the Financial Plan set forth not only costs and expenses but also establish the means for defraying them. The second sentence, concerning the effect of inflation on expenses has been renumbered (f)4 for easier reading.

Deletion of proposed (g)2 concerning the maintenance of the Financial Plan on site and with the municipal clerk after closure. This deletion is consistent with the deletion made in N.J.A.C. 7:26-2.9(e)2 concerning the Care Plan.

Revision of proposed (g)3-(f)2, as adopted—to clarify the department's intent that the Financial Plan shall include a cost estimate for each Care Plan provision and a projection of funds including escrow account funds, to be used to defray such costs. The Financial Plan shall also provide for one of two options regarding withdrawals from the escrow account.

Addition of proposed (f)3 to clarify that the Financial Plan shall include an anticipated time schedule for implementation of each closure provision and for escrow account withdrawals.

Revision of proposed (g)4 -(f)5, as adopted—to require that the Financial Plan be reviewed by the owner or operator biennially.

(g): Revision of new (g)1 concerning the depositing of funds to refer to the escrow account definition of N.J.A.C. 7:26-2.9(b).

Addition of (g)3 to permit sanitary landfills which are unable to measure waste received in the manner specified to compute quantities, upon department approval, by using an alternative method.

Addition of a new (g)10 to provide supplemental guidance to owners and operators in the establishment of escrow accounts. Such accounts are to be established and maintained to maximize yield, minimize risk and maintain liquidity, and shall be subject to department approval.

Deletion of sentence in proposed (h)7-(g)11, as adopted—requiring written permission of the department for term investments since new (g)10 is a sufficient mandate.

Revision of proposed (h)9-(g)13, as adopted—to clarify the department's intention that withdrawals from an escrow account shall be authorized in accordance with the Closure and Post-Closure Plan, upon written request, and only after compliance with the department's requests, if any, for Plan amendments, receipt of professional engineer and certified public accountant certifications concerning the appropriateness of the expenditure of the prior withdrawal. In addition, where the department has approved the use of alternative funds pursuant to N.J.A.C. 7:26-2.9(f)2ii, escrow account withdrawals will be permitted where the cost exceeds the balance of the alternative fund.

Revision of proposed (h)10-(g)14, as adopted—to require written approval by the department rather than to require the actual signature of a department representative on all withdrawals as proposed. Proposed (h)10 had been interpreted to mean that an actual department representative's signature would be necessary on every withdrawal slip. This revision is consistent with the Sanitary Landfill Closure and Contingency Fund Act, N.J.S.A. 13:1E-100 et seq.

Revision to proposed (h)17-(g)20, as adopted—to require that the annual escrow account audit be based on a 10/1 to 9/30 fiscal year in order to promote uniformity in audit submissions and to require that the audit be filed with the department in duplicate.

Revision to proposed (h)18-(g)21, as adopted—to require that the monthly report of solid waste accepted and transactions made within the escrow account shall also include the interest accrued and the balance remaining in the escrow account.

N.J.A.C. 7:26-2.13 Sanitary landfills; records

(a): Revision of the recordkeeping requirements to clarify the intention of the department that all sanitary landfills, as defined in this subchapter and without exception, shall maintain a daily record of wastes received.

Addition to the daily recordkeeping requirements to include other identification authorized by the department.

(b): Addition to the recordkeeping requirements to include maintenance of records on systems acceptable to the department.

Revision to the requirement that monthly summaries of wastes received be submitted to the department on a quarterly basis to require submissions on or before the 20th of each month. Such

revision is consistent with the escrow account reporting requirements of N.J.A.C. 7:26-2.9(g)21.

For a complete explanation and full text of the summary of public comments and agency responses, please contact:

Carol N. Tomson
Division of Waste Management
32 E. Hanover Street
Trenton, NJ 08625

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

7:26-1.4 Definitions

"Sanitary landfill" means a solid waste facility at which solid waste is deposited on or in the land as fill for the purpose of permanent disposal or ***[long-term storage]* *storage for a period exceeding six months***, except that it shall not include any waste facility approved for disposal of hazardous waste pursuant to ***[these rules]* *this chapter***.

7:26-2.9 Closure and post-closure ***care*** of sanitary landfill***s*** ***[facilities]***

(a) This section shall govern the closure and post-closure care of all sanitary landfill***s*** ***[facilities]**. For the purpose of this section, sanitary landfill facilities shall not include any solid waste transfer stations***[]***. This section includes requirements for the preparation of a Closure and Post-Closure Plan ***[and design and a Closure and Post-Closure Financial Plan]* ***, as defined in (d)1 below, for all **new sanitary landfills and every sanitary landfill operating on or after January 1, 1982***. It also establishes requirements concerning establishment and use of the ***[closure]*** escrow account required pursuant to ***[T]**the Sanitary Landfill Facility Closure and Contingency Fund Act *P.L. 1982, c.306]***, N.J.S.A. 13:1E-100 et seq., and the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. ***[]***, for every sanitary landfill operating on or after January 1, 1982*.

(b) The ***[terms used in this section are defined as follows:]* *** following words and terms, when used in this section shall have the following meanings. Where words and terms are used which are not defined herein, the definitions of those words and terms will be the same as the definitions found in the department rules, N.J.A.C. 7:26-1.4:*

"Accredited financial institution" means any ***[bona fide]*** commercial bank, savings bank or savings and loan association ***with its principal office*** located in the State of New Jersey, and insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation.

"Closure" shall mean the construction and implementation of all environmental safeguards required by law or by the sanitary landfill***s*** ***[facility's]*** approved Closure ***and Post-Closure*** Plan and the ***facility's*** approved engineering design subsequent to the termination of operations at any portion of that facility. ***[It]*** ***Closure*** may include but is not limited to all activities and costs associated with the design, purchase, construction and maintenance of all items in order to prevent, minimize or monitor pollution or health hazards resulting from ***sanitary* landfill*s*** ***[facilities]*** subsequent to the termination of operations at any portion thereof, including but not necessarily limited to, the costs of placement of acceptable cover, the installation of methane gas monitoring, venting, or evacuation systems, the installation and monitoring of wells or leachate collection and control systems at the site or in the vicinity of any sanitary landfill ***[facility]***.

"Closure period" ***[shall]*** mean***s***, unless otherwise specified, the period beginning after the landfill or a portion thereof has ceased

to accept waste or the period as determined by the ***[D]**d*** department.

["Department" means the New Jersey Department of Environmental Protection.]

"Escrow account" means an interest-bearing account with an accredited financial institution as escrow agent, wherein funds shall be deposited by the owner or operator of every sanitary landfill pursuant to N.J.S.A. 13:1E-100 et seq., and this section. This account shall be based upon an escrow agreement executed by and between the escrow agent and the owner or operator of the sanitary landfill. There shall be only one escrow account for each sanitary landfill, unless otherwise authorized by the department.

"Owner or operator" ***means and*** includes, in addition to the usual meanings ***thereof***, every owner of record of any interest in land where on a sanitary landfill facility is or has been located, and any person, partnership or corporation ***which* own[ing]*s*** a majority interest in any ***other*** corporation which ***[owns a majority interest in]* *** ***is the owner or operator of*** any sanitary landfill ***[facility]***.

"Post-closure care" ***[shall]*** mean***s*** those activities necessary to maintain and monitor a ***sanitary*** landfill in accordance with an approved engineering design and applicable laws and regulations after the ***[facility]* *landfill*** has been properly closed.

*** (c) General closure and post-closure care requirements are as follows:**

1. Every owner or operator of a sanitary landfill shall be jointly and severally liable for the proper operation and closure of the sanitary landfill, as required by law, and for any damages, no matter by whom sustained, proximately resulting from the operations and closure.

2. The owner or operator of a sanitary landfill shall notify the department in writing of his intention to suspend or terminate operations at that landfill. The department shall receive notice at least 10 days prior to the date of suspension of operations, which notice shall include the duration of the suspension, and shall receive notice at least 180 days prior to the date of termination of operations.

3. No person shall contract to sell any land which has been utilized as a sanitary landfill facility at any time unless the contract of sale for the land describes such use and the period of time that the land was so utilized, as required in (c)4 below. Upon written request, any prospective purchaser of such land may obtain from the department a history of the compliance by the landfill with all applicable statutes, rules and regulations administered by the department.

4. Upon closure of the sanitary landfill, a detailed description of the landfill shall be recorded, along with the deed, with the appropriate county recording office. The description shall include the general types, locations, and depths of wastes on the site, the depth and type of cover material, the dates the landfill was in use and all such other information as may be of interest to potential landowners, and shall remain in the record in perpetuity.*

[(c)]* *5. The post-closure care period shall continue for 30 years after the date of completing closure of the ***sanitary*** landfill or as the following conditions apply:

[1. Post-closure care shall continue until such other time as approved by the Department;]

[2.]* *i. The ***[D]**d***epartment may reduce the post-closure care period to less than 30 years when it has been adequately demonstrated that the reduced period is sufficient to protect human health and the environment;

[3.]* *ii. Prior to the time that the post-closure care period is due to expire, the ***[D]**d***epartment may extend the post-closure care period upon a finding that such extended period is necessary to protect human health and/or the environment; and

[4.]* *iii. Any aggrieved ***[party]* *person*** may petition the ***[D]**d***epartment for an extension or reduction of the post-

closure care period, based on good cause.

6. If the department intends to reduce or extend the post-closure care period to less than or more than 30 years, public notice of that intention shall be provided.

(d) General requirements for a Closure and Post-Closure ***[Care]*** Plan ***[and a Closure and Post-Closure Financial Plan]*** are as follows:

1. ***[No person shall construct or operate a sanitary landfill facility without both a Closure and Post-Closure Care Plan and a Closure and Post-Closure Financial Plan approved by the Department.]* ***
No person shall construct or operate a sanitary landfill without an approval from the department of a Closure and Post-Closure Plan. Such Plan shall consist of both a Closure and Post-Closure Care Plan and a Closure and Post-Closure Financial Plan in accordance with the provisions of (e) and (f) below, except as otherwise authorized by the department.*

2. The submission for approval ***by the department*** of the Closure and Post-Closure Plan ***[shall conform with the regulations set forth in the New Jersey Pollutant Discharge Elimination System (NJPDES) as established in N.J.A.C. 7:14A-1;] *shall be made upon application for new sanitary landfill registration.***

***3. Existing sanitary landfills in operation after January 1, 1982 shall submit the Closure and Post-Closure Plan for approval by the department in accordance with the following schedule:**

i. Those sanitary landfills which ceased accepting waste during calendar year 1982 or which shall cease accepting waste during calendar year 1983 shall submit a Plan no later than three months from the effective date of this section;

ii. Those sanitary landfills not included in (d)3i above and which accept in excess of 100,000 cubic yards of waste per year, as delivered, shall submit a Plan no later than six months from the effective date of this section; and

iii. All remaining sanitary landfill landfills not provided for in (d)3i and ii above shall submit a Plan no later than 12 months from the effective date of this section.

4. No owner or operator shall submit a Closure and Post-Closure Care Plan for approval which includes any unauthorized expansion of the proposed or actual sanitary landfill operation.

5. Any owner or operator who fails to submit the Closure and Post-Closure Plan, as required by this subsection, shall be subject to denial, revocation or suspension of the registration of the sanitary landfill and other regulatory or legal actions which the department is allowed to institute by law.

6. The owner or operator may apply for departmental approval to amend the Closure and Post-Closure Plan at any time during the sanitary landfill's operation, closure or post-closure care period.

7. The department may require the amendment of an engineering design and a Closure and Post-Closure Plan at any time it is deemed necessary during the sanitary landfill's operation, closure or post-closure care period.*

[3.]* *8. Any sanitary landfill that is ***[required to be]*** closed under the provisions of this section shall be maintained in accordance with the approved Closure and Post-Closure Plan and must remain in compliance with all regulations of this subchapter. ***[Joint and several responsibility for the maintenance of discontinued operations shall rest with any property owner or record since the commencement of facility operations and any facility operator regardless of whether they disposed of the waste or caused an environmental health problem;]***

9. A copy of the approved Closure and Post-Closure Plan shall be kept on file at the sanitary landfill during the course of the sanitary landfill's operation and, after closure, shall be filed with the municipal clerk.

[4.]* *10. When closure is complete the owner or operator must submit certification ***to the department, within six months of closure,*** both by the owner or operator and by ***[an independent]***

a New Jersey* licensed professional engineer that the *[facility]* *sanitary landfill* has been closed in accordance with the specifications of the approved *[closure plan.]* *Closure and Post-Closure Plan.

***[5. Upon closure of the landfill, a detailed description of the landfill shall be recorded, along with the deed, with the appropriate county recording office. The description shall include the general types, locations, and depths of wastes on the site, the depth and type of cover material, the dates the landfill was in use and all such other information as may be of interest to potential land owners, and shall remain in the record in perpetuity;**

6. No person shall contract to sell any land which has been utilized as a sanitary landfill facility at any time unless the contract of sale for the land describes such use and the period of the time that the land was so utilized, as required in (d)1, above. Any prospective purchaser of such land may obtain from the Department, upon written request therefor, a history of the compliance by the facility with all applicable statutes, rules and regulations administered by the Department; and

7. The owner or operator of any sanitary landfill shall notify, in writing, the Department, and operators of landfills which are public utilities shall also notify the Board of Public Utilities, pursuant to its rules and regulations, of intent to discontinue operations at least 180 days prior to the intended date of closure.]*

***[(e) The owner or operator of a sanitary landfill facility shall comply with the following record keeping and reporting requirements:**

1. Every owner or operator of a sanitary landfill facility shall file with the Department an annual audit or the closure and post-closure escrow account established pursuant to these rules;

2. The annual audit of the escrow account shall be conducted by a New Jersey Certified Public Accountant and shall be filed with the Department no later than October 31 of each year, including during the post-closure care period;

3. The owner or operator of all sanitary landfill facilities shall maintain daily records of wastes received, as required by N.J.A.C. 7:26-2.13;

4. On or before January 1 of each year, the owner or operator of the landfill facility shall submit a summary of all waste quantities disposed of at the facility in the preceeding year or shall submit to the Department copies of all completed New Jersey tax forms submitted to the Department of Treasury pursuant to P.L. 1981, c.306; and

5. The owner or operator shall comply with the recordkeeping and reporting requirements of N.J.A.C. 7:26-2.9(h).]*

[(f)]* * (e) The Closure and Post-Closure ***Care*** Plan shall meet the following specific requirements:

1. The owner or operator of ***[all]* *every*** sanitary landfill ***[facilities]*** shall ***[prepare and]*** submit to the ***[D]**d*epartment** a Closure and Post-Closure ***Care*** Plan ***prepared, signed and sealed by a New Jersey licensed professional engineer*** to provide for closure and post-closure care of the sanitary landfill ***[facility]*;**

[2. A copy of the Closure and Post-Closure Plan shall be kept on record at the sanitary landfill facility during the course of the facility's operation and, after approved closure, shall be filed with the municipal clerk;]

[3.]* *2. The Closure and Post-Closure ***Care*** Plan shall provide for the design and implementation of the following:

i. A Soil Erosion and Sediment Control Plan certified by the local soil conservation district in accordance with the Soil Erosion and Sediment Control Act of 1975, as amended¹ (N.J.S.A. 4:24-39 et seq.);

ii.-ix. (No change from proposal.)

x. A program for the monitoring of groundwater in accordance with NJPDES rules ², N.J.A.C. 7:14A-1, ³ and any permit for that sanitary landfill issued pursuant thereto;

xi. A methane gas venting ***[and]* *or*** evacuation system⁴ ***[s]*;**

xii. A program for the maintenance of a methane gas venting ⁵

[and]* **or*** evacuation system;
 xiii. (No change from proposal.)
 xiv. **A program for the collection and/or control of leachate;***
A program for the operation and maintenance of a leachate collection and/or control system;*
 xv. **A program for the installation of a** *[F]**f* **acility access control system;**
 xvi. (No change from proposal.)
 xvii. **[Site beautification measures;]* Measures to conform the site to the surrounding area;***
 xviii. A program for the maintenance of **[site beautification measures]* measures to conform the site to the surrounding area;***
 4. **3.*** The department may require additional closure and post-closure **care*** measures or waive any of the above requirements, should specific health and/or environmental circumstances justify such action;
 5. **4.*** The Closure and Post-Closure **Care*** Plan shall include a schedule for the implementation of all the provisions of this section; and
 6. **5. Within 90 days of the closure of the sanitary landfill,*** **[T]*** **the owner or operator of the sanitary landfill** **[facility]*** shall obtain and submit to the **[D]*** **d***epartment an "as built" certification by a New Jersey licensed **[P]**p***rofessional **[E]*** **e***ngineer that each provision of **the*** Closure and Post-Closure Plan has been implemented as designed and approved.
 7. **(g)*** **(f)*** The Closure and Post-Closure Financial Plan shall meet the following **specific*** requirements:
 1. The owner or operator of **[all]*** **every sanitary*** landfill **[facilities]*** shall submit a Closure and Post-Closure Financial Plan to the **[D]**d***epartment which shall **[provide for]*** **set forth*** the costs and expenses ***, and establish the means for meeting those costs and expenses,*** associated with full implementation of the approved Closure and Post-Closure Plan. **[The financial plan shall take into consideration the effect of inflation on closure and post-closure expenses. Unless otherwise approved, the owner or operators shall adjust the latest closure cost estimate using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its "Survey of Current Business". The inflation factor shall be calculated by dividing the latest published annual Deflator by the Deflator for the previous year. The result is the inflation factor. The adjusted closure cost estimate shall equal the latest closure cost estimate times the inflation factor;]***
2. The Closure and Post-Closure Financial Plan shall include an estimate which details the cost of each provision of the Closure and Post-Closure Care Plan and a projection of funds that will be available from the escrow account. Where the total expenses projected for the Closure and Post-Closure Care Plan exceed the amount of funds projected in the escrow account, the owner or operator must identify specific alternative funds which are to be dedicated to ensure payment of all costs identified in the Closure and Post-Closure Plan. The Plan shall provide:
 i. That no withdrawals may be made from the escrow account until such time as the funds projected in the escrow account are sufficient to pay for all closure costs identified in the Closure and Post-Closure Financial Plan; or
 ii. That withdrawals may be made from the escrow account concurrent with the use of the alternative funds described above, provided that such alternative funds are established in a manner similar to the escrow account and the expenditures from such alternative funds are made subject to the approval of the department.
 3. The Closure and Post-Closure Financial Plan shall include the intervals at which each closure provision is to be implemented as well as a projection of when each escrow account withdrawal is anticipated.
 4. The Financial Plan shall take into consideration the effect

of inflation on closure and post-closure expenses. Unless otherwise approved, the owner or operator shall calculate the latest closure cost estimate using an adjusted inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its "Survey of Current Business". The adjusted inflation factor shall be calculated by dividing the latest published annual Deflator by the Deflator for the previous year. The closure cost estimate shall equal the latest closure cost estimate times the adjusted inflation factor.

5. The owner or operator shall review the cost estimates every two years and, if necessary, revise the Closure and Post-Closure Financial Plan. The updated Financial Plan shall be submitted on the second anniversary of the date the Financial Plan was last approved.*

*2. A copy of the Closure and Post-Closure Financial Plan shall be kept on record at the sanitary landfill facility during the course of the facility's operation and, after approved closure, shall be filed with the municipal clerk;

3. The Closure and Post-Closure Financial Plan shall include a cost estimate established pursuant to departmental guidelines and shall include financial arrangements for all items described in the Closure and Post-Closure Plan; and

4. The owner or operator shall prepare a new closure cost estimate whenever a change in the operation of the facility or in the closure plan affects the cost of closure.*

7. **(g)*** Pursuant to **[P.L. 1981, c. 306]**N.J.S.A. 13:1E-100,et seq.***, the requirements for the **[E]**e***scrow **[A]**a*** account are as follows:

1. The owner or operator of every sanitary landfill shall deposit **in an escrow account as defined in (a) above***, on or before the 20th of each month, [in an interest-bearing account with an accredited financial institution in the State of New Jersey,] an amount equal to \$0.30 per cubic yard of solids and \$0.004 per gallon of liquids of all solid waste accepted for disposal during the preceding month. It is noted that disposal of liquid waste in **sanitary*** landfill*s* **[facilities]*** is limited to only those few facilities permitted to accept such waste;

2. In the event that a measure other than the "cubic yard" or "gallon" is used by the owner or operator of a sanitary landfill **[facility]***, the amount to be deposited shall be calculated by using equivalents established by the Division of Taxation;

3. Upon approval of the department, those sanitary landfills which by the nature of their operation do not have the ability to measure the waste received in the manner provided for in this section may compute quantities of waste received by using an alternative, acceptable method;*

3. **4.*** The escrow account shall be for the closure **and post-closure care*** of a particular **sanitary*** landfill **[facility]*** and all funds therein shall be used exclusively for the closure **and post-closure care*** of that landfill **in accordance with the approved Closure and Post-Closure Plan***. **[Failure to deposit the required funds in the escrow account or misuse of such funds shall subject the owner or operator to criminal penalties of the third degree;]***

5. Any owner or operator of a sanitary landfill who shall fail to deposit funds into an escrow account, as provided herein, or uses those funds for any purpose other than closure and post-closure care costs, as approved by the department, shall be guilty of a crime of the third degree.*

4. **6.*** Where an owner or operator has ownership or control over more than one sanitary landfill **[facility]***, **a*** separate escrow account*s* must be established for each facility;

5. **7.*** The escrow account shall be kept separate and apart from all other accounts maintained by the owner or operator. The fact that the owner or operator has previously established an escrow account pursuant to another law, rule or regulation, does not relieve them of their responsibility to establish an escrow account under these rules;

8. The escrow agreement for every escrow account, and any

revisions thereto, shall be approved by the department and filed by the department with the accredited financial institution, as escrow agent.*

[6.] *9.* The *escrow agreement and any other* document(s) evidencing the existence of the escrow account must contain a reference to the purpose of the account that will put the personal creditors of the owner or operator on notice as to the nature of the account;

10. The escrow account shall be established and maintained so as to maximize yield, minimize risk and maintain liquidity, and shall be subject to the approval of the department.

[7.] *11.* All funds deposited in the escrow account must be readily available in the event that circumstances necessitate the *[partial or total]* closure or post-closure care of the sanitary landfill *[facility]* prior to the date originally contemplated. *[An owner or operator who chooses to place escrow funds into term investments shall apply to the Department of Environmental Protection for written permission to do so;]*

[8.] *12.* All interest or other income that results from investment of funds in the escrow account shall be deposited into the escrow account and subjected to the same restrictions as the principal;

[9. Only after all other closure and post-closure funding alternatives have been exhausted will funds be authorized for expenditure from the escrow account;]

*13. Withdrawals from the escrow account shall be authorized by the department upon submission and approval of a written request therefor which identifies the specific provision(s) of the Closure and Post-Closure Plan for which funding is sought. Authorization for such withdrawal will be granted only in accordance with the approved Closure and Post-Closure Care Plan, and after compliance with the following conditions:

i. The owner or operator has complied with all requests to amend the Closure and Post-Closure Plan;

ii. Except as otherwise authorized by the department, the owner or operator submits to the department, pursuant to (e)5 above, "as built" certifications by a New Jersey licensed professional engineer that the applicable provision(s) of the Closure and Post-Closure Plan for which the preceding withdrawal was obtained has been, or is being, implemented as set forth in the Closure and Post-Closure Plan;

iii. Except as otherwise authorized by the department, the owner or operator submits to the department "as built" certifications by a New Jersey certified public accountant that the preceding withdrawal has been, or is being, expended as set forth in the Closure and Post-Closure Plan; and

iv. Where the department has approved a Closure and Post-Closure Financial Plan providing for the use of alternative funds pursuant to (f)2ii above, withdrawals from the escrow account will only be authorized to the extent that the cost exceeds the balance of the alternative fund. Where the alternative fund is an account, the department shall allow the maintenance of the minimum balance necessary to keep such account open.*

[10. The signature of both the duly authorized representative of the Commissioner of the Department of Environmental Protection and the owner or operator or the agent thereof shall be required for all withdrawals from an escrow account;]

14. No withdrawals from an escrow account may be made without written approval of the department, except as otherwise authorized by the department;

[11.] *15.* The *[D]* *d*epartment, although acknowledging the need for fund expenditure totalling a specific sum may, at its discretion, grant approval for the withdrawal of only a portion thereof, conditioning subsequent approvals upon the owner or operator's verification that the sum(s) authorized have been used solely for closure *or post-closure care* costs;

[12.] *16.* The *[D]* *d*epartment may, at its discretion,

determine that there is a need for closure or post-closure *care* expenditures and may require the owner or operator to withdraw such funds from the escrow account *at any time* to meet such expenses;

[13.] *17.* Funds remaining in the escrow account after complete and proper closure and post-closure *care* operations shall be paid into the Sanitary Landfill Facility Contingency Fund. A *sanitary* landfill will be deemed to be properly and completely closed where the *[D]* *d*epartment determines that no further post-closure *care* maintenance or monitoring is necessary at the facility. When the *[D]* *d*epartment makes such a determination*,* it shall notify the *[trust officer,]* escrow agent* [,]* and the owner *[and/]* or operator of the determination and shall supply the owner or operator with written approval for the transfer of the excess funds. Upon receipt of this written approval, all funds in said account shall be transferred to the Sanitary Landfill Facility Contingency Fund established pursuant to *[P.L. 1981 c. 306]* *N.J.S.A. 13:1E-100 et seq.* and the account will be closed;

[14. No expenditure from the escrow account will be permitted until the closure period has begun.]

[15.] *18.* The escrow account shall not constitute an asset of the owner or operator and shall be established in such a manner as to ensure that the funds in the account will not be available to any creditor other than the *[D]* *d*epartment in the event of bankruptcy or reorganization of the owner or operator;

[16.] *19.* The owner or operator of every sanitary landfill *[facility]* must arrange, with the financial institution wherein the funds are to be deposited, for a monthly statement of *the escrow* account to be sent to Landfill Closure Escrow Account, the Office of Special Funds Administration, Department of Environmental Protection, CN 402, 88 East State Street, Trenton, New Jersey 08625;

20. The owner or operator of every sanitary landfill shall file with the department, in duplicate, an annual audit of the escrow account established for the closure of the sanitary landfill. The annual audit of the escrow account shall be conducted by a New Jersey certified public accountant and shall be filed with the department no later than October 31 of each year, including each of the post-closure care period years. For the purposes of the escrow account only, the fiscal year shall begin on October 1 and terminate on September 30 of the following year, except that fiscal year 1982 shall begin on January 1, 1982 and terminate on September 30, 1982; and

[17. The owner or operator of every sanitary landfill facility shall file with the Department an annual audit of the escrow account established for the closure of the facility. The audit shall be conducted by a certified public accountant, and shall be filed no later than October 31 of each year; and]

[18.] *21.* The owner or operator of every sanitary landfill facility *[must supply]* *shall file*, *[by]* *on or before* the 20th of every month, *[to]* *with* the Office of Special Funds Administration, *Landfill Closure Escrow Account*, Department of Environmental Protection, CN 402, 88 East State Street, Trenton, New Jersey 08625, a statement showing the exact amounts of all solid waste accepted for disposal during the preceding month, the total amounts of solid waste received *calendar* year-to-date, the funds deposited in and withdrawn from the escrow account *[at]* *for* the particular sanitary landfill *[facility]* during the *[preceding]* *current* month, *interest accrued, escrow account balance,* and the total *calendar* year-to-date fund*s* deposit*[s]* *ed* in and withdraw*[als]* *n* from the escrow account. These statements shall be filed on forms provided by the Department.

*[(i) The procedures for approval of Closure and Post-Closure Plans and for Closure and Post-Closure Financial Plans will be as follows:

1. The owner or operator of a new facility shall submit a Closure and Post-Closure Plan and a Closure and Post-Closure Financial

Plan as part of its application for the facility's Certificate of Approved Registration and Engineering Design Approval (N.J.A.C. 7:26-1), pursuant to the Solid Waste Management Act and other applicable laws, and in accordance with the schedule established as part of the facility's application for a New Jersey Pollutant Discharge Elimination System (NJPDES) permit as required by N.J.A.C. 7:14A-1.1;

2. The owners or operators of all sanitary landfill facilities operating subsequent to January 1, 1982, shall submit a proposed Closure and Post-Closure Plan and a Closure and Post-Closure Financial Plan as part of its application for an operating permit and in accordance with the schedule established as part of the NJPDES permit application;

3. Owners and operators of existing landfill facilities operating subsequent to January 1, 1982, who are not required to obtain a NJPDES permit, shall submit a proposed Closure and Post-Closure Plan and a Closure and Post-Closure Financial Plan within 90 days of the effective date of these regulations unless otherwise determined by the Department;

4. No owner or operator shall submit a Closure and Post-Closure Plan or a Closure and Post-Closure Financial Plan for approval which includes any expansion of the proposed or actual facility operation;

5. Any owner or operator who fails to submit the Closure and Post-Closure Plan and the Closure and Post-Closure Financial Plan, as required by this subchapter, shall be subject to denial, revocation or suspension of the registration of the sanitary landfill facility and other regulatory or legal actions which the Department is allowed to institute by law;

6. The Department may require the amendment of any engineering design at any time it is deemed necessary, including during the post-closure care period; and

7. The owner or operator may apply for Departmental approval to amend the Closure and Post-Closure Plan or the Closure and Post-Closure Financial Plan at any time during facility life or during the post-closure care period.]*

7:26-2.13 Sanitary landfills; records

(a) Sanitary landfills shall maintain a daily record of wastes received [(not applicable to those qualifying under N.J.A.C. 7:26-4.8 or specifically exempted by the department)]. The record shall include:

1.-4. (No change from proposal.)

5. The license plate number of the delivery vehicle *or other identification authorized by the department*.

(b) The record will be maintained on forms provided by the *[D]**d*epartment (or duplication of same) *or on systems acceptable to the department*, shall be kept for five years, and shall be available for inspection by representatives of the *[D]**d*epartment at any time. [M] *[If required by the Department in]**M*onthly summaries *of wastes received* shall be submitted to the [Solid Waste Administration] Division of Waste Management no later than *[10]**20* days after the last day of each *[quarter]* *month* *(that is, January 10, April 10, July 10 and October 10)*.

(c) **Upon approval by the *[D]**d*epartment those *sanitary* landfills qualifying for exemption under N.J.A.C. 7:26-4.8 may compute quantities of waste received by using an alternative, acceptable method.**

(d)-(f) (No change from proposal.)

(a)

BOARD OF PUBLIC UTILITIES

Interdistrict and Intradistrict Solid Waste Flow

Notice of Correction: N.J.A.C. 7:26-6

Take notice that the adoption of N.J.A.C. 7:26-6 (Interdistrict and Intradistrict Solid Waste Flow) which appeared in the December 6, 1982 issue of the New Jersey Register at 14 N.J.R. 1368 to 1385 contained technical and editorial errors. A Notice of Correction stating that the errors would be fully identified and corrected in a subsequent issue of the New Jersey Register appeared at 15 N.J.R. 32(c). The corrected rule as it appears below does not change the meaning or substance of the rule as adopted (see N.J.A.C. 1:30-2.7).

Full text of N.J.A.C. 7:26-6 as it should have appeared is as follows: (additions to the rule as it appeared at 14 N.J.R. 1368 shown in boldface with asterisks ***thus***; deletions shown in brackets with asterisks *[thus]*).

SUBCHAPTER 6. INTERDISTRICT AND INTRADISTRICT SOLID WASTE FLOW

7:26-6.1 *[General provisions]* ***Authority***

This subchapter is promulgated pursuant to the policies set forth in and the authority delegated to the Department of Environmental Protection by the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and to the Board of Public Utilities (BPU) pursuant to the Solid Waste Utility Control Act, N.J.S.A. 48:13A-1 et seq.

7:26-6.2 Purpose

The New Jersey Department of Environmental Protection has reviewed and approved the adopted solid waste management plans for all 22 of the solid waste management districts in New Jersey. Based on these plans, it is evident that, at least for the short term, interdistrict solutions to planning issues are required. Further, the Board of Public Utilities has determined that the public interest requires the designation of specific disposal facilities to serve as the ultimate destination of certain waste streams. This subchapter sets forth the designations by the Department, of interdistrict waste flows, and by the Board of Public Utilities, of specific waste flows, designating specific facilities to serve specific geographic areas.

7:26-6.3 Types of wastes covered

This subchapter shall apply to all solid wastes, as defined in N.J.A.C. 7:26-2.13, with the exception of liquid wastes, sewage sludge, septage, hazardous wastes, oil spill, clean-up waste, infectious waste, and all non-hazardous materials separated at the point of generation for sale or reuse.

7:26-6.4 Informational requirements

Any person registered with the Department for the collection, transportation, and/or disposal of solid wastes affected by this subchapter shall, upon request by the Department, submit, in such form as the Department may deem appropriate, information concerning the sources of wastes collected, and his/her transportation and disposal patterns.

7:26-6.5 District waste flow planning requirements and disposal facility designations

Due to the lack of adequate disposal capacity within certain solid waste districts, and pursuant to a finding by the BPU that the public interest will be best served by designating specific disposal facilities

ADOPTIONS

as the ultimate destination of specific waste streams, it is necessary to direct waste flows, as described in this section.

(a) ***[Atlantic County facilities:]* *Waste flows within, into and out of the Atlantic County District:***

1. ***[Buena Borough:]*** All waste types 10, 13, 23, 25, and 27 generated from within the Atlantic County municipality of Buena shall be disposed of at the Buena Borough Sanitary Landfill, facility number 0104A, located in Buena Borough, Atlantic County, New Jersey.

i. Upon closure of the Buena Borough Sanitary Landfill, facility number 0104A, wastes going to this facility shall be disposed of at the Buena Vista Township Sanitary Landfill, facility number 0105C, located in Buena Vista Township, Atlantic County, New Jersey.

2. ***[Buena Vista Township:]*** All waste types 10, 13, and 23 generated from within the Atlantic County municipality of Buena Vista shall be disposed of at the Buena Vista Township Sanitary Landfill, facility number 0105C, located in Buena Vista Township, Atlantic County, New Jersey.

i. All waste types 25 and 27 generated from within Buena Vista Township shall be disposed of at the Lee's Gravel Pit landfill, facility number 0108B, located in Egg Harbor Township, Atlantic County, New Jersey.

3. ***[Egg Harbor City:]*** All waste types 10, 13, and 23 generated from within the Atlantic County municipality of Egg Harbor City shall be disposed of at the Egg Harbor City Sanitary Landfill, facility number 0107A, located in Egg Harbor City, Atlantic County, New Jersey.

i. All waste types 25 and 27 generated from within Egg Harbor City shall be disposed of at the Lee's Gravel Pit landfill, facility number 0108B.

ii. Upon closure of the Egg Harbor City Sanitary Landfill, facility number 0107A, wastes going to this facility shall be disposed of at the Galloway-Oak Avenue landfill, facility number 0111B, located in Galloway Township, Atlantic County, New Jersey.

4. ***[Lee's Gravel Pit:]*** All waste types 10, 13, 23, 25, and 27 generated from within the Atlantic County municipalities of Absecon, Atlantic City, Brigantine, Egg Harbor Township, Linwood, ***[Longfort]* *Longport***, Margate, Northfield, Pleasantville, Somers Point, and Ventnor shall be disposed of at the Lee's Gravel Pit landfill, facility number 0108B, located in Egg Harbor Township, Atlantic County, New Jersey. Upon closure of the Lee's Gravel Pit landfill, facility number 0108B, wastes going to this facility shall be disposed of at the proposed regional County landfill.

5. ***[Estell Manor:]*** All waste type 10 generated from within the Atlantic County municipalities of Corbin City and Estell Manor shall be disposed of at the Estell Manor Sanitary Landfill, facility number 0109A, located in Estell Manor City, Atlantic County, New Jersey.

i. All waste types 13, 23, 25, and 27 generated from within Corbin City and Estell Manor shall be disposed of at the Lee's Gravel Pit landfill, facility number 0108B, located in Egg Harbor Township, Atlantic County, New Jersey.

6. ***[Folsom Borough:]*** All waste types 10, 13, 23 and 27 generated from within the Atlantic County municipality of Folsom shall be disposed of at the Folsom Borough Sanitary Landfill, facility number 0110A, located in Folsom Borough.

i. All waste type 25 generated from within Folsom Borough shall be disposed of at the Lee's Gravel Pit landfill, facility number 0108B.

ii. Upon closure of the Folsom Borough Sanitary Landfill, facility number 0110A, wastes going to this facility shall be disposed of at the Hammonton Municipal Landfill, facility number 0113A, located in Hammonton Town, Atlantic County, New Jersey.

7. ***[Galloway Township-Oak Avenue-Hershel:]*** All waste types 10, 13, and 23 generated from within the Atlantic County municipality of Galloway shall be disposed of at the Galloway Township-Oak Avenue landfill, facility number 0111B, or the

ENVIRONMENTAL PROTECTION

Galloway Township-Hershel landfill, facility number 0111D, both located in Galloway Township, Atlantic County, New Jersey, pending a possible decision to assign wastes to specific solid waste facilities.

i. All waste types 25 and 27 generated from within Galloway Township shall be disposed of at the Lee's Gravel Pit landfill, facility number 0108B, located in Egg Harbor Township, Atlantic County, New Jersey.

8. ***[Hamilton Township-Somers Point Road:]*** All waste types 10, 13, 23, and 25 generated from within the Atlantic County municipality of Hamilton shall be disposed of at the Hamilton Township Sanitary Landfill-Somers Point Road, facility number 0112B, located in Hamilton Township, Atlantic County, New Jersey.

i. All waste type 27 generated from within Hamilton Township shall be disposed of at the Lee's Gravel Pit landfill, facility number 0108B, located in Egg Harbor Township, Atlantic County, New Jersey.

ii. The Atlantic County Plan adopted by the Board of Chosen Freeholders provides for the Hamilton Township Sanitary Landfill - Somers Point Road, facility number 0112B, to either expand and upgrade or close. The County shall amend its Plan no later than January 1, 1983 providing for either option concerning the Hamilton site.

9. ***[Hammonton:]*** All waste types 10, 13, 23, 25, and 27 generated from within the Atlantic County municipality of Hammonton shall be disposed of at the Hammonton Municipal Landfill, facility number 0113A, located in Hammonton Town, Atlantic County, New Jersey.

10. ***[Mullica Township:]*** All waste types 10, 13, 23, 25, and 27 generated from within the Atlantic County municipality of Mullica ***[Hill]*** shall be disposed of at the Mullica Township Landfill, facility number 0117A, located in Mullica Township, Atlantic County, New Jersey.

i. Upon closure of the Mullica Township Landfill, facility number 0117A, wastes going to this facility shall be disposed of at the Hammonton Municipal Landfill, facility number 0113A, located in Hammonton Town, Atlantic County, New Jersey.

11. ***[Port Republic City:]*** All waste types 10, 13, 23, and 27 generated from within the Atlantic County municipality of Port Republic shall be disposed of at the Port Republic City Landfill, facility number 0120A, located in Port Republic City, Atlantic County, New Jersey.

i. All waste type 25 generated from within Port Republic City shall be disposed of at the Lee's Gravel Pit landfill, facility number 0108B, located in Egg Harbor Township, Atlantic County, New Jersey.

ii. Upon closure of the Port Republic City Landfill, facility number 0120A, wastes going to this facility shall be disposed of at the Galloway Township - Oak Avenue landfill, facility number 0111B, located in Galloway Township, Atlantic County, New Jersey.

12. ***[Weymouth Township:]*** All waste types 10 and 13 generated from within the Atlantic County municipality of Weymouth shall be disposed of at the Weymouth Township Sanitary Landfill, facility number 0123A, located in Weymouth Township, Atlantic County, New Jersey.

i. All waste types 23, 25, and 27 generated from within Weymouth Township shall be disposed of at the Lee's Gravel Pit landfill, facility number 0108B, located in Egg Harbor Township, Atlantic County, New Jersey.

ii. Upon closure of the Weymouth Township Sanitary Landfill, facility number 0123A, wastes going to this facility shall be disposed of at the Estell Manor Sanitary Landfill, facility number 0109A, located in Estell Manor City, Atlantic County, New Jersey.

13. ***[Lee's Gravel Pit:]*** All waste types 10, 13, 23, 25, and 27 generated from within the Cape May County municipality of Ocean City shall be disposed of at the Lee's Gravel Pit landfill, facility number 0108B, located in Egg Harbor Township, Atlantic County

until the Cape May County regional landfill becomes operational. This is due to a lack of landfill capacity currently available in Cape May County.

ii. Upon closure of the Bass River Township Sanitary Landfill, facility number 0301A, located in Bass River Township, Burlington County, New Jersey, all waste types 10, 13, 23, 25, and 27 generated from within the Burlington County municipality of Bass River shall be disposed of at the Lee's Gravel Pit landfill, facility number 0108B, located in Egg Harbor Township, Atlantic County, New Jersey due to the transportation difficulties associated with bridge weight limitations in hauling wastes to Burlington County solid waste facilities.

iii. All waste types 10, 13, 23, 25, and 27 generated from within the Burlington County municipality of Washington shall be disposed of at the Lee's Gravel Pit landfill, facility number 0108B, located in Egg Harbor Township, Atlantic County, New Jersey due to the transportation difficulties associated with bridge weight limitations in hauling wastes to Burlington County solid waste facilities.

(b) ***[Bergen County facilities:]* *Waste flows within, into and out of the Bergen County District:***

1. ***[Kingsland Park Extension:]*** All waste types 10, 13, 23, 25, and 27 generated from within all of Bergen County's municipalities, with the exceptions of North Arlington and Westwood, shall be disposed of at the Kingsland Park Sanitary Landfill Extension, facility number 0232C, located in Lyndhurst, Bergen County, New Jersey.

i. Upon the development and operation of the Bergen County Utilities Authority's resource recovery facility (originally scheduled for operation in 1983, but soon to be rescheduled to a later date), all processable solid wastes generated from within Bergen County, with the exception of North Arlington, shall be disposed of at said resource recovery facility.

ii. Residues and non-processable solid wastes shall be disposed of at a landfill(s) designated in the first two year update^{*}. ***of the District Plan.***

2. ***[HMDC Baler/Balefill:]*** All waste types 10, 13, 23, 25, and 27 generated from within the Bergen County municipality of North Arlington shall be disposed of at the HMDC Baler/Balefill, facility number 0239C/0232D, located in North Arlington.

3. ***[Westwood:]*** Waste types 10, 13, and 23 generated from within the Bergen County municipality of Westwood shall be disposed of at the Westwood Landfill, facility number 0267A located in Westwood.

i. Waste types 25 and 27 generated from within Westwood shall be disposed of at the Kingsland Park Sanitary Landfill Extension, facility number 0232C, located in Lyndhurst, Bergen County.

ii. When disposal operations cease at the Westwood Landfill, Westwood will utilize the Kingsland Park Sanitary Landfill Extension, facility number 0232C.

4. In addition to the above mentioned waste flows, other modifications, directives and/or resolutions approved and issued by the Department and/or the HMDC may affect the Bergen County waste flow (see (i) below ***, Waste flows within, into and out of the Hackensack Meadowlands District***).

(c) ***[Burlington County facilities:]* *Waste flows within, into and out of the Burlington County District:***

1. ***[Bass River Township:]*** All waste types 10, 13, and 23 generated from within the Burlington County municipality of Bass River shall be disposed of at the Bass River Township Sanitary Landfill, facility number 0301A, located in Bass River Township, Burlington County, New Jersey.

i. All type 25 wastes generated from within Bass River Township shall be disposed of at the Parklands Reclamation Project, facility number 0304A, located in Bordentown Township, Burlington County, New Jersey.

ii. All type 27 wastes generated from within Bass River Township shall be disposed of at the Landfill and Development Company landfill, facility number 0323A.

iii. Upon closure of the Bass River Township Sanitary Landfill, facility number 0301A, wastes going to this facility shall be disposed of at the Lee's Gravel Pit landfill, facility number 0108B, located in Egg Harbor Township, New Jersey due to the transportation difficulties associated with bridge weight limitations in hauling wastes to Burlington County solid waste facilities.

2. ***[Parklands Reclamation Project:]*** All waste types 10, 13, 23, 25 and 27 generated from within the Burlington County municipalities of Bordentown City, Bordentown Township, Chesterfield, Fieldsboro, Florence, North Hanover and Wrightstown shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A, located in Bordentown Township, Burlington County, New Jersey.

3. ***[Burlington City:]*** All waste types 10 and 23 generated from within the Burlington County municipality of Burlington City, shall be disposed of at the Burlington City Sanitary Landfill, facility number 0305A, located in Burlington City, Burlington County, New Jersey.

i. All waste types 13, 25, 27 generated from within Burlington City shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A.

4. ***[Evesham Township:]*** All waste type 10 generated from within the Burlington County municipality of Evesham shall be disposed of at the Evesham Township Sanitary Landfill, facility number 0313A, located in Evesham Township, Burlington County, New Jersey.

i. All waste types 13, 23 and 27 generated from within Evesham shall be disposed of at the Landfill and Development Company landfill, facility number 0323A.

ii. All waste type 25 generated from within Evesham Township shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A.

iii. Upon closure of the Evesham Township Sanitary Landfill, facility number 0313A, wastes going to this facility shall be disposed of at the Landfill and Development Company landfill, facility number 0323A.

5. ***[Lumberton Township:]*** All waste types 10, 13, 23, and 27 generated from within the Burlington County ***[municipality]* *municipalities* of Lumberton *and Hainesport*** shall be disposed of at the Lumberton Township Sanitary Landfill, facility number 0317A, located in Lumberton Township, Burlington County, New Jersey.

i. All waste type 25 generated from within Lumberton Township ***and Hainesport Township*** shall be disposed of at the Parklands Reclamation Project Landfill, facility number 0304A.

ii. Upon closure of the Lumberton Township Sanitary Landfill, facility number 0317A, wastes going to this facility shall be disposed of at the Landfill and Development Company Landfill, facility number 0323A.

6. ***[Landfill and Development Company:]*** All waste types 10, 13, 23, and 27 generated from within the Burlington County municipalities of Beverly City, Burlington Township, Delanco, Eastampton, Edgewater Park, Mansfield, Maple Shade, Medford, Medford Lakes, Mount Holly, Mount Laurel, New Hanover, Pemberton Borough, Pemberton Township, ***[Riverton.]*** Shamong, Southampton, Springfield, Westampton and Willingboro shall be disposed of at the Landfill and Development Company landfill, facility number 0323A.

i. All type 25 wastes generated from within the Burlington County municipalities of Beverly City, Burlington Township, Delanco, Eastampton, Edgewater Parks, Mansfield, Maple Shade, Medford, Medford Lakes, Mt. Holly, Mt. Laurel, New Hanover, Pemberton Borough, Pemberton Township, ***[Riverton.]*** Shamong, Southampton, Springfield, Westampton and Willingboro shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A.

7. ***[Tabernacle:]*** All waste types 10, 13, and 23 generated from within the Burlington County municipality of Tabernacle shall be disposed of at the Tabernacle Sanitary Landfill, facility number

0335A, located in Tabernacle Township, Burlington County, New Jersey.

i. Type 25 wastes generated from within Tabernacle Township shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A.

ii. Type 27 wastes generated from within Tabernacle shall be disposed of at the Landfill and Development Company landfill, number 0323A.

iii. Upon closure of the Tabernacle Sanitary Landfill, facility number 0335A, wastes going to this facility shall be disposed of at the Landfill and Development Company landfill, facility number 0323A.

8. *[Woodland Township:]* All waste types 10, 13, and 23 generated from within the Burlington County municipality of Woodland shall be disposed of at the Woodland Township Sanitary Landfill, facility number 0339A, located in Woodland Township, Burlington County, New Jersey.

i. Type 25 wastes generated from within Woodland Township shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A *, **located in Bordentown Township, Burlington County, New Jersey***.

ii. Type 27 wastes generated from within Woodland Township shall be disposed of at the Landfill and Development Company landfill *, **facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey***.

iii. Upon closure of the Woodland Township Sanitary Landfill, facility number 0339A, wastes going to this facility shall be disposed of at the Landfill and Development Company landfill, facility number 0323A *, **located in Mount Holly Township, Burlington County, New Jersey***.

9. *[Lee's Gravel Pit:]* All waste types 10, 13, 23, 25 and 27 generated from within the Burlington County municipality of Washington shall be disposed of at the Lee's Gravel Pit Landfill, facility number 0108B, located in Egg Harbor Township, Atlantic County, New Jersey, due to the transportation difficulties associated with bridge weight limitations in hauling the wastes to Burlington County solid waste facilities.

10. *[Pennsauken Township:]* All waste types 10, 13, 23, and 27 generated from within the Burlington County municipalit*[y]* ***ies*** of Cinnaminson, Delran, Moorestown, Palmyra, Riverside and Riverton shall be disposed of at the Pennsauken Township landfill, facility number 0427D, located in Pennsauken Township, Camden County, New Jersey until April 28, 1984 as provided for in the Interdistrict Waste Flow agreement between Burlington and Camden Counties subject to the terms and conditions set forth therein.

i. Waste type 25 generated from within the Burlington County municipalit*[y]* ***ies*** of Cinnaminson, Delran, Moorestown, Palmyra, Riverside and Riverton shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A, located in Bordentown Township, Burlington County, New Jersey.

11. *[Landfill and Development Company:]* All waste types 10, 13, 23 and 27 generated from within the Camden County municipalities and Audubon, Lindenwold, Voorhees and that portion of Cherry Hill Township which is collected east of Kings Highway to the municipal line of Mt. Laurel and the Borough of Haddonfield, estimated to be a portion of 20,500 ton per year, shall be disposed of at the Landfill and Development Company landfill, facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey until April 28, 1984 as provided for in the Interdistrict Waste Flow Agreement between Burlington and Camden Counties and subject to the terms and conditions set forth therein.

i. All waste type 25 generated from within the Camden County Municipalities of Audubon, Lindenwold, Voorhees and that portion of Cherry Hill Township which is collected east of Kings Highway to the municipal line of Mt. Laurel and the Borough of Haddonfield, estimated to be a portion of the 20,500 tons per year, shall be disposed of at the Kinsley's Landfill, Inc. landfill, facility

number 0802B, located in Deptford Township, Gloucester County, New Jersey.

12. *[Landfill and Development Company:]* All waste type 13 generated from within the Camden County municipality of Camden City shall be disposed of at the Landfill and Development Company landfill, facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey *, **until April 28, 1984, as provided for in the Interdistrict Agreement between Burlington and Camden Counties and subject to the terms and conditions set forth therein***.

i. All waste types 10, 23, 25 and 27 generated from within the Camden County municipality of Camden City shall be disposed of at the Kinsley's Landfill, Inc. landfill, facility number 0802B, located in Deptford Township, Gloucester County, New Jersey*. ***[until April 28, 1984 as provided for in the Interdistrict Waste Flow Agreement between Burlington and Camden Counties and subject to the terms and conditions set forth therein.]***

13. *[Parklands Reclamation Project:]* All waste types 10, 13, 23, 25 and 27 generated from within Mercer County shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A, located in Bordentown Township, Burlington County, New Jersey, until January 1, 1984 as provided for in the Interdistrict Waste Flow Agreement between Burlington and Mercer Counties and subject to the terms and conditions set forth therein.

14. Burlington County shall accept certain wastes from the City of Philadelphia and 12 Pennsylvania hauling companies pursuant to agreements between Burlington County and these respective parties, subject to the terms and conditions set forth therein.

(d) *[Camden County facilities:]* ***Waste flows within, into and out of the Camden County District:***

1. *[Kinsley's Landfill:]* All waste types 10, 13, 23, 25, and 27 generated from within the Camden County municipalities of Audubon Park, Barrington, Bellmawr, Berlin Borough, Berlin Township, Brooklawn, Clementon, Gibbsboro, Gloucester City, Gloucester Township, Haddon Heights, Hi-Nella, Laurel Springs, Lawnside, Magnolia, Mount Ephraim, Oaklyn, Pine Hill, Pine Valley, Runnemede, Somerdale, Stratford, and Woodlynne shall be disposed of at the Kinsley's Landfill, Inc., facility number 0802B, located in Deptford Township, Gloucester County, New Jersey.

2. *[Winslow Township Solid Waste Disposal Area:]* All waste types 10, 13, 23, 25, and 27 generated from within the Camden County municipalities of Chesilhurst, Waterford Township, and Winslow Township shall be disposed of at the Winslow Township Solid Waste Disposal Area, facility number 0436A, located in Winslow Township, Camden County, New Jersey.

3. *[Landfill and Development Company:]* All waste types 10, 13, 23, and 27 generated from within the Camden County municipalities of Audubon, Lindenwold, and Voorhees Township shall be disposed of at the Landfill and Development Company landfill, facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey until April 28, 1984 as is provided for in the interdistrict waste flow agreement between Burlington and Camden Counties and subject to the terms and conditions set forth *[herein]* ***therein***.

i. All waste type 25 generated from within the Camden County municipalities of Audubon, Lindenwold, and Voorhees Township shall be disposed of at the Kinsley's Landfill, Inc., facility number 0802B, located in Deptford Township, Gloucester County, New Jersey.

4. *[Pennsauken Township:]* All waste types 10, 13, 23, and 27 generated from within the Camden County municipality of Cherry Hill Township, with the exception of that portion which is collected east of Kings Highway to the municipal line of Mt. Laurel, and the Borough of Haddonfield (estimated to be a portion of 20,500 tons per year) shall be disposed of at the Pennsauken Township Sanitary Landfill, facility number 0427D, located in Pennsauken Township, Camden County, New Jersey.

i. The 20,500 tons per year of waste types 10, 13, 23, and 27 generated and collected from the service area described above shall be disposed of at the Landfill and Development Company landfill, facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey, until April 28, 1984 as provided for in the interdistrict waste flow agreement between Burlington and Camden Counties and subject to the terms and conditions set forth therein.

ii. All waste type 25 generated from within the Camden County municipality of Cherry Hill Township shall be disposed of at the Kinsley's Landfill, Inc., facility number 0802B, located in Deptford Township, Gloucester County, New Jersey.

5. ***[Kinsley's Landfill:]*** All waste types 10, 23, 25, and 27 generated from within the Camden County municipality of Camden City shall be disposed of at the Kinsley's Landfill, Inc., facility number 0802B, located in Deptford Township, Gloucester County, New Jersey.

i. All waste type 13 generated from within the Camden County municipality of Camden City shall be disposed of at the Landfill and Development Company landfill, facility number 0323A, located in Mount Holly Township, Burlington County, New Jersey, until April 28, 1984 as provided for in the interdistrict waste flow agreement between Burlington and Camden Counties and subject to the terms and conditions set forth therein.

6. ***[Pennsauken Township:]*** All waste types 10, 13, 23, and 27 generated from within the Camden County municipalities of Collingswood, Haddon Township, Merchantville Township, Pennsauken, and Tavistock shall be disposed of at the Pennsauken Township Sanitary Landfill, facility number 0427D, located in Pennsauken Township, Camden County.

i. All waste type 25 generated from within the Camden County municipalities of Collingswood, Haddon Township, Merchantville Township, Pennsauken, and Tavistock shall be disposed of at the Kinsley's Landfill, Inc., facility number 0802B, Deptford Township, Gloucester County, New Jersey.

7. ***[Pennsauken Township:]*** All waste types 10, 13, 23, and 27 generated from within the Burlington County municipalities of Cinnaminson, Delran, Moorestown, Palmyra, Riverside, and Riverton shall be disposed of at the Pennsauken Township Sanitary Landfill, facility number 0427D, located in Pennsauken Township, Camden County, New Jersey until April 28, 1984 as provided for in the interdistrict waste flow agreement between Burlington and Camden Counties and subject to the conditions set forth therein.

i. All waste type 25 generated from within the Burlington County municipalities of Cinnaminson, Delran, Moorestown, Palmyra, Riverside, and Riverton shall be disposed of at the Parksland Reclamation Project Landfill, facility number 0304A, located in Bordentown Township, Burlington County, New Jersey.

8. When the Camden County resource recovery facility becomes operational, processable solid waste generated in all of Camden County's municipalities with the exception of Chesilhurst, Waterford Township, and Winslow Township shall be disposed of at this facility. Residue and non-processable solid wastes shall be disposed of at a landfill(s) designated in the first two-year update of the District Plan.

(e) ***[Cape May County facilities:]*** ***Waste flows within, into and out of the Cape May County District:***

1. ***[Foundations and Structures landfill:]*** All waste types 10, 13, 23, 25, and 27 generated from within Cape May County municipalities of Avalon, Sea Isle City and Woodbine shall be disposed of at the Foundation and Structures, Inc. landfill, facility number 0516B, located in Woodbine Boro, Cape May County, New Jersey.

2. ***[Dennis Township-Belleplain-South Seaville:]*** All waste types 10, 13, 23, 25 and 27 generated from within the Cape May County municipality of Dennis Township shall be disposed of at the Dennis Township Belleplain Landfill, facility number 0504B, located in Dennis Township, Cape May County, New Jersey or the Dennis Township South Seaville Landfill, facility number 0504C

located in Dennis Township, Cape May County, New Jersey.

3. ***[Mar-Tee Middle Township:]*** All waste types 10, 13, 23, 25, and 27 generated from within the Cape May County municipalities of Lower, Middle, North Wildwood, Stone Harbor, West Wildwood and Wildwood City shall be disposed of at the Mar-Tee Middle Township Sanitary Landfill, facility number 0506C, located in Middle Township, Cape May County, New Jersey.

4. ***[Smith's Landfill:]*** All waste type 10 generated from within the Cape May County municipalities of Cape May City, Cape May Point Boro, West Cape May, and Wildwood Crest Boro shall be disposed of at the Smith's Landfill, facility number 0505D, located in Lower Township, Cape May County, New Jersey.

i. All waste types 13, 23, 25 and 27 generated from within the Cape May municipalities of Cape May City, Cape May Point Boro, West Cape May, and Wildwood Crest Boro shall be disposed of at the Mar-Tee Middle Township Sanitary Landfill, facility number 0506C, located in Middle Township, Cape May County, New Jersey.

5. ***[Upper Township:]*** All waste types 10, 23, and 27 generated from within the Cape May County municipality of Upper shall be disposed of at the Upper Township Sanitary Landfill, facility number 0511A, located in Upper Township, Cape May County, New Jersey.

i. All waste type 13 and 25 generated from within the Cape May County municipality of Upper shall be disposed of at the Foundation and Structures, Inc. Landfill, facility number 0516B, located in Woodbine Boro, Cape May County, New Jersey.

6. ***[Lee's Gravel Pit:]*** All waste types 10, 13, 23, 25, and 27 generated from within the Cape May County municipality of Ocean City shall be disposed of at the Lee's Gravel Pit landfill, facility number 0108B, located in Egg Harbor Township, Atlantic County, New Jersey until the Cape May County regional landfill becomes operational.

7. When the Cape May County regional landfill becomes operational, all waste types (10, 13, 23, 25 and 27) generated within the Cape May County municipalities of Avalon, Cape May City, Cape May Point Boro, Dennis, Lower, Middle, North Wildwood, Ocean City, Sea Isle City, Stone Harbor, Upper, West Cape May, West Wildwood, Wildwood, Wildwood Crest and Woodbine shall be disposed of at this facility.

(f) ***[Cumberland County facilities:]*** ***Waste flows within, into and out of the Cumberland County District:***

1. ***[Bridgeton City:]*** All waste types 10, 13, 23, 25, and 27 generated from within the Cumberland County municipality of Bridgeton shall be disposed of at the Bridgeton City landfill, facility number 0601A, located in Bridgeton City, Cumberland County, New Jersey.

2. ***[Commercial Township:]*** All waste types 10, 13, and 23 generated from within the Cumberland County municipality of Commercial Township shall be disposed of at the Commercial Township landfill, facility number 0602A, located in Commercial Township, Cumberland County, New Jersey.

i. All waste types 25 and 27 generated from within the Cumberland County municipality of Commercial Township shall be disposed of at the Millville City landfill, facility number 0610A, located in Millville City, Cumberland County, New Jersey.

3. ***[Deerfield Township:]*** All waste types 10, 13, and 23 generated from within the Cumberland County municipality of Deerfield Township shall be disposed of at the Deerfield Township landfill, facility number 0603A, located in Deerfield Township, Cumberland County, New Jersey.

i. All waste type 25 generated from within the Cumberland County municipality of Deerfield Township shall be disposed of at the Vineland City landfill, facility number 0614B, located in Vineland City, Cumberland County, New Jersey.

ii. All waste type 27 generated from within the Cumberland County municipality of Deerfield Township shall be disposed of at the Millville City landfill, facility number 0610A, located in Millville City, Cumberland County, New Jersey.

ADOPTIONS

4. *[Downe Township:]* All waste types 10, 13, and 23 generated from within the Cumberland County municipality of Downe Township shall be disposed of at the Downe Township landfill, facility number 0604B, located in Downe Township, Cumberland County, New Jersey.

i. All waste type 25 generated from within the Cumberland County municipality of Downe Township shall be disposed of at the Vineland City landfill, facility number 0614B, located in Vineland City, Cumberland County, New Jersey.

ii. All waste type 27 generated from within the Cumberland County municipality of Downe Township shall be disposed of at the Millville City landfill, facility number 0610A, located in Millville City, Cumberland County, New Jersey.

5. *[Fairfield Township:]* All waste types 10, 13, 23 generated from within the Cumberland County municipality of Fairfield Township shall be disposed of at the Fairfield Township landfill, facility number 0605A, located in Fairfield Township, Cumberland County, New Jersey.

i. All waste types 25 and 27 generated from within the Cumberland County municipality of Fairfield Township shall be disposed of at the Bridgeton City landfill, facility number 0601A, located in Bridgeton City, Cumberland County, New Jersey.

6. *[Hopewell Township:]* All waste types 10, 13, and 23 generated from within the Cumberland County municipalities of Hopewell Township and Greenwich Township shall be disposed of at the Hopewell Township landfill, facility number 0607A, located in Hopewell Township, Cumberland County, New Jersey.

i. All waste types 25 and 27 generated from within the Cumberland County municipalities of Hopewell Township and Greenwich Township shall be disposed of at the Bridgeton City landfill, facility number 0601A, located in Bridgeton City, Cumberland County, New Jersey.

7. *[Lawrence Township:]* All waste types 10, 13 and 23 generated from within the Cumberland County municipality of Lawrence Township shall be disposed of at the Lawrence Township landfill, facility number 0608C, located in Lawrence Township, Cumberland County, New Jersey.

i. All waste type 25 generated from within the Cumberland County municipality of Lawrence Township shall be disposed of at the Vineland City landfill, facility number 0614B, located in Vineland City, Cumberland County, New Jersey.

ii. All waste type 27 generated from within the Cumberland County municipality of Lawrence Township shall be disposed of at the Millville City landfill, facility number 0610A, located in Millville City, Cumberland County, New Jersey.

8. *[Maurice River Township:]* All waste types 10, 13, 23, and 25 generated from within the Cumberland County municipality of Maurice River Township shall be disposed of at the Maurice River Township landfill, facility number 0609B, located in Maurice River Township, Cumberland County, New Jersey, or the Maurice River Township landfill, facility number 0609C (for municipal, type 10, bulky, type 13, and vegetative, type 23 wastes only), located in Maurice River Township, Cumberland County, New Jersey.

i. All waste type 27 generated from within the Cumberland County municipality of Maurice River Township shall be disposed of at the Millville City landfill, facility number 0610A, located in Millville City, Cumberland County, New Jersey.

9. *[Millville City:]* All waste types 10, 13, 23, and 27 generated from within the Cumberland County municipality of Millville City shall be disposed of at the Millville City landfill, facility number 0610A, located in Millville City, Cumberland County, New Jersey.

i. All waste type 25 generated from within the Cumberland County municipality of Millville City shall be disposed of at the Vineland City landfill, facility number 0614B, located in Vineland City, Cumberland County, New Jersey.

10. *[Stow Creek Township:]* All waste types 10, 13, and 23 generated from within the Cumberland County municipalities of Stow Creek Township and Shiloh Borough shall be disposed of at

ENVIRONMENTAL PROTECTION

the Stow Creek Township landfill, facility number 0612A, located in Stow Creek Township, Cumberland County, New Jersey.

i. All waste types 25 and 27 generated from within the Cumberland County municipalities of Stow Creek Township and Shiloh Borough shall be disposed of at the Bridgeton City landfill, facility number 0601A, located in Bridgeton City, Cumberland County, New Jersey.

11. *[Upper Deerfield Township:]* All waste types 10 and 23 generated from within the Cumberland County municipality of Upper Deerfield Township shall be disposed of at the Upper Deerfield Township landfill, facility number 0613A, located in Upper Deerfield Township, Cumberland County, New Jersey.

i. All waste types 13, 25, and 27 generated from within the Cumberland County municipality of Deerfield Township shall be disposed of at the Bridgeton City landfill, facility number 0601A, located in Bridgeton City, Cumberland County, New Jersey.

ii. Upon closure of the Upper Deerfield Township landfill, facility number 0613A, all waste types directed to this landfill shall be disposed of at the Bridgeton City landfill, facility number 0601A, located in Bridgeton City, Cumberland County, New Jersey.

12. *[Vineland City:]* All waste types 10, 13, 23, *[and]* 25 ***and 27*** generated from within the Cumberland County municipality of Vineland City shall be disposed of at the Vineland City landfill, facility number 0614B, located in Vineland City, Cumberland County, New Jersey.

[i. All waste type 27 generated from within the Cumberland County municipality of Vineland City shall be disposed of at the Millville City landfill, facility number 0601A, located in Millville City, Cumberland County, New Jersey.]

13. *[Vineland City:]* According to Section D.2(a) of the approved Cumberland County District Solid Waste Management Plan and Section D.1(d) of the approved Gloucester County District Solid Waste Management Plan, all waste types 10, 13, 23, 25, and 27 generated from the Gloucester County municipality of Newfield Borough shall be disposed of at the Vineland City landfill, facility number 0614B, located in Vineland City, Cumberland County, New Jersey.

14. When the Cumberland County regional landfill(s) become operational, all waste types 10, 13, ***23,*** 25, and 27 generated from within the Cumberland County municipalities of Bridgeton, Commercial, Deerfield, Downe, Fairfield, Greenwich, Hopewell, Lawrence, Maurice River, Millville, Stow Creek, Shiloh, Upper Deerfield, and Vineland shall be disposed of at these facilities.

(g) *[Essex County:]* ***Waste flows within, into and out of the Essex County District:***

1. According to the March 2, 1982 Consent *[Judgement]* ***Judgment*** issued by the Honorable John A. Murzulli, J.S.C., all waste types 10, 13, 23, 25, and 27 generated from within all of Essex County's municipalities shall be disposed of at facilities located in the Hackensack Meadowlands Development Commission for a period not to exceed *[6 1/2]* ***six and one-half*** years from the date of issuance of the *[judgement]* ***judgment***. At the end of this *[6 1/2]* ***six and one-half*** year period, Essex County will have completed the construction of and have operational its resource recovery facility. The HMDC will assume no responsibility for the acceptance of Essex County's waste beyond the *[6 1/2]* ***six and one-half*** year period except for resource recovery residuals, non-processable wastes, and backup capacity for the resource recovery facility.

i. *[This]* ***The Essex County*** waste flow will be handled principally by a new Baler/Balefill facility to be constructed by the HMDC and expected to be operating between September 1983 and December 31, 1983. The location of the Baler/Balefill has not yet been announced by the HMDC. However, it will be located in the Hackensack Meadowlands District. In the interim, all Essex County waste will continue to be disposed of at the MSLA 1-C site, facility number 0907B, located in Kearny, which has recently reopened upon the closure of the MSLA 1-D, facility number 0907C, also located in Kearny. The MSLA 1-C site is expected to

close before the end of 1982 at which time the HMDC plans to reopen the MSLA 1-A site, facility number 0907A, located in Kearny.

ii. In addition to the above consent ***[judgement]* *judgment***, other modification, directives, and/or resolutions approved and issued by the Department and/or the HMDC may affect the Essex County waste flow (see (i) below*, **Waste flows within, into and out of the Hackensack Meadows District**).

(h) ***[Gloucester County facilities:]* *Waste flows within, into and out of the Gloucester County District:***

1. ***[Kinsley's Landfill:]*** All waste types 10, 13, 23, 25, and 27 generated from within the Gloucester County municipalities of Clayton Borough, Deptford Township, East Greenwich, Franklin Township, Glassboro Township, Harrison Township, Logan Township, Mantua Township, Monroe Township, National Park, Paulsboro, Pitman, South Harrison Township, Swedesboro, Washington Borough, Wenonah, Woodbury, West Deptford, Westville, Woodbury Heights, and Woolrich Township shall be disposed of at the Kinsley's Landfill, Inc., facility number 0802B, located in Deptford Township, Gloucester County, New Jersey.

2. ***[Vineland City:]*** All waste types 10, 13, 23, 25, and 27 generated from within the Gloucester County municipality of Newfield Borough shall be disposed of at the Vineland City Sanitary Landfill, facility number 0614B, located in Vineland City, Cumberland County, New Jersey.

3. ***[Elk Township:]*** All waste types 10, 13, and 23 generated from within the Gloucester County municipality of Elk Township shall be disposed of at the Elk Township Landfill, facility number 0804A, located in Elk Township.

i. All waste types 25 and 27 generated from within the Gloucester County municipality of Elk Township shall be disposed of at the Kinsley's Landfill, Inc., facility number 0802B, located in Deptford Township, Gloucester County, New Jersey.

ii. Upon closure of the Elk Township landfill, all waste types generated from within the Gloucester County municipality of Elk Township shall be disposed of at the Kinsley's Landfill, Inc., facility number 0802B, located in Deptford Township, Gloucester County, New Jersey.

4. ***[Greenwich Township:]*** All waste types 10, 13, and 23 generated from within the Gloucester County municipality of Greenwich Township shall be disposed of at the Greenwich Township Sanitary Landfill, facility number 0807B, located in Greenwich Township, Gloucester County, New Jersey.

i. All waste types 25 and 27 generated from within the Gloucester County municipality of Greenwich Township shall be disposed of at the Kinsley's Landfill, Inc., facility number 0802B, located in Deptford Township, Gloucester County, New Jersey.

ii. Upon closure of the Greenwich Township Sanitary Landfill, facility number 0807B, all waste types going to this facility shall be disposed of at the Kinsley's Landfill, Inc., facility number 0802B, located in Deptford Township, Gloucester County, New Jersey.

[5. Kinsley's Landfill:]

[i.]* *5. All waste types 10, 13, 23, 25, and 27 generated from within the Camden County municipalities of Audubon Park, Barrington, Bellmawr, Berlin Boro, Berlin Township, Brooklawn Township, Clementon, Gibbsboro, Gloucester City, Gloucester Township, Haddon Heights, Hi-Nella, Laurel Springs, Lawnside, Magnolia, Mt. Ephraim, Oaklyn, Pine Hill, Pine Valley, Runnemede, Somerdale, Stratford, and Woodlynne shall be disposed of at the Kinsley's Landfill, Inc., facility number 0802B, located in Deptford Township, Gloucester County, New Jersey as directed by Section D.2a and c of the approved Gloucester County District Solid Waste Management Plan and Section C.1 of the approved Camden County District Solid Waste Management Plan.

[ii.]* *i. All waste types 10, 23, 25, and 27 generated from within the Camden County municipality of Camden City shall be disposed of at the Kinsley's Landfill, Inc., facility number 0802B, located in Deptford Township, Gloucester County, New Jersey.

[iii.]* *ii. All waste type 25 generated from within the Camden County municipalities of Audubon, Cherry Hill Township, Collingswood, Haddonfield, Haddon Township, Lindenwold, Merchantville Township, Pennsauken, Tavistock and Voorhees Township shall be disposed of at the Kinsley's Landfill, Inc., facility number 0802B, located in Deptford Township, Gloucester County, New Jersey.

6. Gloucester County is directed by Section D.26 of the approved Gloucester County District Solid Waste Management Plan to develop and implement interdistrict agreements with out-of-state generators and/or collector haulers.

7. When the Gloucester County resource recovery facility becomes operational, processable solid wastes generated in all of Gloucester County's municipalities, with the exception of Newfield Borough, shall be directed to the energy recovery facility. Residue and non-processable solid wastes shall be disposed of at a landfill(s) designated in the first two-year update of the District Plan.

i. All solid waste ***[s,]* *types 10, 13, 23, 25, and 27,*** generated from within Newfield, shall continue to be disposed of at the Vineland City Sanitary Landfill, facility number 0614B, located in Vineland City, Cumberland County, New Jersey.

(i) ***[Hackensack Meadows District]* *Waste flows within, into and out of the Hackensack Meadows District:***

1. The Hackensack Meadows Development Commission shall accept certain waste flow ***s*** from Bergen, Essex, Hudson, Passaic and Union Counties as described in ***subsections*** (b) and (g) above, and (j), (q) and (u) below.

2. In addition to these approved waste flows, the following interdistrict waste flow changes that have been made as a result of modifications, directives and/or ***resolutions approved and issued by*** the Department and/or the HMDC shall be incorporated into the affected district plans:

i. July 28, 1981: The HMDC directed (Resolution number 81-62) that certain recycling facilities known as Envirogetics, Inc. of Hoboken, V. Ponte and Sons, Inc. of Jersey City, Consolidated Carting Company (t/a Tri-Compaction Sales) of Lyndhurst and Barretti Carting (t/a Hoboken Recycling Corp.) of Hoboken shall dispose of their unrecycled residues at such disposal facility as is designated for Essex County Solid Waste.

ii. August 25, 1981: The HMDC adopted an emergency amendment (Resolution number 81-65) to its Solid Waste Management Plan, subsequently approved by DEP, which authorized the temporary diversion of Kearny town residential solid waste to the MSLA 1-D landfill, or such facility designated for Essex County waste.

iii. October 27, 1981: The HMDC adopted an emergency amendment (Resolution number 81-77) to its Solid Waste Management Plan, subsequently approved by DEP, which authorized the temporary diversion of residues from the V. Ponte and Sons recycling plant in Jersey City to the HMDC Baler and a like amount of the Jersey City Incinerator Authority residential waste from the HMDC Baler to the Essex County disposal facility. This emergency action also temporarily diverts certain wastes collected by V & L Contracting and Equipment Co., Inc. from the HMDC Baler to the Essex County disposal facility.

iv. November 10, 1981: A DEP directive of this date directed solid waste generated in ***the*** Essex County municipality of Essex Fells from the closed Combe-Fill Corporation Landfill in Morris County to the MSLA 1-D facility in Kearny, New Jersey, thus incorporating Essex Fells as part of the Essex County waste flow.

v. November 25, 1981: A temporary waste flow modification was issued by DEP which directed that certain residential solid waste from the City of Elizabeth in Union County may be redirected from the Industrial Land Reclaiming and Global landfills in Middlesex County to the MSLA 1-D site in Kearny during times when the Middlesex County facilities are closed or as otherwise specified by that directive. See the November 25, 1981 directive for specific details.

vi. January 15, 1982: DEP interprets the Certification of Approval

with Modification of the Bergen County and the Hackensack Meadowlands District Solid Waste Management Plans such that they designate the Bergen County Utilities Authority as the agency responsible for the implementation of the proposed resource recovery facility for the disposal of waste generated in Bergen County.

vii. March 2, 1982: A consent ***[judgement]* *judgment*** filed with the Superior Court of New Jersey, Law Division-Essex County ordered that the HMDC shall develop, construct and operate a baler facility within the Hackensack Meadowlands District for all solid waste generated from within Essex County. Said facility, in conjunction with other interim disposal facilities shall accommodate all Essex County solid waste for a period of ***[6 1/2]* *six and one-half years from the date of the consent *[judgement]* *judgment***. Thereafter, all Essex County solid waste must be accommodated by Essex County at a resource recovery facility (or an appropriate interim facility) to be constructed and operated by Essex County, in Essex County. (See Consent Order of **March 2, 1982** for additional details.)

viii. April 12, 1982: Position statement by the HMDC requests that, at the time DEP directs the amendment of the HMDC, Essex and Union County district plans, DEP require Union County to ready alternate disposal facilities to accept the wastes generated by Union and Springfield no later than ***[6 1/2]* *six and one-half*** years from March 2, 1982 consistent with the Essex County agreement of that date.

ix. September 9, 1982: The HMDC adopted an emergency amendment by resolution to the Solid Waste Management Plan which directs all solid waste ***[utilizing]* *disposed of at*** the MSLA 1-D landfill to the MSLA 1-C landfill until October 26, 1982. The purpose of this action was to provide continued landfill space for Essex County waste until the designated interim disposal facility for Essex County has been prepared.

(j) ***[Hudson County facilities:]* *Waste flows within, into and out of the Hudson County District:***

1. ***[Hackensack Meadowlands:]*** All waste types 10, 13, 23, 25, and 27 generated from within all of Hudson County's municipalities with the exception of Bayonne, shall be disposed of at the Hackensack Meadowlands Development Commission ***[Baler/Balerfill]* *Baler/Balefill***, facility number 0239C/0232D, located in North Arlington, Bergen County, New Jersey. When the Hudson County resource recovery facility scheduled to be on line by January 1, 1985 becomes operational, these processable solid wastes shall be directed to said facility. Residues and non-processable solid wastes shall be disposed of at a landfill(s) designated in the first two-year update of the Hackensack Meadowlands District Solid Waste Management Plan.

2. ***[Bayonne:]*** All waste types 10, 13, 23, and 25 generated from within the Hudson County municipality of Bayonne shall be disposed of at the Bayonne Sanitary Landfill, facility number 0901A, located in the City of Bayonne.

i. All waste type 27 generated from within Bayonne shall be disposed of at the HMDC Baler/Balefill, facility number 0239C/0232D, located in North Arlington, Bergen County.

ii. Upon closure of the Bayonne Sanitary Landfill, scheduled to close on April 1, 1983, all solid waste generated from within Bayonne shall be directed to the HMDC Baler/Balefill. When the Hudson County resource recovery facility scheduled to be on line by January 1, 1985 becomes operational, this waste stream shall be redirected to said facility. Residues and non-processable solid waste shall be disposed of at a landfill(s) designated in the first two-year update of the Hackensack Meadowlands District Solid Waste Management Plan.

3. In addition to the above mentioned waste flows, other modifications, directives, and/or resolutions approved and issued by the Department and/or the HMDC may ***[effect]* *affect*** the Hudson County waste flow (see (i) above ***, waste flows within, into and out of the Hackensack Meadowlands District***).

(k) ***[Hunterdon County facilities:]* *Waste flows within, into**

and out of the Hunterdon County District:*

1. ***[High Point Sanitary Landfill:]*** All solid waste types 10, 13, 23, 23, and 27 generated from within the Hunterdon County municipalities of Alexandria, Bethlehem, Bloomsbury, Califon, Clinton Town, Franklin, Glen Gardner, Hampton, High Bridge, Holland, Lambertville, Lebanon Boro, Lebanon Township, Milford, Union and West Amwell shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey.

2. All solid waste types 10, 13, 23, 25 and 27 generated from within the Hunterdon County municipalities of Stockton and Frenchtown are given the option of utilizing disposal facilities in Pennsylvania. If this disposal option is not used, then Stockton and Frenchtown shall utilize High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey.

3. ***[Edgeboro Disposal:]*** All solid waste types 10, 13, 23, 25, and 27 generated from within the Hunterdon County municipalities of Clinton Township, Delaware, East Amwell, Flemington, Kingwood, Raritan, Readington and Tewksbury shall be disposed of at Edgeboro Disposal Landfill, facility number 1204A, located in East Brunswick until the expiration of the interdistrict agreement. At such time, all solid waste from these municipalities shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey.

(l) ***[Mercer County:]* *Waste flows within, into and out of the Mercer County District:***

1. All waste types 10, 13, 23, 25, and 27 generated from within Mercer County shall be disposed of at the Parklands Reclamation Project landfill, facility number 0304A, located in Bordentown Township, Burlington County, New Jersey until January 1, 1984 as provided for in the Interdistrict Waste Flow Agreement between Burlington and Mercer Counties and subject to the terms and conditions set forth therein.

(m) ***[Middlesex County facilities:]* *Waste flows within, into and out of the Middlesex County District:***

1. In-County Wastes:

i. ***[Industrial Land Reclaiming landfill:]*** All solid waste types 10, 13, 23, 25, and 27 generated from within the Middlesex County municipalities of Middlesex, Dunellen, Piscataway and South Plainfield, shall be disposed of at the Industrial Land Reclaiming Inc. landfill, facility number 1205C, located in Edison Township, Middlesex County, New Jersey. Upon closure of this facility, said solid wastes will be directed to another solid waste facility(ies).

ii. ***[Edison Disposal Area:]*** All solid waste types 10, 13, 23, 25, and 27 generated from within the Middlesex County municipalities of Edison, Metuchen and Highland Park, shall be disposed of at the Edison Disposal Area landfill, facility number 1205A, located in Edison Township, Middlesex County, New Jersey. Upon closure of this facility said solid wastes will be redirected to another alternate facility(ies).

(1) Those solid wastes including leaves, branches, tree trunks, tires, and pallets from Metuchen and Highland Park are permitted to be disposed at the Industrial Land Reclaiming landfill (1205C) in Edison Township in the event the Edison Disposal Area landfill refuses to accept these waste types.

iii. ***[Edgeboro Disposal landfill:]*** All solid waste types 10, 13, 23, 25, and 27 generated from within the Middlesex County municipalities of New Brunswick, North Brunswick, Plainsboro, Cranbury, East Brunswick, Milltown, South River, Spotswood, and Helmetta, shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, located in East Brunswick, Middlesex County, New Jersey.

iv. ***[South Brunswick:]*** All solid waste types 10, 13, 23, 25, and 27 generated from within the Middlesex County municipalities of South Brunswick shall be disposed of at the South Brunswick municipal landfill, facility number 1221B, located in South Brunswick, Middlesex County, New Jersey. Upon closure of this facility said solid wastes will be redirected to another alternate

facility(ies).

v. ***[Global Landfill:]*** All solid waste types 10, 13, 23, 25, and 27 generated from within the Middlesex County municipalities of Carteret, Woodbridge, Perth Amboy, South Amboy, Sayreville, Old Bridge, Monroe, and Jamesburg, shall be disposed at the Global Landfill Reclaiming Corp. landfill, facility number 1209A, located in Old Bridge Township, Middlesex County, New Jersey. Upon closure of this facility, said solid wastes will be redirected to another alternate facility(ies).

(1) Litigation between Carteret and the State Attorney Generals Office indicates that the Carteret Landfill has no legal right to operate. However, at the time of this rulemaking, the Superior Court, Chancery Division, has permitted the Carteret Landfill to continue operating until final closure in March 1983.

vi. All solid waste types 10, 13, 23, 25, and 27 generated within Middlesex County municipalities shall be disposed of at the proposed Landfill No. 1 and No. 2 in Middlesex County as designated upon closure of existing landfills which are currently accepting solid wastes generated in those municipalities.

vii. Upon development and operation of the Middlesex County resource recovery facility, all processable ***[non-processable]* *non-recyclable*** solid wastes generated within all municipalities in Middlesex County shall be disposed of at said facility. Residue and non-processable ***[non-recyclable]*** solid wastes shall be disposed of at designated landfills.

2. Out-of-County Wastes:

i. ***[Edgeboro Disposal landfill:]*** All solid waste types 10, 13, 23, 25, and 27 generated from within the Hunterdon County municipalities of Clinton Township, Delaware, East Amwell, Flemington, Kingwood, Raritan, Readington, and Tewksbury shall be disposed of at the Edgeboro Disposal Landfill, facility number 1204A, located in East Brunswick until the expiration of the interdistrict agreement. At such time, all solid waste from these municipalities shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey.

ii. ***[Industrial Land Reclaiming landfill:]*** All solid waste types 10, 13, 23, 25, and 27 generated from within the Union County municipalities of Berkeley Heights, Fanwood, Hillside, Plainfield, Roselle Park, Scotch Plains, Mountainside, Westfield, Winfield, Garwood, Cranford, and Clark shall be disposed of at the Industrial Land Reclaiming Inc. landfill (ILR), facility number 1205C, located in Edison Township, Middlesex County, New Jersey. Upon closure of this facility, said solid wastes will be redirected to another designated solid waste facility(ies).

iii. ***[Industrial Land Reclaiming landfill:]*** All solid waste types 10, 13, 23, and 25 generated from within the Union County municipalities of Elizabeth, Roselle, and Kenilworth shall be disposed of at the Industrial Land Reclaiming Inc. landfill (ILR), facility number 1205C, located in Edison Township, Middlesex County, New Jersey. Upon closure of this facility, said solid waste will be redirected to another designated solid waste facility(ies).

(1) All type 27 solid wastes generated from within the Union County municipalities of Kenilworth and Roselle shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, East Brunswick, Middlesex County, New Jersey.

(2) All type 27 solid wastes generated from within Elizabeth shall be disposed of at the Global Landfill Reclaiming Corp. landfill, facility number 1209A, Old Bridge Township, Middlesex County, New Jersey. Upon closure of this facility, said solid wastes will be redirected to another designated solid waste facility(ies).

(3) Exceptions to the Elizabeth waste flows shall include: the following: a maximum of four City of Elizabeth trucks (only) per day that are unable to finish their routes by 2:00 P.M. are permitted to dispose of their solid waste at facilities operated in, by, or under the authorization of the Hackensack Meadowlands District; and any single load of solid waste from Elizabeth consisting solely of tree stumps, tires, or concrete will be permitted to be disposed of at facilities operated in, by, or under the authorization of the

Hackensack Meadowlands District.

iv. ***[Edgeboro Disposal landfill:]*** All solid waste types 10, 13, 23, 25, and 27 generated from within the Union County municipalities of New Providence, Rahway, and Summit shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, East Brunswick, Middlesex County, New Jersey.

v. ***[Edgeboro Disposal landfill:]*** All solid waste types 25 and 27 generated in Linden City shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, East Brunswick, Middlesex County, New Jersey.

vi. ***[Edgeboro Disposal landfill:]*** All solid waste type 25 generated from within the Morris County municipalities of ***Boonton Town,*** Boonton Township, Butler, Denville, Dover, Jefferson, Kinnelon, Lincoln Park, Mine Hill, Montville, Mountain Lakes, Mount Olive, Netcong, Pequannock, Riverdale, Rockaway Borough, ***Rockaway Township,*** Roxbury, Victory Gardens, and Wharton shall be disposed of at Edgeboro Disposal Inc. landfill, facility number 1204A, located in East Brunswick, Middlesex County, New Jersey.

vii. ***[Edgeboro Disposal landfill:]*** All waste types 25 and 27 generated from within the Morris County municipality of Mount Arlington shall be disposed of at Edgeboro Disposal Inc. Landfill, facility number 1204A, located in East Brunswick, Middlesex County, New Jersey.

viii. All solid waste types 10, 13, 23, 25, and 27 generated from within the Morris County municipalities of Chatham Borough, Chatham Township, Chester Borough, Chester Township, East Hanover, Florham Park, Hanover, Harding, Madison, Mendham Township, Morris Township, Morris Plains, Morristown, Parsippany-Troy Hills Township, Passaic Township, and Randolph shall be disposed of at Edgeboro Disposal Landfill, facility number 1204A, located in East Brunswick, Middlesex County, New Jersey.

ix. All waste types 10, 25, and 27 generated from within the Morris County municipality of Mendham Borough shall be disposed of at Edgeboro Disposal Landfill, facility number 1204A, located in East Brunswick, New Jersey.

[vii.] *x. ***[Edgeboro Disposal landfill:]*** Upon closure of the Somerville landfill, facility number 1818A, located in Somerville Borough, Somerset County, New Jersey, all solid waste types 10, 13, 23, and 27 generated from within the Somerset County municipalities of Raritan and Somerville will be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, located in East Brunswick, Middlesex County, New Jersey.

[ix.] *xi. ***[Edgeboro Disposal landfill:]*** Solid waste type 25 generated from within the Somerset County municipalities of Raritan and Somerville shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, located in East Brunswick, Middlesex County, New Jersey.

[x.] *xii. ***[Industrial Land Reclaiming landfill:]*** All solid waste types 10, 13, 23, 25, and 27 generated from within the Somerset County municipalities of Branchburg, Bridgewater, Green Brook, North Plainfield, Warren, and Watchung shall be disposed of at the Industrial Land Reclaiming Inc. landfill, facility number 1205C, located in Edison Township, Middlesex County, New Jersey. Upon closure of this facility, said solid wastes will be redirected to another designated solid waste facility(ies).

[xi.] *xiii. ***[Edgeboro Disposal landfill:]*** All solid waste types 10, 13, 23, 25, and 27 generated from within the Somerset County municipalities of Bedminster, Bernards, Bernardsville, Bound Brook, Far Hills, Franklin, Hillsborough, Millstone, Montgomery, Peapack-Gladstone, Rocky Hill, and South Bound Brook shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, located in East Brunswick Township, Middlesex County, New Jersey.

[xii.] *xiv. ***[Edgeboro Disposal landfill:]*** All solid wastes generated in the Somerset County municipality of Manville which are collected by private collector/haulers, including type 25 solid wastes, shall be disposed at the Edgeboro Disposal Inc. landfill,

facility number 1204A, located in East Brunswick Township, Middlesex County, New Jersey.

[xiii.] ***xv.*** *[Edgeboro Disposal landfill:]* All solid waste type 25 generated from within the Sussex County municipalities of Andover Borough, Andover Township, Branchville, Byram, Frankford, Franklin, Fredon, Green, Hamburg, Hampton, Lafayette, Montague, Newton, Ogdensburg, Sandyston, Stanhope, Sussex, Vernon, Walpack, Stillwater, Hardyston, Hopatcong, Sparta and Wantage shall be disposed at Edgeboro Disposal Inc. landfill, facility number 1204A, located in East Brunswick Township, Middlesex County, New Jersey.

xvi. All solid waste type 25 generated from within the Passaic County municipalities of Bloomingdale, Pompton Lakes, Ringwood, Wanaque, and West Milford shall be disposed of at the Edgeboro Disposal Landfill, facility number 1204, located in East Brunswick, Middlesex County, New Jersey.

(n)* [Monmouth County facilities:]* ***Waste flows within, into and out of the Monmouth County District:***

1. *[Englishtown Disposal Area:]* All waste type 13 generated from within the Monmouth County municipality of Englishtown shall be disposed of at the Englishtown Disposal Area, facility number 1312A, located in Englishtown Borough, Monmouth County, New Jersey.

i. All waste types 10, 23, 25, and 27 generated from within Englishtown Borough shall be disposed of at the Monmouth County Reclamation Center landfill and shredder, facility numbers 1336B and 1336D, located in Tinton Falls Borough, Monmouth County, New Jersey.

ii. Upon closure of the Englishtown Disposal Area, facility number 1312A, all wastes going to this facility shall be disposed of at the Monmouth County Reclamation Center landfill and shredder, facility numbers 1336B and 1336D.

2. *[Waste Disposal Landfill:]* All waste types 10, 13, 23, and 27 generated from within the Monmouth County municipalities of Allentown, Asbury Park, Brielle, Farmingdale, Howell, Manasquan, Millstone, Roosevelt, Upper Freehold, Wall, and that portion of Freehold Township south of Route 524 shall be disposed of at the Waste Disposal, Inc. landfill, facility number 1319B, located in Howell Township, Monmouth County, New Jersey.

i. All waste type 25 generated from within the Monmouth County municipalities of Allentown, Asbury Park, Brielle, Farmingdale, Howell, Manasquan, Millstone, Roosevelt, Upper Freehold, Wall, and that portion of Freehold Township south of Route 524 shall be disposed of at the Monmouth County Reclamation Center landfill and shredder, facility numbers 1336B and 1336D, located in Tinton Falls Borough, Monmouth County, New Jersey.

ii. Upon closure of the Waste Disposal Inc. landfill, facility number 1319B, wastes going to this facility shall be disposed of at the Monmouth County Reclamation Center landfill and shredder, facility numbers 1336B and 1336D.

3. *[Monmouth County Reclamation Center:]* All waste types 10, 13, 23, 25, and 27 generated from within the Monmouth County municipalities of Aberdeen, Allenhurst, Atlantic Highlands, Avon, Belmar, Bradley Beach, Colts Neck, Deal, Eatontown, Fair Haven, Freehold Borough, that portion of Freehold Township north of Route 524, Hazlet, Highlands, Holmdel, Interlaken, Keansburg, Keyport, Little Silver, Loch Abour, Long Branch Manalapan, Marlboro, Matawan, Middletown, Monmouth Beach, Neptune City, Neptune Township, Ocean, Oceanport, Rumson, Sea Bright, Sea Girt, Shrewsbury Borough, Shrewsbury Township, South Belmar, Spring Lake, Spring Lake Heights, Tinton Falls, ***Union Beach,*** and West Long Branch shall be disposed of at the Monmouth County Reclamation Center landfill and shredder, facility number 1336B and 1336D, located in Tinton Falls Borough, Monmouth County, New Jersey.

4. *[Red Bank:]* All waste types 13, 23, 27 generated from within the Monmouth County municipality of Red Bank shall be disposed of at the Red Bank Sanitary Landfill, facility number 1340A, located in Red Bank Borough, Monmouth County, New Jersey.

i. All waste types 10 and 25 generated from within Red Bank Borough shall be disposed of at the Monmouth County Reclamation Center, facility numbers 1336B and 1336D, located in Tinton Falls Borough, Monmouth County, New Jersey.

ii. Upon closure of the Red Bank Sanitary Landfill, facility number 1340A, waste going to this facility shall be disposed of at the Monmouth County Reclamation Center, facility numbers 1336B and 1336D.

(o) *[Morris County facilities:]* ***Waste flows within, into and out of the Morris County District:***

1. *[Hamm's Sanitary Landfill:]* All solid waste types 10, 13, 23, and 27 generated from within the Morris County municipalities of Boonton, Boonton Township, Butler, Denville, Dover, Jefferson, Kinnelon, Lincoln Park, Mine Hill, Montville, Mountain Lakes, Mount Olive, Netcong, Pequannock, Riverdale, Rockaway Borough, Roxbury, Victory Gardens, and Wharton shall be disposed of at Hamm's Sanitary Landfill, facility number 1913A, located in Lafayette Township, Sussex County, New Jersey.

2. *[Industrial Land Reclaiming Landfill:]* All solid waste type 25 generated from within the Morris County municipalities of Boonton, Boonton Township, Butler, Denville, Dover, Jefferson, Kinnelon, Lincoln Park, Mine Hill, Montville, Mountain Lakes, Mount Olive, Netcong, Pequannock, Riverdale, Rockaway Borough, Roxbury, Victory Gardens, and Wharton shall be disposed of at *[Industrial Land Reclaiming Landfill, facility number 1205C, located in Edison Township, Middlesex County, New Jersey.]* ***Edgeboro Disposal Landfill, facility number 1204A, located in East Brunswick, Middlesex County, New Jersey.***

3. *[Edgeboro Disposal Landfill:]* All solid waste types 10, 13, 23, 25, and 27 generated from within the Morris County municipalities of Chatham Borough, Chatham Township, Chester Borough, Chester Township, East Hanover, Florham Park, Hanover, Harding, Madison, *[Madham]* ***Mendham*** Township, Morris Township, Morris Plains, Morristown, Parsippany-Troy Hill*s* Township, Passaic Township, and Randolph shall be disposed of at Edgeboro Disposal landfill, facility number 1204A, located in East Brunswick, Middlesex County, New Jersey.

4. *[Mount Arlington Borough:]* All waste types 10, 13, and 23 generated from within the Morris County municipality of Mount Arlington shall be disposed of at Mount Arlington Borough landfill, facility number 1426A, located in Mount Arlington Borough, Morris County, New Jersey.

5. *[Industrial Land Reclaiming Landfill:]* All waste types 25 and 27 generated from within Morris County municipality of Mount Arlington shall be disposed of at *[Industrial Land Reclaiming Landfill, facility number 1205C, located in Edison Township, Middlesex County, New Jersey.]* ***Edgeboro Disposal Landfill, facility number 1204A, located in East Brunswick Township, Middlesex County, New Jersey.***

6. *[Edgeboro Disposal landfill:]* All waste types 10, 25, and 27 generated from within the Morris County municipality of Mendham Borough shall be disposed of at Edgeboro Disposal Landfill, facility number 1204A, located in East Brunswick, New Jersey.

7. *[Mendham Borough:]* All waste types 13 and 23 generated from within the Morris County municipality of Mendham Borough shall be disposed of at Mendham Borough Landfill, facility number 1418A, located in Medham Borough, Morris County, New Jersey.

8. *[Hamm's Sanitary Landfill:]* All waste types 10 and 27 generated from within the Morris County municipality of Rockaway Township shall be disposed of at Hamm's Sanitary Landfill, facility number 1913A, located in Lafayette Township, Sussex County, New Jersey.

9. *[Rockaway Township:]* All waste types 13 and 23 generated from within the Morris County municipality of Rockaway Township shall be disposed of at the Rockaway Township Landfill, facility number 1435A, located in Rockaway Township, Morris County, New Jersey.

10. *[Industrial Land Reclaiming Landfill:]* All waste type 25 generated from within the Morris County municipality of Rockaway Township shall be disposed of at *[Industrial Land Reclaiming Landfill, facility number 1205C, located in Edison Township, Middlesex County, New Jersey.]* ***Edgeboro Disposal Landfill, facility number 1204A, located in East Brunswick Township, Middlesex County, New Jersey.***

11. *[High Point Sanitary Landfill:]* All waste types 10, 13, 23, 25, and 27 generated from within the Morris County municipality of Washington Township shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey.

12. *[Carrino's Landfill:]* Currently, the municipalities of Boonton, Boonton Township, Butler, Lincoln Park, Montville, Mountain Lakes, Pequannock, and Riverdale are utilizing the disposal facilities previously indicated. This waste flow, upon review and approval by the Board of Public Utilities, will be directed to Carrino Contracting and Trucking Company Sanitary Landfill, facility number 1605A, if and when it is permitted to open following the resolution of the litigation with Montclair State College. This waste flow resulted from consultations with the representatives from both Morris and Passaic Counties and was derived due to limited existing disposal capacity and transportation difficulties to the currently utilized disposal facilities.

i. It is necessary for the Board of Chosen Freeholders of Morris and Passaic Counties to formally propose and adopt for inclusion in the respective District Solid Waste Management Plans, a waste flow which directs approximately 75,000 tons per year of solid waste (type 10, 13, 23, and dead animals) to Carrino's Landfill for a two-year period. This waste flow may be the same as the waste flow designated by the Department. It should be noted that the waste flow designated by the Boards of Chosen Freeholders must be included in interdistrict agreements between the two Counties.

(p) *[Ocean County facilities:]* ***Waste flows within, into and out of the Ocean County District:***

1. *[Beachwood:]* All waste types 10, 13 and 23 generated from within the Ocean County municipality of Beachwood shall be disposed of at the Beachwood Landfill, facility number 1504A, located in Beachwood Borough, Ocean County, New Jersey.

i. All waste types 25 and 27 generated from within Beachwood Borough shall be disposed of at the Southern Ocean Landfill, Inc. landfill, facility number 1520A, located in Ocean Township, Ocean County, New Jersey.

ii. Upon closure of the Beachwood Landfill, facility number 1504A, wastes going to this facility shall be disposed of at the Southern Ocean Landfill, Inc. landfill, facility number 1520A.

2. *[James H. James Landfill:]* All waste types 10, 13 and 23 generated from within the Ocean County municipalities of Lavallette, Mantoloking, Point Pleasant and Point Pleasant Beach shall be disposed of at the James H. James, Inc. landfill, facility number 1506A, located in Brick Township, Ocean County, New Jersey.

i. All waste types 25 and 27 generated from within the Boroughs of Lavallette, Mantoloking, Point Pleasant and Point Pleasant Beach shall be disposed of at the Ocean County Landfill Corporation landfill, facility number 1518B, located in Manchester Township, Ocean County, New Jersey.

ii. Upon closure of the James H. James, Inc. landfill, facility number 1506A, waste going to this facility shall be disposed of at the Ocean County Landfill Corporation landfill, facility number 1518B.

3. *[Lakewood Township:]* All waste types 10, 13, 23, 25, and 27 generated from within the municipalities of Bay Head, Island Heights, and Lakewood shall be disposed of at the Lakewood Township Landfill, facility number 1514A, located in Lakewood Township, Ocean County, New Jersey.

i. Upon closure of the Lakewood Township Landfill, facility number 1514A, wastes going to this facility shall be disposed of at the Ocean County Landfill Corporation landfill, facility number

1518B, located in Manchester Township, Ocean County, New Jersey.

4. *[Manchester Township:]* All waste types 13 and 23 generated from within the Ocean County municipality of Manchester shall be disposed of at the Manchester Township Municipal Sanitary Landfill, facility number 1518A, located in Manchester Township, Ocean County, New Jersey.

i. All waste types 10, 25, and 27 generated from within Manchester Township shall be disposed of at the Ocean County Landfill Corporation landfill, facility number 1518B, located in Manchester Township, Ocean County, New Jersey.

ii. Upon closure of the Manchester Township Municipal Sanitary Landfill, facility number 1518A, wastes going to this facility shall be disposed of at the Ocean County Landfill Corporation landfill, facility number 1518B. The Manchester Township Municipal Sanitary Landfill, facility number 1518A, was inadvertently left out of the Proposed Solid Waste laws for Ocean County Solid Waste Management District (August 1982) even though it is currently operating. Therefore, a waste flow is given to the Manchester Township Municipal Sanitary Landfill.

5. *[Ocean County Landfill:]* All waste types 10, 13, 23, 25, and 27 generated from within the Ocean County municipalities of Brick, Dover, Jackson, Lakehurst, Plumsted, Seaside Heights, Seaside Park and those portions of Berkeley Township in Holiday City, Silver Ridge Park and South Seaside Park shall be disposed of at the Ocean County Landfill Corporation landfill, facility number 1518B, located in Manchester Township, Ocean County, New Jersey.

6. *[Southern Ocean Landfill:]* All waste types 10, 13, 23, 25, and 27 generated from within the Ocean County municipalities of Barnegat, Barnegat Light, Beach Haven, Eagleswood, Harvey Cedars, Lacey, ***Ocean Township,*** Ocean Gate, Pine Beach and those portions of Berkeley Township not in Holiday City, Silver Ridge Park and South Seaside Park shall be disposed of at the Southern Ocean Landfill, Inc. landfill, facility number 1520A, located in Ocean Township, Ocean County, New Jersey.

7. *[South Toms River:]* All waste types 10, 13, and 23 generated from within the Ocean County municipality of South Toms River shall be disposed of at the South Toms River Sanitary Landfill, facility number 1529A, located in South Toms River, Ocean County, New Jersey.

i. All waste types 25 and 27 generated from within South Toms River shall be disposed of at the Southern Ocean Landfill, Inc. landfill, facility number 1520A, located in Ocean Township, Ocean County, New Jersey.

ii. Upon closure of the South Toms River Sanitary Landfill, facility number 1529A, wastes going to this facility shall be disposed of at the Southern Ocean Landfill, Inc. landfill, facility number 1520A.

8. *[Stafford Township Landfill:]* All waste types 10, 13, and 23 generated from within the Ocean County municipalities of Little Egg Harbor, Long Beach, Ship Bottom, Stafford, Surf City and Tuckerton shall be disposed of at the Stafford Township Landfill, facility number 1530A, located in Stafford Township, Ocean County, New Jersey.

i. All waste types 25 and 27 generated from within Little Egg Harbor, Long Beach, Ship Bottom, Stafford, Surf City, and Tuckerton shall be disposed of at the Southern Ocean Landfill, Inc. landfill, facility number 1520A, located in Ocean Township, Ocean County, New Jersey.

ii. Upon closure of the Stafford Township Landfill, facility number 1530A, waste going to this landfill shall be disposed of at the Southern Ocean Landfill, Inc. landfill, facility number 1520A.

(q) *[Passaic County facilities:]* ***Waste flows within, into and out of the Passaic County District:***

1. The Lakeland Regional Solid Waste Management Authority comprised of six municipalities, Pompton Lakes, Ringwood, and Bloomingdale within Passaic County and Butler, Kinnelon and Pequannock within Morris County, completed a solid waste

ADOPTIONS

management plan in July of 1978. The plan recommends the construction of a resource recovery facility with a capacity of 240 tons per day to accommodate wastes generated by its six member municipalities. Both the adopted Passaic and Morris County Solid Waste Management Plans acknowledge the planning efforts accomplished by the Lakeland Authority and have recommended that the resource recovery facility be on line by 1983. The Department is in agreement with these recommendations.

i. Assuming that the Lakeland Authority has its resource recovery facility in operation on or about July 1, 1983, all processable solid waste generated from within the aforementioned municipalities shall be disposed of at this facility. Residues and nonprocessable solid wastes shall be disposed of at landfills designated in the first two-year update of the Passaic County Solid Waste Management Plan. In the event that the Lakeland Authority's proposed resource recovery facility does not come on line as scheduled the aforementioned Passaic County municipalities shall dispose of their wastes in accordance with (q) *2 and *4 below.

2. *[Hamm's Sanitary Landfill:]* All waste types 10, 13, 23, and 27 generated from within the Passaic County municipalities of Bloomingdale, Pompton Lakes, Ringwood, Wanaque, and West Milford shall be disposed of at the Hamm's Sanitation Inc. landfill, facility number 1913A, located in Lafayette, Sussex County, New Jersey.

i. All waste type 25 generated from within the Passaic County municipalities of Bloomingdale, Pompton Lakes, Ringwood, Wanaque and West Milford shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, located in East Brunswick, Middlesex County, New Jersey. The redirection of the waste stream identified in this section will be evaluated by the Department upon the completion of Passaic County's landfill siting study.

3. *[HMDC Baler/Balefill:]* All waste types 10, 13, 23, 25, and 27 generated from within the Passaic County municipalities of Clifton, Haledon, Hawthorne, Little Falls, North Haledon, Passaic, Paterson, ***Prospect Park**, Totowa, Wayne, and West Paterson shall be disposed of at the HMDC Baler/Balefill, facility number 0239C/0232D located in North Arlington, Bergen County, New Jersey.

4. When the Passaic County resource recovery facility scheduled to be on line by January 1, 1985 becomes operational, all processable solid waste generated from within all of Passaic County's municipalities shall be directed to the resource recovery facility. Residue and nonprocessable solid waste shall be disposed of at a disposal facility(ies) designated in the first two-year update of the Passaic County Solid Waste Management Plan.

5. *[Carrino's Landfill:]* Currently, the municipality of Little Falls is utilizing the disposal facility previously indicated. This waste flow, upon review and approval by the Board of Public Utilities, will be directed to Carrino Contracting and Trucking Company Sanitary Landfill, facility number 1605A, if and when it is permitted to open following the resolution of the litigation with Montclair State College. This waste flow resulted from consultations with representatives from Passaic County and was derived due to limited existing disposal capacity and transportation difficulties to the currently utilized disposal facilities.

i. It is necessary for the Board of Chosen Freeholders of Passaic County to formally propose and adopt for inclusion in their District Solid Waste Management Plan, a waste flow which directs solid waste (type 10, 13, 23, and dead animals) to Carrino's Landfill for a two-year period. This waste flow may be the same as the waste flow designated by the Department.

6. In addition to the above mentioned waste flows, other modifications, directives, and/or resolutions approved and issued by the Department and/or the HMDC may affect the Passaic County waste flow (see (i) above *, **waste flows within, into and out of the Hackensack Meadowlands District**).

(r) ***[Salem County facilities:]* *Waste flows within, into and out of the Salem County District:***

ENVIRONMENTAL PROTECTION

1. ***[Alloway Township:]*** All waste types 10, 13, and 23 generated from within the Salem County municipality of Alloway Township shall be disposed of at the Alloway Township landfill, facility number 1701A, located in Alloway Township, Salem County New Jersey.

i. All waste type 25, generated from within the Salem County municipality of Alloway Township shall be disposed of at the Q.T. Landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey.

ii. All waste type 27 generated from within the Salem County municipality of Alloway Township shall be disposed of at the Clemente Landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey.

2. ***[Clemente Landfill:]*** All waste types 10, 13, 23, and 27 generated from within the Salem County municipality of Carney's Point Township shall be disposed of at the Clemente Landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey.

i. All waste type 25 generated from within the Salem County municipality of Carney's Point Township shall be disposed of at the Q.T. Landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey.

3. ***[Q.T. Landfill:]*** All waste types 10, 13, 23, and 25 generated from within the Salem County municipalities of Elmer Borough, Elsinboro Township, and Mannington Township shall be disposed of at the Q.T. Landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey.

i. All waste type 27 generated from within the Salem County municipalities of Elmer Borough, Elsinboro Township, and Mannington Township shall be disposed of at the Clemente Landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey.

4. ***[Q.T. Landfill:]*** All waste types 10, 13, 23, and 25 generated from within the Salem County municipality of Lower Alloways Creek Township shall be disposed of at the Q.T. Landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey; or (waste type 10 only) resident hauling their own wastes may use the Lower Alloways Creek Township Landfill, facility number 1704A, located in Lower Alloways Creek Township, Salem County, New Jersey.

i. All waste type 27 generated from within the Salem County municipality of Lower Alloways Creek Township shall be disposed of at the Clemente Landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey.

5. ***[Oldmans Township:]*** All waste types 10, 13, 23, and 27 generated from within the Salem County municipality of Oldmans Township shall be disposed of at the Oldmans Township Landfill, facility number 1706A, located in Oldmans Township, Salem County, New Jersey.

i. All waste type 25 generated from within the Salem County municipality of Oldmans Township shall be disposed of at the Q.T. Landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey.

6. ***[Pennsville Township:]*** All waste types 10, 13, 23, and 27 generated from within the Salem County municipality of Pennsville Township shall be disposed of at the Pennsville Township Landfill, facility number 1708A, located in Pennsville Township, Salem County, New Jersey.

i. All waste type 25 generated from within the Salem County municipality of Pennsville Township shall be disposed of at the Q.T. Landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey.

7. ***[Eckert Landfill:]*** All waste types 10, 13, 23, and 25 generated from within the Salem County municipality of Penns Grove Borough shall be disposed of at the Eckert Landfill, facility number 1705B, located in Oldmans Township, Salem County, New Jersey.

i. All waste type 27 generated from within the Salem County municipality of Penns Grove Borough shall be disposed of at the

Clemente Landfill, facility number 1713A, located in Carney's Point, Salem County, New Jersey.

8. *[Woodstown-Pilesgrove Landfill:]* All waste types 10, 13, and 23 generated from within the Salem County municipalities of Pilesgrove Township and Woodstown Borough shall be disposed of at the Woodstown-Pilesgrove Landfill, facility number 1709A, located in Pilesgrove Township, Salem County, New Jersey.

i. All waste type 25 generated from within the Salem County municipalities of Pilesgrove Township and Woodstown Borough shall be disposed of at the Q.T. Landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey.

ii. All waste type 27 generated from within the Salem County municipalities of Pilesgrove and Woodstown Borough shall be disposed of at the Clemente Landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey.

9. *[Pittsgrove Landfill:]* All waste types 10, 13, and 23 generated from within the Salem County municipality of Pittsgrove Township shall be disposed of at the Pittsgrove Landfill, facility number 1701A, located in Pittsgrove Township, Salem County, New Jersey.

i. All waste type 25 generated from within the Salem County municipality of Pittsgrove Township shall be disposed of at the Q.T. Landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey.

ii. All waste type 27 generated from within the Salem County municipality of Pittsgrove shall be disposed of at the Clemente Landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey.

10. *[Q.T. Landfill:]* All waste types 10, 13, 23, and *[26]* *25* generated from within the Salem County municipality of Quinton Township shall be disposed of at the Q.T. Landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey; or (waste types 10, 13, and 23 only) residents hauling their own wastes may use the Quinton Township Landfill, facility number 1711A, located in Quinton Township, Salem County, New Jersey.

i. All waste type 27 generated from within the Salem County municipality of Quinton Township shall be disposed of at the Clemente Landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey.

11. *[Salem City:]* All waste types 10, 13, 23, 25, and 27 generated from within the Salem County municipality of Salem City shall be disposed of at the Salem City Landfill, facility number 1712A, located in Salem City, Salem County, New Jersey.

12. *[Upper Pittsgrove Landfill:]* All waste types 10, 13, and 23 generated from within the Salem County municipality of Upper Pittsgrove Township shall be disposed of at the Upper Pittsgrove Landfill, facility number 1710A, located in Pittsgrove Township, Salem County, New Jersey.

i. All waste type 25 generated from within the Salem County municipality of Upper Pittsgrove Township shall be disposed of at the Q.T. Landfill, facility number 1711B, located in Quinton Township, Salem County, New Jersey.

ii. All waste type 27 generated from within the Salem County municipality of Upper Pittsgrove shall be disposed of at the Clemente Landfill, facility number 1713A, located in Carney's Point Township, Salem County, New Jersey.

13. When the Salem County regional landfill becomes operational, all waste types (10, 13, 23, 25, and 27) generated from within the Salem County municipalities of Alloway, Carney's Point, Elmer, Elsinboro, Lower Alloways Creek, Mannington, Oldmans, Pennsville, Penns Grove, Pilesgrove, Pittsgrove, Quinton, Salem City, Upper Pittsgrove and Woodstown shall be disposed of at this facility.

(s) *[Somerset County facilities:]* ***Waste flows within, into and out of the Somerset County District:***

1. *[Somerville Borough:]* All solid waste types 10, 13, 23, and 27 generated from within the Somerset County municipalities of Raritan and Somerville shall be disposed of at the Somerville

Borough landfill, facility number 1818A, located in Somerville Borough, Somerset County, New Jersey.

i. Upon closure of the Somerville landfill, all solid waste identified above and generated from within Raritan and Somerville will be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, located in East Brunswick Township, Middlesex County, New Jersey.

ii. Solid waste type 25 generated from within the Somerset County municipalities of Raritan and Somerville shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, located in East Brunswick, Middlesex County, New Jersey.

2. *[Industrial Land Reclaiming landfill:]* All solid waste types 10, 13, 23, 25, and 27 generated from within the Somerset County municipalities of Branchburg, Bridgewater, Green Brook, North Plainfield, Warren, and Watchung shall be disposed of at the Industrial Land Reclaiming Inc. landfill, facility number 1205C, located in Edison Township, Middlesex County, New Jersey. Upon closure of this facility, said solid wastes will be redirected to another designated solid waste facility(ies).

3. *[Edgeboro Disposal landfill:]* All solid waste types 10, 13, 23, 25, and 27 generated from within the Somerset County municipalities of Bedminster, Bernards, Bernardsville, Bound Brook, Far Hills, Franklin, Hillsborough, Millstone, Montgomery, Peapack-Gladstone, Rocky Hill, and South Bound Brook shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, located in East Brunswick Township, Middlesex County, New Jersey.

4. *[Johns-Manville landfill:]* All solid waste types 10, 13, 23, and 27 generated from within the Somerset County municipality of Manville and collected by Manville municipal vehicles, shall be disposed of at the Johns-Manville Sales Corp. landfill, facility number 1811A, located in Manville Borough, Somerset County. Upon closure of this facility, said solid wastes will be redirected to another designated solid waste facility(ies).

i. All other solid wastes generated in Manville which are collected by private collector/haulers, *[including]* ***and all*** type 25 solid wastes, shall be disposed at the Edgeboro Disposal Inc. landfill, facility number 1204A, located in East Brunswick Township, Middlesex County, New Jersey.

5. All solid waste types 10, 13, 23, 25, and 27 generated in every municipality in Somerset County with the exception of solid wastes collected by Manville Borough, shall be disposed of at the new Somerset County landfill planned for April 1, 1983.

6. The new County landfill will continue to be utilized for disposal of said wastes until the proposed resource recovery facility(ies) are on line. At such time, all designated processable, *[non-recycled]* ***non-recyclable*** solid wastes shall be redirected to designated resource recovery facility(ies). All residue from the resource recovery facility(ies) and non-processable, *[non-recyclable]* ***non-recyclable*** solid wastes shall be disposed of at the new County landfill.

(t) *[Sussex County facilities:]* ***Waste flows within, into and out of the Sussex County District:***

1. *[Hamm's Sanitary Landfill:]* All solid waste types 10, 13, 23, and 27 generated from within the Sussex County municipalities of Andover Borough, Andover Township, Branchville, Byram, Frankford, Franklin, Fredon, Green, Hamburg, Hampton, Lafayette, Montague, Newton, Ogdensburg, Sandyston, Stanhope, Sussex, Vernon, Walpack, and Wantage shall be disposed of at Hamm's Sanitary Landfill, facility number 1913A, located in Lafayette Township, Sussex County, New Jersey.

2. *[Edgeboro Disposal landfill:]* All solid waste type 25 generated from within the Sussex County municipalities of Andover Borough, Andover Township, Branchville, Byram, Frankford, Franklin, Fredon, Green, Hamburg, Hampton, Lafayette, Montague, Newton, Ogdensburg, Sandyston, Stanhope, Sussex, Vernon, Walpack, and Wantage shall be disposed at Edgeboro Landfill, facility number 1204A, located in East Brunswick Township, Middlesex County, New Jersey.

ADOPTIONS

3. *[Stillwater Township:]* All solid waste type 10 generated from within the Sussex County municipality of Stillwater shall be disposed of at Stillwater Township Sanitary Landfill, facility number 1920A, located in Stillwater Township, Sussex County, New Jersey. Upon closure of this facility all solid waste type 10 generated from within Stillwater Township shall be disposed of at the new Sussex County regional disposal facility.

4. *[Edgeboro Disposal landfill:]* All solid waste type 25 generated from within the Sussex County municipality of Stillwater shall be disposed of at Edgeboro ***Disposal*** Landfill, facility number 1204A, located in East Brunswick Township, Middlesex County, New Jersey.

5. *[Hamm's Sanitary Landfill:]* All solid waste types 13, 23, and 27 generated from within the Sussex County municipality of Stillwater shall be disposed of at Hamm's Sanitary Landfill, facility number 1913A, located in Lafayette Township, Sussex County, New Jersey.

6. *[Hardyston Township:]* All solid waste types 10 and 23 generated from within the Sussex County municipality of Hardyston shall be disposed of at Hardyston Township Sanitary Landfill, facility number 1911A, located in Hardyston Township, Sussex County, New Jersey.

i. Upon closure of this facility, pursuant to the Administrative Consent Order, all waste types 10 and 23 shall be disposed of at Hamm's Sanitary Landfill, facility number 1913A, located in Lafayette Township, Sussex County, New Jersey.

7. *[Hamm's Sanitary Landfill:]* All solid waste types ***[12]* ***13* and 27 generated from within the Sussex County municipality of Hardyston shall be disposed of at Hamm's Sanitary Landfill, facility number 1913A, located in Lafayette Township, Sussex County, New Jersey.

8. *[Edgeboro Disposal landfill:]* All solid waste type 25 generated from within the Sussex County municipality of Hardyston shall be disposed of at Edgeboro Landfill, facility number 1204A, located in East Brunswick Township, Middlesex County, New Jersey.

9. *[Hopatcong:]* All solid waste types 10, 13, and 23 generated from within the Sussex County municipality of Hopatcong shall be disposed of at Hopatcong Sanitary Landfill, facility number 1912A, located in Hopatcong Borough, Sussex County, New Jersey.

i. Upon closure of this facility, all solid waste types 10, 13, and 23 generated from the Sussex County municipality of Hopatcong Borough shall be disposed of at the new Sussex County regional disposal facility.

10. *[Hamm's Sanitary Landfill:]* All solid waste type 27 generated from within the Sussex County municipality of Hopatcong shall be disposed of at Hamm's Sanitary Landfill, facility number 1913A, located in Lafayette Township, Sussex County, New Jersey.

11. *[Edgeboro Disposal landfill:]* All solid waste type 25 generated from within the Sussex County municipality of Hopatcong shall be disposed of at Edgeboro Landfill, facility number 1204A, located in East Brunswick Township, Middlesex County, New Jersey.

12. *[Sparta Township:]* All solid waste types 10, 13, and 23 generated from within the Sussex County municipality of Sparta shall be disposed of at the Sparta Township Sanitary Landfill, facility number 1918A, located in Sparta Township, Sussex County, New Jersey.

i. Upon closure of this facility all waste types 10, 13, and 23 generated from within Sparta Township shall be disposed of at ***[Hamm's Sanitary Landfill, facility number 1912A, located in Lafayette Township, Sussex County, New Jersey.]* *the new Sussex County Regional disposal facility.***

13. *[Edgeboro Disposal landfill:]* All solid waste type 25 generated from within the Sussex County municipality of Sparta shall be disposed of at Edgeboro ***Disposal*** landfill, facility number 1204A, located in East Brunswick Township, Middlesex County, New Jersey.

ENVIRONMENTAL PROTECTION

14. *[Hamm's Sanitary Landfill:]* All solid waste type 27 generated from within the Sussex County municipality of Sparta shall be disposed of at Hamm's Sanitary Landfill, facility number 1913A, located in Lafayette Township, Sussex County, New Jersey.

15. *[Hamm's Sanitary landfill:]*

i. All solid waste types 10, 13, 23, and 27 generated from within the Passaic County municipalities of Bloomingdale, Pompton Lakes, Ringwood, ***[Wayne]* *Wanaque***, and West Milford shall be disposed of at Hamm's Sanitary Landfill, facility number 1913A, located in Lafayette Township, Sussex County, New Jersey.

ii. All solid waste types 10, 13, 23, and 27 generated from within the Morris County municipalities of Boonton, Boonton Township, Butler, Denville, Dover, Jefferson, Kinnelon, Lincoln Park, Mine Hill, Montville, Mountain Lakes, Mount Olive, Netcong, Pequannock, Riverdale, Rockaway Borough, Roxbury, Victory Gardens, and Wharton shall be disposed of at Hamm's Sanitary Landfill, facility number 1913A, located in Lafayette Township, Sussex County, New Jersey.

(u) ***[Union County facilities:]* *Waste flows within, into and out of the Union County District:***

1. ***[Industrial Land Reclaiming landfill:]*** All solid waste types 10, 13, 23, 25 and 27 generated within the Union County municipalities of Berkeley Heights, Fanwood, Hillside, Plainfield, Roselle Park, Scotch Plains, Mountainside, Westfield, ***Winfield***, Garwood, Cranford, and Clark shall be disposed of at the Industrial Land Reclaiming Inc. landfill (I.L.R.) facility number 1205C, located in Edison Township, Middlesex County, New Jersey. Upon closure of this facility, said solid wastes will be redirected to another designated solid waste facility(ies).

2. ***[Industrial Land Reclaiming landfill:]*** All solid waste types 10, 13, 23, and 25 generated from within the Union County municipalities of Elizabeth, Roselle and Kenilworth shall be disposed of at the Industrial Land Reclaiming Inc. landfill (I.L.R.), facility number 1205C, located in Edison Township, Middlesex County, New Jersey. Upon closure of this facility, said solid waste will be redirected to another designated solid waste facility(ies).

i. All type 27 solid wastes generated from within the Union County municipalities of Kenilworth and Roselle shall be disposed of at the Edgeboro Disposal Inc., landfill, facility number 1204A, East Brunswick, Middlesex County, New Jersey.

ii. All type 27 solid wastes generated from within Elizabeth shall be disposed of at the Global Landfill Reclaiming Corp. landfill, facility number 1209A, Old Bridge Township, Middlesex County, New Jersey. Upon closure of this facility, said solid wastes will be redirected to another designated solid waste facility(ies).

iii. Exceptions to the Elizabeth waste flows shall include the following: a maximum of four City of Elizabeth trucks (only) per day that are unable to finish their routes by 2:00 P.M. are permitted to dispose of their solid waste at facilities operated in, by, or under the authorization of ***[HMD:]* *Hackensack Meadowlands District*** and any single load of solid waste from Elizabeth consisting solely of tree stumps, tires or concrete will be permitted to be disposed at facilities operated in, by, or under the authorization of the Hackensack Meadowlands District.

3. ***[Edgeboro Disposal Landfill:]*** All solid waste types 10, 13, 23, 25 and 27 generated from within the Union County municipalities of New Providence, Rahway and Summit shall be disposed of at the Edgeboro Disposal Inc., landfill, facility number 1204A, East Brunswick, Middlesex County, New Jersey.

4. ***[Hackensack Meadowlands:]*** All solid waste types 10, 13, 23, 25 and 27 generated from within the Union County municipalities of Springfield and Union shall be disposed of at facilities operated in, by, or under the authorization of the Hackensack Meadowlands District designated for Essex County for no later than ***[6 1/2]* *six and one-half*** years from March 2, 1982 consistent with the Essex County/HMDC agreement of that date. At that time, solid wastes generated in Union and Springfield

shall be disposed at a facility designated for Union County wastes other than the HMDC facilities.

5. *[City of Linden:]* All solid waste types 10, 13, and 23 generated from within the Union County municipality of Linden and solid wastes generated from the Exxon Corp. under agreement with the City of Linden ***shall be disposed of at the Linden landfill,*** facility number 2009A, located in Linden City, Union County, New Jersey.

i. All solid waste types 25 and 27 generated in Linden City shall be disposed of at the Edgeboro Disposal Inc. landfill, facility number 1204A, East Brunswick, Middlesex County, New Jersey.

6. When the Union County resource recovery facility becomes operational, processable non-recyclable solid wastes generated from designated Union County municipalities shall be redirected to the energy recovery facility. Residues from the resource recovery facility shall be disposed of at the Linden landfill, pending approval of the Linden landfill upgrading and expansion application by the Division of Waste Management. Non-processable ***and*** non-recyclable solid wastes from said municipalities shall continue to be disposed of at designated solid waste facilities.

(v) *[Warren County facilities:]* ***Waste flows within, into and out of the Warren County District:***

1. *[High Point Sanitary Landfill:]* All solid waste types 10, 13, 23, 25 and 27 generated from within the Warren County municipalities of *[Allmunchy]* ***Allamuchy*** Alpha, Blairstown, Fre*[e]*linghuysen, Hackettstown, Hardwick, Knowlton, Liberty, Mansfield, Oxford, Pahaquarry, Phillipsburg, Washington Boro, Washington Township shall be disposed of at High Point Sanitary Landfill, facility number 2015***A***, located in Franklin Township, Warren County, New Jersey.

2. *[Out-of-state:]* All solid waste types 10, 13, 23, 25 and 27 generated from within the Warren County municipalities of Franklin, Greenwich, Harmon, Lopatcong and Pohatcong are permitted to utilize disposal facilities in *[Philadelphia]* ***Pennsylvania***, so long as these municipalities or any collector/hauler which services these municipalities are able pursuant to Pennsylvania law. In the event that any of these municipalities are unable to continue disposal of the solid waste ***[at]* *in*** Pennsylvania, the waste types 10, 13, 23, 25 and 27 shall be directed to High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey.

3. *[Hope Township:]* All solid waste types 10, 13, and 23 generated from within the Warren County municipality of Hope Township shall be disposed of at Hope Township Landfill, 2111A, located in Hope Township, Warren County, New Jersey.

i. Upon closure of the Hope Township Landfill, waste types 10, 13, and 23 generated from within Hope Township shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey.

4. *[High Point Sanitary Landfill:]* All solid waste types 25 and 27 generated from within the Warren County municipality of Hope Township shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey.

5. *[Independence Township:]* All solid waste types 10, 13, and 23 generated from within the Warren County municipality of Independence Township shall be disposed of at Independence Township Sanitary Landfill, facility number 2112B, located in Independence Township, Warren County, New Jersey.

i. Upon closure of this facility, all waste types 10, 13, and 23 generated from within Independence Township shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey.

6. *[High Point Sanitary Landfill:]* All solid waste types 25 and 27 generated from within the Warren County municipality of Independence Township shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey.

7. *[Belvidere-White Landfill:]* All solid waste types 13 and 23

generated from within the Warren County municipalities of Belvidere and White shall be disposed of at Belvidere-White Landfill, facility number 2123A, located in White Township, Warren County, New Jersey.

i. Upon closure of the Belvidere-White Landfill, waste types 13 and 23 shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey.

8. *[High Point Sanitary Landfill:]* All solid waste types 10, 25, and 27 generated from within the Warren County municipalities of Belvidere and White shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey.

[9. High Point Sanitary Landfill:]

i. All solid waste types 10, 13, 23, 25, and 27 generated from within the Morris County municipality of Washington Township shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey.

ii. All solid waste types 10, 13, 23, 25 and 27 generated from within the Hunterdon County municipalities of Alexandria, Bethlehem, Bloomsbury, Califon, Clinton Town, Franklin, Glen Gardner, Hampton, High Bridge, Holland, Lambertville, Lebanon Boro, Lebanon Township, Milford, Union and West Amwell shall be disposed of at High Point Sanitary Landfill, facility number 2105A, located in Franklin Township, Warren County, New Jersey.

7:26-6.6 Procedure for modification of waste flows pursuant to an amendment to a District Solid Waste Management Plan

(a) This section shall govern the procedures to be followed in the event that a Board of Chosen Freeholders or the Hackensack Commission adopts a plan amendment, in accordance with N.J.S.A. 13:1E-23, which provides for the modification of existing waste flows.

(b) Upon a determination by the Department that such a plan amendment is complete and acceptable for review, which determination shall be made within 30 days of receipt by the Department, the Department shall forward a copy of that amendment to the Board of Public Utilities (Board).

1. Amendments found not acceptable shall be returned to the district, with explanation of the reasons for such determination.

(c) The Department and the Board shall, after notice pursuant to N.J.S.A. 52:14B-4 and N.J.A.C. 1:30, conduct a public hearing at least 15 days following publication of the proposed waste flow modification in the New Jersey Register.

(d) Within 30 days after *[publication of the notice of]* the public hearing, the Board shall submit its recommendations to the Department on the proposed waste flow modification.

(e) The Department may, concurrent with, or following approval by the Commissioner of the relevant portions of the plan amendment, adopt the proposed waste flow modification pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.A.C. 1:30.

7:26-6.7 Procedure for emergency direction or redirection of solid waste flow

(a) Upon a determination by the Department that an emergency condition, including but not limited to the unanticipated closure of a disposal facility or restricted access thereto, requires the redirection of waste flows, the Department may, after approval by the Board, order such redirection.

(b) The Department shall, within 20 days of such redirection, determine the likely duration of the redirection.

1. If the expected duration is 90 days ***or less***, the Department's redirection shall remain in effect.

2. If the expected duration is greater than 90 days but not more than 180 days, the Department and the Board shall, by public notice, request written comment for a 30-day period. The

Department and the Board may modify such waste flow redirections on the basis of comments received.

3. If the expected duration is greater than 180 days, the Department shall order the affected districts to submit a plan amendment which provides for the modification of existing waste flows.

(a)

BUREAU OF PESTICIDE CONTROL

New Jersey Pesticide Control Code Dealers, Operators, Applicators, and Applicator Businesses

**Adopted Repeal: N.J.A.C. 7:30-3.1 through
3.12 and 3.19 through 3.22**

**Adopted New Rules: N.J.A.C. 7:30-3, 5, 6,
and 7**

Proposed: August 2, 1982 at 14 N.J.R. 787(a).

Adopted: May 9, 1983 by Robert E. Hughey,
Commissioner, Department of Environmental
Protection.

Filed: May 10, 1983 as R.1983 d.166, **with substantive
and technical changes** not requiring additional public
notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 13:1F-
4.

Effective Date: June 6, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
December 6, 1987.

DEP Docket No. 024-82-06.

Summary of Public Comments and Agency Responses:

On August 2, 1982, a new pesticides control program was proposed by the New Jersey Department of Environmental Protection to repeal the then-existing regulatory program (as found in the New Jersey Administrative Code at N.J.A.C. 7:30) and to establish a more comprehensive and efficient regulatory scheme addressing each aspect of the pesticide industry (to be cited as N.J.A.C. 7:30 and containing nine subchapters, designated 1 through 10 with subchapter 9 reserved for future use). Public hearings were held on August 19, 20, and 23 and September 21, 1982. Public comments were received until the end of the comment period on September 21, 1982. Five hundred two commentators provided written and oral testimony on the nine proposed subchapters. The department carefully reviewed these comments in the preparation of final rules. On November 17, 1982, N.J.A.C. 7:30-1, 2, 4 and 8 were adopted and became effective on December 6, 1982 (see 14 N.J.R. 1385(a)). On February 17, 1983, N.J.A.C. 7:30-10 was adopted and became effective on March 7, 1983 (see 15 N.J.R. 333(b)).

In response to and after evaluation of the comments presented on proposed subchapters 3, 5, 6, and 7, the following major revisions have been incorporated into the adopted new rules:

Rewording and clarification of definitions for greater consistency with the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135 et seq. (FIFRA), and the Pesticide Control Act, N.J.S.A. 13:1F-1 et seq. (the Act), and greater technical accuracy.

Subchapter 3: Revision permitting the sale of a restricted use

pesticide by a person under the direct supervision of a pesticide dealer who is not actually physically present at the time and place of the sale. Such addition is consistent with the revisions made in subchapter 4, pertaining to pesticide dealer businesses, which became effective on December 6, 1982.

Subchapter 5: Revision, from 15 to 30 days, of the period during which a commercial pesticide operator may apply pesticides, where such operator's registration has become void as a result of the cessation of employment of the co-signer of the registration application.

Subchapter 6: "Private residence" has been revised to clarify the department's intent that only the portion of a building or structure occupied exclusively for residence purposes shall constitute a private residence.

Addition of a sentence in the section concerning variances to clarify that a commercial pesticide applicator in a multi-family private residence may apply pesticides only in the individual unit in which he resides.

Rewording of the record keeping requirements to clarify the intent to include applications made under the direct supervision of the commercial pesticide applicator, and an addition to the record keeping requirements to include the name of the person making the application.

Revision to the requirement that, upon written request, the commercial pesticide applicator must provide a customer with an actual copy of the application record.

Subchapter 7: Revision to the requirement that, upon written request, the commercial pesticide business must provide a customer with an actual copy of the application record; clarification of the work assignment requirement.

For a complete explanation and full text of the summary of public comments and agency responses, please contact:

Raymond Ferrarin, Chief
Bureau of Pesticide Control
38 Scotch Road
Trenton, New Jersey 08628

OFFICE OF ADMINISTRATIVE LAW NOTE: The original proposal found at 14 N.J.R. 787(a) deleted in its entirety the then-existing text of N.J.A.C. 7:30 and proposed new rules in its place. The Department of Environmental Protection subsequently adopted N.J.A.C. 7:30-1, 2, 4 and 8 of the proposed new rules, effective December 6, 1982, with 7:30-3, 5, 6, 7 and 10 not adopted but still pending. The Department also adopted the repeal of the then-existing text of N.J.A.C. 7:30-1.1 through 1.9 and 3.13 through 3.18 with the remaining sections not repealed but still in effect (see: 14 N.J.R. 1385(a)). The Department then adopted the proposed new N.J.A.C. 7:30-10, effective March 7, 1983, and adopted the repeal of the then-existing text of N.J.A.C. 7:30-1.10 through 1.13 with the remaining sections not repealed but still in effect (see: 15 N.J.R. 333(b)). The Department now adopts the proposed N.J.A.C. 7:30-3, 5, 6 and 7 and adopts the repeal of N.J.A.C. 7:30-3.1 through 3.12 and 3.19 through 3.22.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

SUBCHAPTER 3. PESTICIDE DEALERS

7:30-3.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Act" means the Pesticide Control Act of 1971 (N.J.S.A. 13:1F-1 ***et seq.***) as amended.

"Pest" means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria or other micro-organisms on or in living man or other animals) which is injurious to health or the environment.*

"Pesticide" means and includes any substance or mixture of substances labeled, designed*[,]* **or*** intended for *[or capable of]* use in preventing, destroying, repelling*[, sterilizing]* or mitigating any *[insects, rodents, nematodes, predatory animals, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals. The term "pesticide" shall also include]* **pest, or*** any substance or mixture of substances labeled, designed*[,]* or intended for use as a defoliant, desiccant, or plant regulator*; **provided, that the term "pesticide" shall not include any substance or mixture of substances which the EPA does not consider to be a pesticide**.*

"Pesticide outlet" means any site, location or place at or through which restricted use pesticides are distributed. This term does not include any site, location, or place used solely for the storage of restricted use pesticides or solely as a holding area where a purchaser takes physical possession of a restricted use pesticide after it has been purchased.*

"Responsible pesticide dealer" means any individual who is accountable for the distribution, sale, or offering for sale of a restricted use pesticide by himself or **by*** any person who is **directly supervised by him*** **under his direct supervision**.*

7:30-3.2 General requirements

(a) Effective July 1, 1983, no person shall distribute, sell, or offer for sale or supervise the distribution, sale, or offering for sale of any restricted use pesticide to an end user without first meeting the requirements of certification and registration as a pesticide dealer unless:

1. Such person is working under the direct supervision of a responsible pesticide dealer **[who is physically present at the time and place of distribution]*; or***

2. Such person is a pesticide applicator who **[sells or]*** distributes pesticides only as an integral part of his pesticide application service when such pesticides are dispensed only through equipment used during a pesticide application; or

3.-7. (No change from proposal.)

(b)-(c) (No change from proposal.)

7:30-3.8 Sale of restricted use pesticides

(a) (No change from proposal.)

(b) **[No pesticide dealer shall supervise the distribution, sale or offering for sale of a restricted use pesticide to an end user without being physically present at the time and place of sale or distribution.]* **All transactions involving the sale or distribution of restricted use pesticides to end users shall be conducted by or under the direct supervision of a certified and registered pesticide dealer employed at the pesticide outlet where the transactions take place.*****

SUBCHAPTER 5. COMMERCIAL PESTICIDE OPERATORS

7:30-5.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Act" means the Pesticide Control Act of 1971 (N.J.S.A. 13:1F-1 **et seq.***) as amended.

"Pest" means any insect, rodent, nematode, fungus, weed, or

any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria or other micro-organisms on or in living man or other animals) which is injurious to health or the environment.*

"Pesticide" means and includes any substance or mixture of substances labeled, designed*[,]* **or*** intended for *[or capable of]* use in preventing, destroying, repelling*[, sterilizing]* or mitigating any *[insects, rodents, nematodes, predatory animals, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals. The term "pesticide" shall also include]* **pest, or*** any substance or mixture of substances labeled, designed*[,]* or intended for use as a defoliant, desiccant, or plant regulator*; **provided, that the term "pesticide" shall not include any substance or mixture of substances which the EPA does not consider to be a pesticide**.*

7:30-5.2 General requirements

(a) Effective October 1, 1983, no commercial pesticide operator shall engage in, cause, suffer, allow, or permit the use or application of any pesticide without first meeting the training and registration requirements of this subchapter unless:

1. Such person is certified and registered as a commercial pesticide applicator **in the application category in which he is engaged***; or

2. (No change from proposal.)

(b) Notwithstanding the **[liability]* **responsibility***** of any other person or the exemption from the provisions of any other section of this subchapter, any commercial pesticide operator may be jointly and severally **[liable]* **responsible***** for any aspects of any pesticide application in which he is involved.

(c)-(d) (No change from proposal.)

7:30-5.3 Training

(a) In order to meet the requirements for training, a commercial pesticide operator must obtain instruction in and possess adequate knowledge of the proper use and application of pesticides.

1. The instruction must result in the commercial pesticide operator having a working knowledge which shall include but not be limited to the following areas:

i.-ii. (No change from proposal.)

iii. **[Calculating the concentration of]* **Instruction for mixing***** pesticides to be used in particular circumstances;

iv.-vii. (No change from proposal.)

2. (No change from proposal.)

(b)-(c) (No change from proposal.)

7:30-5.4 Registration

(a)-(c) (No change from proposal.)

(d) The registration shall cease to be in force if the holder thereof or the co-signer of the application on which it was based ceases to be an employee of the business.

1. (No change from proposal.)

2. Any commercial pesticide operator whose registration has become void pursuant to this subsection shall be allowed to apply pesticides in accordance with his current registration for a period of **[15]* **30***** calendar days from the date of cessation of employment of the co-signer if the commercial pesticide operator is still employed by the same business and is applying pesticides under the direct supervision of a certified and registered responsible pesticide applicator.

(e)-(h) (No change from proposal.)

7:30-5.5 Re-registration

[(a)]* A commercial pesticide operator must re-register annually with the department and pay the re-registration fee of \$5.00.

7:30-5.9 Additional authority

In the event of the issuance of a final order assessing a civil penalty under Section 14(a) of the Federal Insecticide, Fungicide, and

PROPOSALS

Rodenticide Act (*7* U.S.C. 135 et seq.) or a criminal conviction under Section 14(b), the department will review and may suspend or revoke the registration of any person so assessed or convicted.

SUBCHAPTER 6. COMMERCIAL PESTICIDE APPLICATORS

7:30-6.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Pest” means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria or other micro-organisms on or in living man or other animals) which is injurious to health or the environment.*

“Pesticide” means and includes any substance or mixture of substances labeled, designed*[,]* ***or*** intended for *[or capable of]* use in preventing, destroying, repelling*[, sterilizing]* or mitigating any *[insects, rodents, nematodes, predatory animals, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals. The term “pesticide” shall also include]* ***pest, or*** any substance or mixture of substances labeled, designed*[,]* or intended for use as a defoliant, desiccant, or plant regulator*; **provided that the term “pesticide” shall not include any substance or mixture of substances which the EPA does not consider to be a pesticide*.**

“Private residence” means any ***portion of a*** building or structure *[, or portion thereof,]* that is *[designed and]* occupied exclusively for residence purposes.

7:30-6.2 General requirements—variances

(a) No commercial pesticide applicator shall engage in, cause, suffer, allow, or permit the use or application of, or supervise the use or application of, any pesticide in any category or subcategory in which he has not been certified and registered unless:

1. Such person is applying a general use pesticide by equipment*, ***other than aerial***,* in or around a private residence owned or rented by him and in which he resides. ***In multi-family private residences, (a) I shall apply to such person only in the individual unit in which he resides.***

2.–5. (No change from proposal.)

(b) Notwithstanding the *[liability]* ***responsibility*** of any other person or the exemption from the provisions of any other section of this subchapter, any pesticide applicator may be jointly and severally *[liable]* ***responsible*** for any aspects of any pesticide application in which he is involved.

(c)–(d) (No change from proposal.)

7:30-6.8 Records

(a) A commercial pesticide applicator shall keep, for each application of pesticides made by him ***or under his direct supervision***, a record of application containing the following information:

1.–2. (No change from proposal.)

3. The brand or trade name of the pesticide used or symbol representing such name, providing the applicator also keeps a list which clearly correlates the symbol used with ***the*** full and complete pesticide product name*[s]*;

4. The amount of each pesticide used; ***[and]***

5. The dosage or rate of each pesticide used*[.]* ***; and***

6. The name of the person making the application.

(b)–(c) (No change from proposal.)

(d) A commercial pesticide applicator must, upon written request, provide a customer with ***[any requested information]* *a copy of the application record**** which is required to be kept pursuant to

ENVIRONMENTAL PROTECTION

this section and which pertains to a pesticide application performed for that customer.

7:30-6.9 Denial, ***[suspension]**suspension***, or revocation of commercial pesticide applicator documents
(No change from proposal.)

SUBCHAPTER 7. PESTICIDE APPLICATOR BUSINESS

7:30-7.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Pest” means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria or other micro-organisms on or in living man or other animals) which is injurious to health or the environment.*

“Pesticide” means and includes any substance or mixture of substances labeled, designed*[,]* ***or*** intended for *[or capable of]* use in preventing, destroying, repelling*[, sterilizing]* or mitigating any *[insects, rodents, nematodes, predatory animals, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals. The term “pesticide” shall also include]* ***pest, or*** any substance or mixture of substances labeled, designed*[,]* or intended for use as a defoliant, desiccant, or plant regulator*; **provided, that the term “pesticide” shall not include any substance or mixture of substances which the EPA does not consider to be a pesticide*.**

7:30-7.3 Records

(a) Every business required to register pursuant to the provisions of N.J.A.C. 7:30-7.2 shall keep, for each application of pesticides made by that business, a record of application containing the following information:

1.–2. (No change from proposal.)

3. The brand or trade name of each pesticide used ***[()* or symbol representing such name, providing the business also keeps a list which clearly correlates the symbol used *()]*** with ***the*** full and complete pesticide product name;

4.–6. (No change from proposal.)

(b)–(c) (No change from proposal.)

(d) A pesticide applicator business ***[must]* *shall****, upon written request, provide a customer with ***[any requested information]* *a copy of the application record**** which is required to be kept pursuant to this section and which pertains to a pesticide application performed for that customer.

7:30-7.4 Financial responsibility

(a) Businesses required to register under N.J.A.C. 7:30-7.2 shall submit with the application for registration an attestation by the person providing the coverage that the business has in force an insurance policy (or surety bond in equivalent amounts) which meets or exceeds the standards set forth below:

1. For pesticide applicator businesses which do not engage in fumigation pest control:

i. (No change from proposal.)

ii. Property damage liability:

***(\$1)* \$50,000—each [occurrence]**occurrence*.**

2. For pesticide applicator businesses engaged, wholly or in part, in fumigation pest control:

i. (No change from proposal.)

ii. Property damage liability:

***(\$1)* \$300,000—each occurrence.**

(b) (No change from proposal.)

7:30-7.5 Assignment of work

No person shall require any individual to make a pesticide application in any category or subcategory in which the individual has not been *[trained or]* certified and registered ***as an applicator or trained and registered as an operator pursuant to this chapter,*** unless the individual so assigned is applying pesticides by equipment other than aerial and is working under the *[direct]* supervision of a *[certified and registered]* responsible pesticide applicator ***, certified and registered pursuant to this chapter,*** who is employed by the same business and is physically present at the time and place of application.

HEALTH

(a)

CONSUMER HEALTH SERVICES

Testing of Quarantined Birds of Psittacine Family Fee Responsibility

Adopted Amendment: N.J.A.C. 8:23-1.4

Proposed: April 4, 1983 at 15 N.J.R. 466(a).
Adopted: May 17, 1983 by Evelyn Geddes, Chairperson,
Public Health Council.
Filed: May 23, 1983 as R.1983 d.207, **without change**.

Authority: N.J.S.A. 26:1A-7.

Effective Date: June 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
June 6, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

CONSUMER HEALTH SERVICES

Youth Camp Safety Act Standards Rules Governing Youth Camp Safety

Readoption with Amendments: N.J.A.C. 8:25

Proposed: April 4, 1983 at 15 N.J.R. 467(a).
Adopted: May 19, 1983 by J. Richard Goldstein, M.D.,
Commissioner, Department of Health.
Filed: May 20, 1983 as R.1983 d.186, **without change**.

Authority: N.J.S.A. 26:12-1 et seq., specifically 26:12-5.

Effective Date: For readoption of current text—May 20,
1983; for amendments—June 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
May 20, 1988.

Summary of Public Comments and Agency Responses:

No comments received.

(c)

HEALTH ECONOMICS SERVICES

Standard Hospital Accounting and Rate Evaluation (Share) Rate Review Guidelines

Adopted Amendment: N.J.A.C. 8:31A-7

Proposed: February 22, 1983 at 15 N.J.R. 200(b).
Adopted: May 19, 1983 by J. Richard Goldstein, M.D.,
State Commissioner of Health (with the approval of
Health Care Administration Board).
Filed: May 23, 1983 as R.1983 d.201, **without change**.

Authority: N.J.S.A. 26:2H-1 et seq.

Effective Date: June 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
August 18, 1983.

Summary of Public Comments and Department
Response:

1. Comment:

Strong support expressed for the proposed amendment concerning N.J.A.C. 8:31A-7 which facilitates equitable treatment of hospitals on the reimbursement systems by affording relief of the 1979 SHARE overspending challenge. The proposal change will greatly reduce the need for cost shifting and allow all payors to pay their fair share.

Response:

The Department accepts the comment regarding relief of the 1979 SHARE overspending challenge to the extent that it equates with the relief afforded Chapter 83 hospitals.

2. Comment:

The overspending challenge should again be relieved if Chapter 83 hospitals change the base year to 1982.

Response:

The Department feels that this would not be equitable since the SHARE system only regulated a portion of the hospital's operating costs (that portion that was reimbursed by Blue Cross and New Jersey Medicaid) and hospitals which chose to overspend their approved SHARE budgets could shift the overspending to commercial and self-pay patients. This is not the case with Chapter 83 hospitals.

3. Comment:

The minimum base period challenge has nothing to do with the current years cost under study, but is merely a penalty for exceeding a budget in a prior year.

Response:

The Department believes that this comment is inaccurate since an overspending challenge only occurs when the operating expenditures exceed the approved costs of a given rate year. Since the base for the current year approved costs (1983) is the lower of the base year (1981) actual costs or approved costs, the purpose of the overspending challenge mechanism is to insure that the costs in the base year which are in excess of the approved costs for the base year are not carried forward and become "approved" costs in the

rate year. The overspending challenge is not a duplicate penalty since it only eliminates costs which were determined to be unreasonable through the appeals process.

4. Comment:

The elimination of the 1979 overspending challenge should be applied to all SHARE Rates to include the Global Rate, the Proposed Alternate Rate and the Administrative Payment Rate. Elimination of the relief of the overspending challenge for appealing their Global or Alternate Rates is discriminatory to those hospitals who must appeal low Global or Alternate Rates.

Response:

The elimination of the 1979 overspending challenge does apply to the Global or Alternate Rate. Relief of the 1979 overspending is applied to hospitals accepting the Global or Alternate Rate in 1983. The Alternate Rate can be a proposed, administrative or final rate.

5. Comment:

The relief of the 1979 overspending challenge should not be reduced by any relief of the overspending challenge in rate years 1981 and 1982. Any relief in these rate years was gained through appeal of these rates and was considered reasonable at that time. To arbitrarily reduce the 1979 overspending challenge without the right of appeal is an arbitrary decision.

Response:

Any relief of the overspending challenge in rate year 1981 would necessarily relate to 1979 overspending since 1979 is the base year for rate year 1981. In order not to duplicate relief of the 1979 overspending challenge, any adjustment granted in 1981 must be reduced from the proposed adjustment. Any relief granted in 1982 would also be reduced since the rate year 1982 would reflect an accumulation of 1979 overspending.

6. Comment:

Adjusting the 1979 overspending challenge by any relief of the overspending challenge in 1982 is an arbitrary decision since the overspending challenge of 1982 has nothing whatsoever to do with 1983 rates.

Response:

Any relief of overspending granted in 1982 would not relate to 1982 overspending since 1982 overspending could not be known by the Department of Health in 1982. Any relief would relate to an accumulation of prior years overspending reflected in 1980 expenditures.

(a)

HEALTH ECONOMICS SERVICES

Procedural and Methodological Regulations

Adopted Amendment: N.J.A.C. 8:31B-3.19

Proposed: July 19, 1982 at 14 N.J.R. 737(a).

Adopted: May 19, 1983 by J. Richard Goldstein, M.D., Commissioner, Department of Health (with approval of Health Care Administration Board). A prior partial adoption of N.J.A.C. 8:31B-3.19 can be found at 14 N.J.R. 1389(a).

Filed: May 23, 1983 as R.1983 d.194, with technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 26:2H-1 et seq.

Effective Date: June 6, 1983.

Expiration Date pursuant to Executive Order No. 66(1978): October 17, 1984.

Summary of Public Comments and Department Responses:

Comment:

A total of 64 organizations and interested parties replied to this proposal. Forty eight respondents supported the implementation of the "RIM" Methodology with the concurrent establishment of a Nursing Advisory Committee. The function of this committee would be to monitor the system; monitor changes in practices; participate in the appeal process; address quality of care issues; provide counsel on the refinement of Nursing Management Reports; and plan for periodic external review. Implementation of the "RIM" Methodology into the hospital rate-setting system by stages was strongly favored. The sample size, data validity and representativeness to the State as a whole was questioned by approximately one-third of the respondents.

In consideration of the far reaching effects that RIM methodology will have on nursing allocation, comments were submitted that urged the Department to consider the use of RIMs for 1985 rate settings only if the use of the methodology proved to be economically valid by the volunteer hospitals in 1984.

Response:

The Department concurs with the industry and nursing community on the concept of the "RIM" Methodology and supports its implementation into the 1985, rather than the 1984, rate-setting process. The Department agrees that "RIM" should be monitored and supports the establishment of a Nursing Advisory Committee. This Committee would be Advisory to the Rate Setting Commission through the Department of Health and be responsible for recommending modifications to the RIM Methodology based on changes in nursing practice. The Department does not concur with the proposal that the "RIM" Methodology should be implemented into the rate setting system by stages, however, the Department will recommend the delay of total implementation until 1985. The Department instead will provide information for comparison of the current and proposed systems for analysis in 1984. The industry and nursing community have been informed and are in agreement with the Department. The Department believes that the statistical experience demonstrated in the Nursing Study is valid for the "RIM" Methodology and is supported by statements from Deloitte, Haskins and Sells and Health Systems International Consultants. The sample appears to be closely aligned with State statistics and was representative of the State as a whole. The Department will delay implementation until 1985 and will respond to industry and other concerns relative to the statistical development of the "RIM" methodology. The proposed demonstration of RIMs during 1984 and the experience of the volunteer hospitals will provide the Department with the basis for an evaluation of the RIM methodology. If appropriate, modifications and refinements to the RIM methodology will be made prior to implementation.

Under footnote 2 the text has been changed from "discharge abstracts" to Uniform Bills-Patient Summaries to conform with rate-setting regulations now in effect.

A listing of all Organizations and Interested Parties, their comments and Department responses have been sent to the commentators, all hospital nursing administrators and hospital administrators and is on file at the Office of Administrative Law and the Department of Health.

OFFICE OF ADMINISTRATIVE LAW NOTE: Amendments to N.J.A.C. 8:31B were proposed on July 19, 1982 at 14 N.J.R. 737(a). Subsequently, on December 6, 1982 at 14 N.J.R. 1389(a) the proposal was adopted with changes. However, the Department of Health did not intend to adopt proposed N.J.A.C. 8:31B-3.19 at that time, although the notice of adoption appeared to include that section. The Department believed that N.J.A.C. 8:31B-3.19 could

not be adopted until the missing Management Report was issued and additional public notice and comment permitted (see 14 N.J.R. 1103(a) and 15 N.J.R. 43(a)). As a result of such additional notice and comment, the Department has now adopted N.J.A.C. 8:31B-3.19 with changes.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

8:31B-3.19 Patient care cost finding: Direct costs per case, physician and non physician
(a)-(c) (No change.)

¹Patient days will be employed as the Measures of Resource use to allocate **MSA, PED, PSA and OBS** nursing costs until ***[1984]* *1985***, at which time [such time as valid and reliable] **Relative Intensity Measure (RIMs)** from the Case-Mix Nursing Performance Study **will be used** [becomes available]. **A RIM is a Measure of Resource use which is derived from nursing activity, and is used to distribute reported general nursing costs based upon the relationship between nursing activities and costs. While** [If] patient days are used, the MSA, PED, PSA and OBS centers will be combined into ACU, and ICU, CCU, and BCU will be combined into ICU. All other routine centers will remain as above. **Effective** ***[1984]* *1985***, patients that are cared for in the ICU, CCU, or NNI will have the Special Care Unit Days used as the cost calculation for Measure of Resource use for the Length of Stay (LOS) in the Special Care Unit and the appropriate Relative Intensity Measure (RIM) equation will be utilized for all additional days.

²Effective ***[1984]* *1985***, Patient Specific Attributes as identified in Appendix X will replace the total LOS statistics. These characteristics captured from ***[discharge abstracts]* *Uniform Bills-Patient Summaries*** include clinical characteristics and Length of Stay which have been demonstrated by research to account for variations in the consumption of nursing activity.

³(No change.)

(a)

HEALTH ECONOMICS SERVICES

Procedural and Methodological Regulation

Adopted Amendments: N.J.A.C. 8:31B-3.26 and 3.72 (which supersede proposed changes at 15 N.J.R. 201(a)).

Proposed: April 4, 1983 at 15 N.J.R. 471(a).
Adopted: May 19, 1983 by Richard Goldstein, M.D.,
Commissioner, Department of Health (with approval
of the Health Care Administration Board).
Filed: May 23, 1983 as R.1983 d.206, **without change**.

Authority: N.J.S.A. 26:2H-1 et seq., as amended.

Effective Date: June 6, 1983.
Expiration Date Pursuant to Executive Order No. 66(1978):
October 17, 1984.

Summary of Public Comments and Agency Responses:

Comments:

The proposal to change the labor proxy to the Bureau of Labor

Statistics series average Hourly Earnings - Hospital Workers is considered very desirable by the commentators but they believe that it should be for the 1982 rate year as well as 1983 and following years. Additional concerns were raised about the future use of the projected labor component regarding adjustment to actual value for calculation as well as the potential for the development of a non-competitive status with outside industry.

Responses:

The proposed change is designed to allow hospitals to make the appropriate management decisions and the Department believes that a retroactive change would not be proper. The general principals of the proposal have been defined and are understood by the hospitals and payers and any change to these principals would create a windfall transfer of monies from the payers to the hospitals. The projected labor component will be used in all future years as well as the 1983 component of a multiyear 1982 to 1985 economic factor. The 1982 projected factor will be adjusted to its actual value and that number will be used both at final reconciliation for 1982 and for the calculation of future multiyear factors. The Department believes that the use of the National Average Hourly Index for Hospital Workers (AHE) proxy is best suited to reflect conditions in the hospital industry without jeopardizing the ability to ensure a high quality work force.

(b)

HEALTH ECONOMIC SERVICES

Procedural and Methodological Regulations

Adopted Amendments: N.J.A.C. 8:31B-3.27 and 3.73 (with 8:31B-3.26 and 3.72 not adopted)

Proposed: February 22, 1983 at 15 N.J.R. 201(a).

Adopted: May 19, 1983 by J. Richard Goldstein, M.D.,
Commissioner, Department of Health (with the approval
of Health Care Administration Board).

Filed: May 23, 1983 as R.1983 d.200, **without change**.

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5b.

Effective Date: June 6, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
October 17, 1984.

Summary of Public Comments and Department Responses:
No comments received.

(c)

DIVISION OF HEALTH PLANNING AND RESOURCES DEVELOPMENT

Guidelines and Criteria for Submission of Applications for Certificate of Need Batching Cycle for Long-Term Care Facilities Eliminated

Adopted Amendment: N.J.A.C. 8:33-2.2

Proposed: March 7, 1983 at 15 N.J.R. 307(b).

Adopted: May 19, 1983 by J. Richard Goldstein, M.D.,
Commissioner, Department of Health (with approval
of Health Care Administration Board).
Filed: May 23, 1983 as R.1983 d.205, **without change**.

Authority: N.J.S.A. 26:2H-5.

Effective Date: June 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
July 19, 1984.

Summary of Public Comments and Agency Responses:
No comments received.

(a)

DIVISION OF HEALTH PLANNING AND RESOURCES DEVELOPMENT

Certificate of Need: Reviews of Long-Term Care Facilities and Services Expansions and New Construction

Adopted Amendment: N.J.A.C. 8:33H-3.3

Proposed: April 4, 1983 at 15 N.J.R. 473(a).
Adopted: May 19, 1983 by J. Richard Goldstein, M.D.,
Commissioner, Department of Health (with approval
of Health Care Administration Board).
Filed: May 23, 1983 as R.1983 d.195, **with substantive
changes** not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-
5b.

Effective Date: June 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
September 18, 1985.

Summary of Public Comments and Agency Responses:

Five written comments were received during the comment period. Commentors included the President of the Presbyterian Homes of New Jersey (PHNJ); the Office of Policy, Planning, and Advocacy of the New Jersey Department of Human Services (DHS); the New Jersey Association of Non-Profit Homes for the Aging (NJANPHA); the New Jersey Housing Finance Agency (NJHFA); and the Central Jersey Health Planning Council, Inc. (CJHPC).

COMMENT:

Four of the commentors questioned the feasibility of the proposed five to one ratio of residential units to long-term care beds and urged a lowering of the ratio to between three or four to one. In urging this lower ratio, the commentors noted that State licensure and inspection regulations require that long-term care beds be in multiples of 60. Thus, a 5-1 ratio would require at least 300 residential units and a 4-1 ratio would require at least 240 residential units. The HFA stated that "the most precarious time for continuing - care communities is during initial enrollment and the early years of occupancy. Feasibility standards for project selection (by HFA) will require that at least 50 percent of the residential units, or 150 apartments in the case of a 300-unit project, be committed prior to issuance of the Agency's bonds. Potential project sponsors will

incur huge premarketing costs and lose a great deal of time before getting 150 buyers to commit themselves to a project that has not yet secured its financing arrangements, much less been built. Another consideration involves optimal project size. Professionals agree that these projects must develop a sense of community if they are to thrive and attract new residents over the years. Opinions may differ as to exactly what the ideal size is, but many believe 300 residential apartments is far too large for forming one united community. For these reasons the Agency believes that a ratio of at least five residential units to one bed in the nursing facility is unworkable - and proposes a minimum ratio of three residential units to one nursing home bed, or, alternatively allowing projects to be built in stages whereby they eventually reach a prescribed four-to-one ratio. This could give sponsors the flexibility they need to plan for and develop projects that respond to market demand."

The NJHFA comments above were echoed by the PHNJ which stated "it would be advisable to reduce the ratio of long-term care beds from 5:1 to 4:1. With the 4:1 ratio and using the 60 long-term care beds, it is automatic to come up to a minimum of 240 residential units. As a matter of fact, 240 units, free-standing and self-supporting, is questionable and maybe not feasible."

The DHS also noted that the 5:1 ratio might be difficult - "operators may have difficulty meeting this restriction - they do have to be tuned to the market."

Finally, the NJANPHA commented that "in place of the proposed 0.25 ratio of health care beds to apartments, we recommend 0.30 (three beds for every 10 apartments." In terms of a ratio of apartments to beds this recommendation equals 3.3 apartments per bed (3.3:1). The Association provided information on a study of continuing care retirement communities (CCRC) at the University of Pennsylvania, funded by the Robert Wood Johnson Foundation and the Commonwealth Fund. The study "has with computer simulations constructed a model of a CCRC and developed forecasts of demographic and financial characteristics for a 20-year span. With a 95 percent confidence interval around the mean, the ratio of beds required will fall no lower than 0.12 and climb no higher than 0.33. We believe that the proposed 0.30 ratio covers a sufficient range of contingencies. Also, the facility may require maintenance of a licensed capacity that permits a spouse to be placed in the same room as a previously-transferred partner without relocating the latter a second time. For example, a facility might maintain 100 licensed beds in 60 rooms for 55 patients, permitting admission of a large number of spouses as necessary. Such an arrangement can be a critical element in a facility's marketability."

RESPONSE:

These regulations were proposed in order to enhance and encourage the development of continuing care communities in New Jersey. Shortly after the proposal was published, the Department received a number of verbal communications suggesting a lowering of the ratio to at least 4:1. In view of the financial and marketability considerations outlined by the NJHFA, the PHNJ, and the DHS, as well as the study cited by the NJANPHA, the Department of Health agrees it will be in the best interests of the elderly of New Jersey to lower the ratio to that recommended by the NJANPHA.

Thus, the Department has changed N.J.A.C. 8:33H-3.3(a)5 from "The ratio of residential units to long-term care beds in not less than 5 to 1." to "The ratio of residential units to long-term care beds is not less than 3.3 to 1."

In addition to addressing the above noted concerns, a 3.3 to 1 ratio also coincides well with the 60 bed unit size for long-term care and the minimum continuing care community size of 200 residential units required by this proposal. That is, 200 units and 60 long-term care beds is virtually 3.3 to 1 ratio.

COMMENT:

The NJANPHA wrote that "regarding the number of apartments necessary to qualify an applicant for the exemptions, we recommend adoption of one of the following:

1. Lower the threshold to 150 apartment units. The CCRC study shows that 68 of the nation's 179 facilities have less than 150 apartments, and that 100 have 200 apartments or less.

2. Alternatively, 'grandfather' the existing two facilities that do not meet the six standard."

RESPONSE:

The Department is opposed to lowering the minimum community size required for exemption from 200 units to 150 units or to any "grandfather" clause. It has been noted above that the 200 size coincides well with the 3.3 to 1 ratio and the 60 bed unit size. Such a ratio with 150 units would equal 45 long-term care beds which is an inefficient size and would probably limit the sponsor's flexibility in admitting spouses. On the other hand, 150 units and an efficiently sized long-term care unit (60 beds) equals a 2.5 to 1 ratio, thus providing more beds than is necessary to serve the continuing care community. This would lead sponsors to take patients from the general population – but such sponsors would then be exempt from the Certificate of Need requirements which regulate other providers which seek to serve the general population.

Finally, the Department sees no need to include a "grandfather" clause in the regulation. Such clauses are usually very difficult to administer and require an inordinate amount of staff time (both Department of Health and the Attorney General's Office) to monitor and implement.

COMMENT:

Both the PHNJ and the NJHFA questioned 8:33H-3.3(a)5ii which requires that within five years of occupancy of the first residential unit, at least 90 percent of the occupants of the long-term care facility be drawn exclusively from the sponsoring continuing care community. The PHNJ suggested changing the 90 percent to 70 percent while the NJHFA noted that "if community residents are admitted into 240 residential units in good health, they cannot be expected to fully occupy a 60-bed nursing facility until sometime between the 5th and 12th year of operation."

RESPONSE:

Since the Department has previously recommended changing the ratio of residential units to beds from 5 to 1 to 3.3 to 1, it agrees that the lesser number of residents this implies may make the 90 percent figure difficult, if not impossible, to reach.

Thus, the Department recommends changing the 90 percent figure in the proposed N.J.A.C. 8:33H-3.3(a)5ii to 70 percent.

COMMENT:

Both the DHS and the NJHFA questioned the requirement in 8:33H-3.3(a)5iii which states that "patients occupying a bed in the long-term care facility who did not originally come from the continuing care community are allowed to remain as long as their need exists, regardless of the number of residents who are waiting for long-term care services."

The DHS is "concerned about residents not being able to get care when their contracts include it." The NJHFA notes that "managers usually accept patients from outside the community during these initial years. When demand from the community reaches the point where the health-care unit is filled to capacity, no responsible manager would automatically transfer existing patients to another location. The community's commitment to residents, however, requires managers to cope with the prospect of patient overflow. They must have the freedom to take appropriate action. Regulations that inhibit reasonable decisions can only have a negative impact on all residents, including patients from outside the community."

RESPONSE:

The Department believes this proposed rule should remain intact. The entire proposed regulation exempts continuing care communities from most Certificate of Need criteria if they meet certain conditions. One of these conditions is that if they accept long-term care patients from the general population, they must keep them as long as their need for a long-term care bed exists. This does not appear to be an onerous condition in exchange for such

Certificate of Need exemptions. It is difficult to see how this proposed rule "inhibits reasonable decisions" if it is true that "no responsible manager would automatically transfer existing patients to another location."

COMMENT:

The CJHPC recommends "that from the date of CON approval, the life care community population be factored out by NJDH from the LTC population base. Should the community revert to an open market residential operation, then the population could be added back in."

RESPONSE:

Insofar as possible, the Department will comply with the intent of this comment. However, the Department believes it does not require an amendment to the proposal.

COMMENT:

All commentators indicated that the proposed regulations are "well-founded", "move in the right direction", and are "consistent" with current long-term care planning efforts.

RESPONSE:

The Department agrees that continuing care communities will serve as a resource to care for the State's expanding elderly population.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks *thus*, deletions from proposal shown in brackets with asterisks *[thus]*).

8:33H-3.3 Expansion and new construction

(a) Standards are as follows.

1.-4. (No change from proposal.)

5. Standard III-~~04~~* ***05***, Continuing care or life care communities/facilities: Such communities/facilities are defined as those that combine independent living accommodations for the elderly with social and health care services, including nursing and medical care, through an agreement to provide continuing care for the term of a contract, most frequently for the duration of a resident's life, in return for an entrance fee or periodic payments or both. Those communities/facilities seeking Certificate of Need approval to construct an on-site long-term care facility, which meet the above definition and contain a minimum of 200 residential units, may apply for exemption from the long-term care bed need, utilization criteria and batching cycle requirements, and instead be included in the Certificate of Need administrative review process, by submitting all of the following required documentation with the application:

i. The ratio of residential units to long-term care beds is not less than ~~*[5]*~~ ***3.3*** to 1.

ii. Within five years of occupancy of the first residential unit, at least ~~*[90]*~~ ***70*** percent of the occupants of the long-term care facility will be drawn exclusively from the sponsoring continuing care community.

iii.-v. (No change from proposal)

(b) (No change from proposal.)

(a)

**DIVISION OF HEALTH FACILITIES
EVALUATION**

**Interim Regulations for Abortion Facilities
Receiving Temporary Licensure**

Adopted Repeal: N.J.A.C. 8:40

Proposed: March 7, 1983 at 15 N.J.R. 308(a).

Adopted: March 19, 1983 by J. Richard Goldstein, M.D.,
Commissioner, Department of Health (with approval
of Health Care Administration Board).
Filed: May 23, 1983 as R.1983 d.202, **without change**.

Authority: N.J.S.A. 26:2H-1 et seq.

Effective Date: June 6, 1983.

Summary of Public Comments and Agency Responses:
No comments received.

(a)

DIVISION OF HEALTH FACILITIES EVALUATION

Standards for Licensure of Residential Health Care Facilities Personal Needs Allowance

Adopted Amendment: N.J.A.C. 8:43-4.13

Proposed: March 7, 1983 at 15 N.J.R. 309(a).
Adopted: May 19, 1983 by J. Richard Goldstein, M.D.,
Commissioner, Department of Health (with approval
of Health Care Administration Board).
Filed: May 23, 1983 as R.1983 d.204, **without change**.

Authority: N.J.S.A. 26:2H-1 et seq.

Effective Date: June 6, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
May 8, 1985.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

DIVISION OF HEALTH FACILITIES EVALUATION

Standards for Licensure of Hospital Facilities Early Detection of Biochemical Disorders

Adopted Amendment: N.J.A.C. 8:43B-8.3

Proposed: March 7, 1983 at 15 N.J.R. 311(a).
Adopted: May 19, 1983 by J. Richard Goldstein, M.D.,
Commissioner, Department of Health (with approval
of Health Care Administration Board).
Filed: May 23, 1983 as R.1983 d.203, **without change**.

Authority: N.J.S.A. 26:2H-1 et seq.

Effective Date: June 6, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
March 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(c)

DIVISION OF HEALTH FACILITIES EVALUATION

Non-Residential Medical Day Care Facilities Medical Requirements and Patient Service

Adopted Amendments: N.J.A.C. 8:43F-4.3 and 4.20

Proposed: March 7, 1983 at 15 N.J.R. 312(a).
Adopted: May 19, 1983 by J. Richard Goldstein, M.D.,
Commissioner, Department of Health (with approval
of Health Care Administration Board).
Filed: May 23, 1983 as R.1983 d.208, **without change**.

Authority: N.J.S.A. 26:2H-1 et seq.

Effective Date: June 6, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
January 2, 1985.

Summary of Public Comments and Agency Responses:

The Department received one comment from another State
agency (Division of Medical Assistance and Health Services,
Department of Human Services) indicating support for the adoption
of these amendments. Since the comment indicated support of the
proposed amendments, the Department made no change in these
amendments.

(d)

CONSUMER HEALTH SERVICES

Prescriptions for Controlled Substances Manner of Issuance of Prescriptions

Adopted Amendment: N.J.A.C. 8:65-7.5

Proposed: February 7, 1983 at 15 N.J.R. 125(a).
Adopted: May 17, 1983 by J. Richard Goldstein, M.D.,
Commissioner, Department of Health.
Filed: May 23, 1983 as R.1983 d.193, **with technical
changes** not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 24:21-9 and 24:21-15.

Effective Date: June 6, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
November 1, 1983.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the changes between proposal and adoption follows
(additions to proposal shown in boldface with asterisks ***thus***;
deletions from proposal shown in brackets with asterisks *[thus]*).

[8:6-7.5] *8:65-7.5* Manner of issuance of prescriptions

(a)

CONSUMER HEALTH SERVICES

Controlled Dangerous Substances Schedule V; Loperamide

Adopted Amendment: N.J.A.C. 8:65-10.5

Proposed: February 7, 1983 at 15 N.J.R. 126(a).
Adopted: May 10, 1983 by J. Richard Goldstein, M.D.,
Commissioner, Department of Health.
Filed: May 11, 1983 as R.1983 d.171, **without change**.

Authority: N.J.S.A. 24:21-3 and 24:21-9.

Effective Date: June 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
Exempt pursuant to N.J.S.A. 24:21-3.

Summary of Public Comments and Agency Responses:
No comments received.

HIGHER EDUCATION

(b)

EDUCATIONAL OPPORTUNITY FUND BOARD

Financial Aid Guidelines Undergraduate Grants; Graduate Grants

Adopted Amendments: N.J.A.C. 9:11-1.5 and 1.16

Proposed: February 22, 1983 at 15 N.J.R. 206(b).
Adopted: May 5, 1983 by Educational Opportunity Fund
Board, T. Edward Hollander, Chancellor.
Filed: May 10, 1983 as R.1983 d.170, **without change**.

Authority: N.J.S.A. 18:71-33 and N.J.S.A. 18A:71-36.

Effective Date: June 6, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
June 7, 1983.

Summary of Public Comments and Agency Responses:
No comments received.

(c)

COMMISSIONER

Organizational Rule Public Comments and Petitions Regarding Department Rules

Adopted New Rule: N.J.A.C. 10:1-2

Adopted: May 5, 1983 by George J. Albanese,
Commissioner, Department of Human Services.
Filed: May 6, 1983 as R.1983 d.165.

Authority: N.J.S.A. 30:1-12, N.J.S.A. 52:14B-(f), and
N.J.S.A. 52:14B-4(b) (exempt (organizational rule)).

Effective Date: May 6, 1983.
Expiration Date pursuant to Executive Order 66(1978):
May 6, 1988.

Summary

George J. Albanese, Commissioner, Department of Human Services, hereby adopts, as a rule, a statement providing notice of the public's opportunity to submit comments and to petition the Department regarding its rules and regulations.

The rule is intended to inform the public of the Department's ongoing regulatory review and to invite public comments relating thereto specifically in accord with the Commissioner's initiative and the Governor's Executive Order No. 66(1978) pursuant to which all Department rules and regulations are reviewed on an ongoing basis as to which, if any, may not be necessary, adequate, reasonable, efficient, understandable or responsive to the intended purpose. The rule also reiterates the current practice with regard to public comments on pre-proposals or proposed rules and specifically invites such public participation in our rule making process. Finally, in accord with the New Jersey Administrative Procedure Act as amended (N.J.S.A. 52:14B-4(f)), this rule sets forth the procedure for the submission of public petitions regarding Department rulemaking and prescribes the form for such petitions.

This organizational rule is exempt from the notice and hearing requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and became effective upon filing on May 6, 1983 as R.1983 d.165 (see N.J.S.A. 52:14B-4(b)).

Social Impact

There should be a positive social impact, since the rule should lead to increased public participation concerning the Department's rules and regulations.

Economic Impact

There will be no additional economic impact either to the public, the Department or any State agency as a result of this rule which provides public notice of existing policy and procedure.

Full text of the adopted new rule follows.

ADOPTIONS

CHAPTER 1 DEPARTMENT OF HUMAN SERVICES ORGANIZATION AND PUBLIC NOTICE

SUBCHAPTER 1. (RESERVED)

SUBCHAPTER 2. PUBLIC COMMENTS AND PETITIONS REGARDING DEPARTMENT RULES

10:1-2.1 Public comments regarding existing rules

(a) The Department of Human Services hereby gives public notice of its on-going regulatory review and invites public comments regarding all Department rules and regulations (N.J.A.C. Title 10).

(b) Public comments are specifically sought regarding existing Department rules and regulations which may be perceived as being not necessary, adequate, reasonable, efficient, understandable or responsive to the purposes for which they were promulgated.

(c) Public comments regarding existing rules should be submitted in writing and addressed to:

Office of Intergovernmental
Relations
Department of Human Services
222 South Warren Street
CN 700
Trenton, NJ 08625

10:1-2.2 Public comments regarding pre-proposals or proposed rules

(a) The Department of Human Services invites the public to utilize the opportunity to be heard during the official 30 day comment period following publication of a notice of pre-proposal or proposal in the New Jersey Register.

(b) In accord with the New Jersey Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.) and the Office of Administrative Law Rules for Agency Rulemaking (N.J.A.C. 1:30 et seq.) the public may submit in writing, data, views or arguments relevant to the public notice of pre-proposal or proposal addressed to the name and unit specified in the notice.

10:1-2.3 Public petitions regarding Department rulemaking

(a) An interested person may petition for the promulgation, amendment or repeal of any rule of the Department of Human Services. A petition shall be in writing, shall be legible and intelligible and shall be signed by the petitioner.

(b) A petition shall contain the following information:

1. The full name and address of the petitioner;
2. The substance or nature of the rulemaking which is requested;
3. The reasons for the request;
4. The petitioner's interest in the request, including any relevant organization affiliation or economic interest;
5. The statutory authority, if known, under which the Department may take the requested action; and
6. Existing Federal or State law and regulation which the petitioner believes may be pertinent to the request.

(c) Petitions for the promulgation, amendment or repeal of a rule by the Department of Human Services shall be addressed to:

Office of Intergovernmental
Relations
Department of Human Services
222 South Warren Street
CN 700
Trenton, NJ 08625

(d) Any material submitted to the Department that is not in substantial compliance with these rules shall not be deemed to be a petition for rulemaking requiring further agency action pursuant to this subchapter and N.J.S.A. 52:14B-4(f).

10:1-2.4 Department action upon receipt of petition

(a) Upon receipt by the Office of Intergovernmental Relations of a petition for rulemaking, the following shall occur:

1. The petition shall be date stamped and logged;
2. The petition shall be referred to the relevant division or handled at the Department level as appropriate;

3. A notice of petition shall be prepared and filed with the Office of Administrative Law in compliance with N.J.A.C. 1:30-3.6(a).

(b) Within 30 days following receipt of the petition for rulemaking, the Department shall mail to the petitioner and file with the Office of Administrative Law for publication in the New Jersey Register, a notice of action on the petition which shall contain the information prescribed by N.J.A.C. 1:30-3.6(b).

(c) The Department's action on a petition may include in accord with N.J.A.C. 1:30-3.6(b).

1. Denying the petition;
2. Filing a notice of proposed rule or a notice of pre-proposal with the Office of Administrative Law; or
3. Referring the matter for further deliberations, the nature of which shall conclude upon a specified date. The results of the further deliberations shall be mailed to petitioner and submitted to the Office of Administrative Law for publication in the New Jersey Register.

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Long Term Care Services Manual Billing Procedures

Readoption: N.J.A.C. 10:63-2

Proposed: March 21, 1983 at 15 N.J.R. 421(a).

Adopted: May 16, 1983 by George J. Albanese,
Commissioner, Department of Human Services.

Filed: May 18, 1983 as R.1983 d.182, **without change**.

Authority: N.J.S.A. 30:4D-6a(4)(a), 6b(13)(14) and 4D-7 and 7b.

Effective Date: May 18, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
May 18, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

DIVISION OF PUBLIC WELFARE

Medicaid Only Manual Excludable Resources and Income

Adopted Amendments: N.J.A.C. 10:94-4.4 and 5.3

Proposed: March 21, 1983 at 15 N.J.R. 422(a).

Adopted: May 6, 1983 by George J. Albanese,
Commissioner, Department of Human Services.

Filed: May 10, 1983 as R.1983 d.167, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:7-87.

Effective Date: June 6, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
August 23, 1983.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

10:94-4.4 Excludable resources

(a) (No change from proposal.)
(b) Identification of excludable resources: The following resources shall be classified as excludable:

1.-8. (No change from proposal.)

9. (No change from proposal.)

i. (No change from proposal.)

ii. (No change from proposal.)

(I) (No change from proposal.)

(A) (No change from proposal.)

(B) In order for burial funds to be excluded, the funds must be separately identifiable (that is, not *[commingled]*** ***commingled*** with other funds or assets which are not set aside for burial). Additionally, the funds must be already designated as set aside for burial. If the funds are not so designated, the funds may be excluded if the individual attests in writing, that he or she intends to use the funds for his or her burial and agrees to submit within 30 days, documentary evidence that the funds have been designated as set aside for burial.**

(C) (No change from proposal.)

(a)

DIVISION OF YOUTH AND FAMILY SERVICES

Child Care

Manual of Standards for Child Care Centers for Children from 2 1/2 through Five Years of Age

Adopted Amendments: N.J.A.C. 10:122-1.1,

1.2, 1.3, 2.1, 2.2, 2.4, 2.5, 2.6, 3.1, 3.2, 3.3, 4.4, 4.6, 5.1, 5.2, 5.3, 5.4, 6.1, 6.3, 6.4, 6.8, 6.9, 7.1, 7.2, 7.6 and 7.7

Adopted Repeal: N.J.A.C. 10:122-3.4, 3.5, 3.6, 6.2, 6.5, 6.6 and 6.7

Adopted New Rules: N.J.A.C. 10:122-3.4, 6.2, 6.5, 6.6 and 6.7

Proposed: February 22, 1983 at 15 N.J.R. 214(a).

Adopted: May 16, 1983 by Department of Human Services,
George J. Albanese, Commissioner.

Filed: May 17, 1983 as R.1983 d.179, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 18A:70-1 to 9.

Effective Date: June 6, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
July 11, 1985.

Summary of Public Comments and Agency Responses:
No comments received.

Summary of changes between proposal and adoption follows:

Portions of N.J.A.C. 10:122-5.3 and 6.6 were excluded inadvertently from the proposal as it was published in the February 22, 1983 edition of the New Jersey Register. Since there were no changes in subparagraphs iii and iv of N.J.A.C. 10:122-5.3(a)1 as well as in paragraphs 5-10 of N.J.A.C. 10:122-6.6(b), they were to have been shown as "no change" in the proposal, consistent with OAL practice and procedure. Therefore the numbering at N.J.A.C. 10:122-5.3(a)1ii-iv and 6.6(b)5-10, which should have appeared in the proposal and been designated as "no change", is included in these adopted rules, thus indicating no revision of the rules previously in effect.

The remaining changes are purely technical in nature.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

10:122-4.6 Staff/child ratios

(a)-(c) (No change from proposal.)

(d) The following staff/child ratios shall apply for each program category listed below:

1. Pre-school and drop-in programs:

[i.] 2 1/2 year olds 10 children 1 staff member

[ii.] 3 year olds 10 children 1 staff member

[iii.] 4 year olds 15 children 1 staff member

[iv.] **5 year olds** 15 children 1 staff member

2. Night care programs:

[i.] 2 1/2 year olds 8 children 1 staff member

[ii.] 3 year olds 8 children 1 staff member

[iii.] 4 year olds 12 children 1 staff member

[iv.] **5 year olds** 15 children 1 staff member

3. (No change from proposal.)

10:122-5.3 Additional life/safety requirements for centers in existence before January 1, 1977

(a) (No change from proposal.)

1. Exit requirements: Doors, stairways, fire escapes and corridors used for exits shall be unobstructed and maintained as follows:

i. (No change from proposal.)

ii. ***-iv.*** (No change.)

10:122-6.3 Food and nutrition

(a) (No change from proposal.)

(b) Nutrition requirements:

1.-2. (No change from proposal.)

3. Content of meals:

i. Breakfast shall consist of:

(1)-(2) (No change from proposal.)

(3) A serving of enriched or whole grain ***[bred]*** ***bread***, a bread product or cereal.

ii. (No change from proposal.)

4.-6. (No change from proposal.)

(c) Furniture: furniture appropriate to the maturity of the children shall be provided at mealtime, including:

1. Feeding chairs that have a wide sturdy base and safety straps ***[.]*** [Children shall be placed in feeding chairs only for meals]; and and

2. (No change from proposal.)

10:122-6.4 Rest and sleep

(a)-(b) (No change from proposal.)

(c) Other requirements:

1. (No change from proposal.)

i.-ii. (No change from proposal.)

iii. Be stored ***[separately]*** ***separately***; and

iv. (No change from proposal.)

2.-9. (No change from proposal.)

10:122-6.5 Enrollment and space

(a)-(d) (No change from proposal.)

(e) Space requirements for *[playrooms]* ***play rooms*/**
[sleeprooms]* ***sleep rooms***:

1.-3. (No change from proposal.)

(f)-(j) (No change from proposal.)

10:122-6.[5]6 Activities

(a) (No change from proposal.)

(b) Pre-school, drop-in and special needs programs: The center shall include in its program a minimum of five activities from those listed below.

1.-4. (No change from proposal.)

5.-10. (No change.)

(c)-(d) (No change from proposal.)

OFFICE OF ADMINISTRATIVE LAW NOTE: See proposed amendments to this chapter (N.J.A.C. 10:122) at 15 N.J.R. 850(a); this Register.

INSURANCE

(a)

DIVISION OF ADMINISTRATION

Automobile Insurance

Nonrenewal of Automobile Insurance Policies for Private Passenger Cars

Adopted Amendment: N.J.A.C. 11:3-8

Proposed: February 22, 1983 at 15 N.J.R. 231(a).

Adopted: May 19, 1983 by Joseph F. Murphy,
Commissioner, Department of Insurance.

Filed: May 23, 1983 as R.1983 d.190, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:22-6.14a1, 2, and 3, 39:6A-3 and 39:6A-19.

Effective Date: June 6, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
June 6, 1988.

Summary of Public Comments and Agency Responses:

The Department received several comments concerning the proposed amendments to N.J.A.C. 11:3-8 from insurers and industry trade organizations. Some of the writers also offered general observations concerning the rule or requested clarification regarding specific provisions.

Besides objecting to the proposed tightening of some requirements, several writers questioned, in general, the advisability of continuing to regulate nonrenewal activity in the present manner. In view of the voluntary market situation in New Jersey and the recent enactment of legislation which replaces the New Jersey Automobile Insurance Plan (NJAIIP) with the New Jersey Automobile Full Insurance Underwriting Association (NJAFIUA), it was suggested that public policy might be better served by a relaxation of the nonrenewal rules rather than an

expansion. While designed to preserve the voluntary automobile market and inhibit the growth of the residual market, N.J.A.C. 11:3-8 had, these writers argued, accomplished the opposite. The continuation and expansion of its requirements would have an adverse impact on the voluntary market at a time when efforts to depopulate the residual market are being initiated.

In conjunction with these arguments, some writers urged that the rule be revised, based upon the format provided by the Model Insurance Declination, Termination and Disclosure Act adopted by the National Association of Insurance Commissioners. Rather than detailing acceptable reasons for nonrenewal, this model rule simply proscribes any nonrenewal based upon race, religion, nationality, age, marital status, or certain other criteria traditionally viewed as unfairly discriminatory. Coupled with this less restrictive approach, it was recommended that the number of nonrenewals permitted to an insurer annually be limited to a fixed percentage (five percent) of its total number of in-force policies in each rating territory. This "capping" mechanism, which is similar to a procedure in use in New York, would be limited to the first two years of operation of the NJAFIUA and would serve to minimize market dislocation during the transitional period.

The Department recognizes the cautionary effect of any rule which restricts an insurer's ability to selectively terminate risks. In our view, however, these commenters have overstated the impact of this rule on the automobile insurance market in New Jersey. The lack of an adequate voluntary market and the resultant growth of the residual market have been the apparent consequence of various interrelated factors, including inflation, rate levels and the procedures used for the distribution of risks in the Automobile Insurance Plan and cannot be ascribed primarily to this rule.

At the same time, the Department understands the concerns expressed by industry representatives regarding the desirability of greater flexibility in the underwriting of automobile policies, particularly in view of the advent of the NJAFIUA. The Department also acknowledges the representations of the commenters that greater flexibility in this area will serve to foster efforts to depopulate the residual market.

While the Department continues to believe that N.J.A.C. 11:3-8 provides a viable framework for the regulation of nonrenewals, the Department will give further consideration to the suggestions noted above for revising the rule. However, since these proposals represent a considerable departure from the present method of regulating nonrenewals, the Department believes it is appropriate to conduct any further review as a matter separate and apart from this rule-making proceeding.

Comments or questions concerning existing provisions of the rule included the following:

1. One insurer objected to the requirements set forth in 11:3-8.2(a) regarding the duration of policy term applicable to renewal policies. Since its inception in 1973, N.J.A.C. 11:3-8 has mandated that a renewal policy offer the same limits and terms as the existing policy, subject to changes approved by the Commissioner. The specific language to which this insurer has objected was incorporated into N.J.A.C. 11:3-8 in 1977 to clarify that the word "term" includes policy period. That amendment also specified that an insurer must permit existing policyholders to return to their prior duration of contract upon request.

The insurer argued that applicable New Jersey statutes (N.J.S.A. 17:29C-1 et seq.) do not specify that the term of a renewal policy be for a time period identical to the expiring policy. The insurer also complained that maintenance of a system providing for both six-month and one-year renewals is costly and inefficient.

The concerns expressed by the insurer regarding this provision are essentially outside the scope of the present amendatory process. The Department does not wish to further delay the adoption and implementation of the proposed amendments to N.J.A.C. 11:3-8. The issues raised concerning this provision will be considered as a separate matter.

2. One commenter questioned the level of detail necessary to

assure compliance with the informational standards for notices of nonrenewal set forth at N.J.A.C. 11:3-8.2(b)1. The Department believes that these notice standards, which include disclosure of the facts supporting nonrenewal and dates of relevant occurrences, are reasonable and relatively straightforward. This rule has been in effect for several years and it would not appear that achieving compliance has caused inordinate problems for insurers. At this time it would not appear that more detailed specifications are necessary.

3. Some commenters suggested that N.J.A.C. 11:3-8.3 (a)2iii, which excepts from consideration in nonrenewals those accidents in which reimbursement or a judgment has been obtained, be modified so that a partial reimbursement renders the exception invalid. Because of the comparative negligence statute (N.J.S.A. 2A:15-5.1), an individual might be significantly at fault in an accident and yet be partially reimbursed by the other party.

It is evident that such a revision would limit the applicability of this exception and, accordingly, could result in a substantial increase in the number of insureds nonrenewed pursuant to this provision. Further, the comparative negligence law permits an individual to recover damages for negligence so long as his negligence was not greater than the negligence of the person against whom recovery is sought. Thus, while partial reimbursement under this law may reflect nearly 50 percent negligence, such reimbursements may also indicate only 20 percent or even 10 percent at-fault involvement on the part of an individual. For these reasons, the Department believes that accidents involving comparative negligence should be reviewed on an individual basis rather than be subject to the suggested blanket requirement of full reimbursement.

The proposed amendment to N.J.A.C. 11:3-8.1 (Scope) extends the requirements of this subchapter to all policies or contracts of insurance insuring automobiles as specified therein. Some commenters questioned the Department's right, absent a specific grant of authority from the Legislature, to extend this rule to coverages other than those statutorily mandated (such as personal injury protection coverage) and, in particular, to policies providing only non-mandated coverages, such as physical damage.

The Commissioner's authority to regulate the nonrenewal of automobile coverages is not grounded solely in the No-Fault Act. N.J.S.A. 17:22-6.14a1 and 2 require all property and casualty insurers to maintain underwriting guidelines which are not arbitrary, capricious or unfairly discriminatory and to file copies of such guidelines with the Department upon request. Further, when issuing a nonrenewal for failure to meet current underwriting standards the insurer must identify the standard upon which the nonrenewal is based and the specific facts pertaining thereto.

There can be little question that these statutes authorize the Commissioner to review an insurer's underwriting guidelines for compliance with the statute and to ascertain whether a particular nonrenewal is premised upon such guidelines. With respect to automobile coverages, N.J.A.C. 11:3-8.1 et seq. does no more than provide a mechanism for the implementation of the statute. The proposed amendment extending the rule to policies providing only physical damage coverages, therefore, represents a proper exercise of the Commissioner's authority.

Also with respect to scope, the Governing Committee of the NJAIP requested clarification as to whether N.J.A.C. 11:3-8 is intended to apply only to policies issued through the voluntary market or to AIP policies as well. It has been the long-standing position of the Department that N.J.A.C. 11:3-8 is not applicable to automobile policies written through the NJAIP. Renewal obligations for such policies are contained in the rules of the Plan. In order to clarify same, appropriate amendatory language has been incorporated under N.J.A.C. 11:3-8.1.

Several comments focused on the proposed increase in the dollar threshold set forth in N.J.A.C. 11:3-8.3(a)1ii from \$200.00 to \$400.00. Some writers objected to the use of any threshold figure arguing that insurers need to know about every accident in which

an insured is involved in order to properly evaluate whether to continue coverage. Use of a dollar threshold eliminates insurer access to this necessary information. Most commenters, however, requested that the dollar threshold in this rule be fixed at \$300.00 for consistency with the property damage accident surcharge threshold set forth in the recently enacted New Jersey Automobile Insurance Reform Act of 1982 (P.L. 1983, c.65).

The Department agrees that an insurer needs complete accident information in order to properly perform its underwriting evaluation. The proposed increase in the dollar threshold, or, for that matter, the use of any threshold figure, does not obstruct an insurer's access to such information. The use of a dollar threshold does, however, serve to ensure that an individual will not be deprived of voluntary coverage as a result of minor accidents. In consideration of the comments, the adopted rule uses a threshold of \$300.00.

Several writers objected to the proposed elimination of loss reserves for bodily injury or property damage claims as a specified basis for nonrenewal. One writer recommended, in particular, that the Department continue to permit insurers to consider loss reserves on bodily injury claims or, in the alternative, permit consideration of such reserves provided a loss payment has been made for at least one of the bodily injury accidents. The arguments advanced included the following: (1) in serious liability claims, particularly those involving litigation, a claim may not be paid within the 36 months allowed for underwriting action; (2) because a policyholder might not receive notice of nonrenewal until a year or two after the triggering occurrence, consumer complaints will increase; and (3) insurers may experience difficulty in ascertaining whether a claim payment had been made for an accident occurring while their policyholder was insured by another carrier.

With respect to accidents covered by a prior insurer, it should be noted that under the existing rule the current insurer must determine whether the prior carrier had established a loss reserve. While perhaps somewhat more difficult, determining whether a claim payment had been made would seem to be a comparable and not unreasonable obligation.

The Department does, however, recognize that serious liability claims, particularly bodily injury claims, may take months to settle and that the lack of a claim payment may reflect a dispute over the amount of loss rather than liability. It is also recognized that such claims may not be resolved within the 36-month period permitted in the rule. In response to these comments, the rule, as adopted, will continue to permit insurers to consider loss reserves for bodily injury claims as a basis for nonrenewal.

Two writers expressed concern regarding proposed revisions to N.J.A.C. 11:3-8.3(a) relating to customary operators. These amendments were interpreted as eliminating, for purposes of nonrenewal, accident involvement by a resident of the household who is not a "customary" operator of the insured automobile. Because New Jersey's PIP endorsement requires payment on a primary basis by all policies in the household, an otherwise acceptable exposure may be undesirable because of a household resident with his own insurance. It was accordingly suggested that the language pertaining to residents in the household be restored to the rule.

These commenters also suggested that N.J.A.C. 11:3-8.3 (a)2i (which excepts PIP claims from consideration in nonrenewals) be amended to clarify that liability claims of residents' policies make this exception invalid. A narrow reading of the provision, it was argued, indicates that the exception is valid even though liability payments are made under the policy of the resident operator but not of the insured.

The language of the existing rule pertaining to at-fault accidents specifies that the occurrence must involve "the named insured or any operator of an automobile resident in the same household who **customarily** operates the automobile or any other operator who **customarily** operates the automobile..." (emphasis added). As is apparent, the rule is premised upon accident involvement by the

named insured or a customary operator of the insured vehicle whether or not such operator resides in the same household. The amendatory language proposed by the Department merely simplifies the rule's wording and has, accordingly, been adopted without modification.

Commenters on N.J.A.C. 11:3-8.3(a)6, which concerns nonrenewal for physical or mental impairment, felt that the rule should place an affirmative obligation on insureds to cooperate with an insurer's request for medical information or examination. A failure to so cooperate should provide an appropriate basis for nonrenewal. In addition, one writer requested clarification of the term, "current medical examination."

The existing rule provides an insurer with a basic right to terminate coverage because of an insured's failure to cooperate in furnishing relevant medical information. Pursuant to N.J.A.C. 11:3-8.3(a)7, a nonrenewal may be premised upon the insured's refusal to submit to a medical examination at company expense.

With respect to the term, "current medical examination," it is evident that any such examination used for nonrenewal purposes must provide the insurer with an accurate reflection of the insured's present condition. We do not believe that it is necessary or perhaps even practical to prescribe a more specific standard, such as requiring that the examination take place no more than three months prior to issuance of the notice. Nevertheless, the Department feels that any question as to whether an examination report provides a "current" status should be resolved by the insurer pursuant to the procedures outlined in N.J.A.C. 11:3-8.3(a)6i.

Some commenters complained that the proposed amendments to N.J.A.C. 11:3-8.3(a)11i improperly place upon the insurer a duty to determine whether a terminated agent has replaced coverage in the voluntary market, and, if so, whether the replacing carrier is in compliance with the rating law. It was felt that such obligations impose upon insurers additional administrative burdens and costs and negate the purpose of the provision.

The rule in question provides that the failure of a terminated agent to request renewal pursuant to N.J.S.A. 17:22-6.14a shall be treated as a "producer's request not to renew" as set forth in the preceding paragraph (N.J.A.C. 11:3-8.3(a)11) and shall be subject to the requirements outlined therein. The Department's proposed amendment to this provision was intended to clarify that the failure of a terminated agent to request renewal should be indicative of a replacement of coverage in the voluntary, rather than residual market. However, in view of the apparent ambiguities created by the proposed revision, the Department has deleted this amendment from the adopted rule.

Finally, some commenters suggested N.J.A.C. 11:3-8.3(b), which concerns nonrenewals submitted to the Commissioner for special consideration, be amended to include a deemer provision. Under a deemer provision, an insurer would be allowed to issue a nonrenewal provided no action had been taken by the Commissioner within 30 days of submission of the insurer's request for permission to nonrenew.

The Department receives relatively few requests from insurers for permission to nonrenew policies for reasons other than those set forth in the rule. Under the existing system, insurers have the benefit of receiving a specific response to their inquiry. This procedure also serves to ensure that no policyholder will be inappropriately terminated as a result of clerical error or other contingency. Under the circumstances, the Department does not believe that incorporation of a deemer provision is necessary at this time.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks *[thus]*).

11:3-8.1 Scope

This subchapter applies to all automobiles as defined in N.J.S.A. 39:6A-2a, excluding those owned by business entities

and fleets *or insured through any statutory mandated residual market mechanism*, and to all policies or contracts of insurance insuring such automobiles.

11:3-8.3 Reasons for nonrenewal

(a) An insurer may issue notice of nonrenewal based upon one or more of the following reasons:

i. Accident involvement: The named insured or any operator [of an automobile resident in the same household] who customarily operates the automobile [or any other operator who customarily operates the automobile] has been involved during the 36 months period ended 90 days prior to the expiration of the current policy in:

i. More than one bodily injury accident if there is one car in the household or an average of more than one accident for all cars in the household, provided a loss payment has been made ***[]*** or a loss reserve has been established ***[]*** for such accidents other than a payment ***[]*** or reserve ***[]*** for the personal injury protection benefits; or

ii. More than one accident involving damage to any property including his own of [\$200.00] ***\$400.00*** ***\$300.00*** or more for which accident a payment was made [or a loss reserve was established] if there is one car in the household, or an average of more than one such accident for all cars in the household, provided that loss payments [or reserves] under the comprehensive physical damage coverage shall not be counted; or

iii.-iv. (No change from proposal.)

2.-11. (No change from proposal.)

[(f)] i. Failure by a terminated agent to request renewal during the period of nine months from the effective date of termination as provided in N.J.S.A. 17:22-6.14(a) shall be construed as request not to renew in the context of this [regulation] subchapter * [provided the terminated agent has replaced the coverage at approved rates in the voluntary market with an admitted carrier]*.

(b) (No change from proposal.)

TRANSPORTATION

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Route 70

Adopted Amendment: N.J.A.C. 16:28A-1.37

Proposed: March 21, 1983 at 15 N.J.R. 426(a).

Adopted: May 4, 1983 by David W. Gwynn, Chief

Engineer, Transportation Operations & Local Aid.

Filed: May 11, 1983 as R.1983 d.172, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-139.

Effective Date: June 6, 1983.

Expiration Date pursuant to Executive Order No. 66(1978): August 1, 1983.

Summary of Public Comments and Agency Responses:
No comments received.

(a)

TRANSPORTATION OPERATIONS

Turn
Route US 206

Adopted Amendment: N.J.A.C. 16:31-1.1

Proposed: March 21, 1983 at 15 N.J.R. 426(b).
 Adopted: May 4, 1983 by David W. Gwynn, Chief
 Engineer, Transportation Operations & Local Aid.
 Filed: May 11, 1983 as R.1983 d.173, **with technical
 changes** not requiring additional public notice and
 comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-183.6 and
 39:4-199.

Effective Date: June 6, 1983.
 Expiration Date pursuant to Executive Order No. 66(1978):
 August 1, 1983.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the changes between proposal and adoption follows
 (additions to proposal shown in boldface with asterisks ***thus***;
 deletions from proposal shown in brackets with asterisks ***[thus]***).

16:31-1.1 Route US 206

(a)-1. (No change.)

2. "U" turn movements of vehicles over four tons gross weight at
 certain locations in Bordentown Township, Burlington County are
 hereby prohibited as described below:

- i. ***[Northbound:]* *Southbound:***
 (1) From Dunns Mill Road to milepost 33.8.
- ii. ***[Southbound:]* *Northbound:***
 (1) From milepost 33.8 to milepost 35.1.

TREASURY-GENERAL

(b)

DIVISION OF PENSIONS

General Administration
Expiration of Chapter

Readoption: N.J.A.C. 17:1

Proposed: April 4, 1983 at 15 N.J.R. 523(a).
 Adopted: May 16, 1983 by William J. Joseph, Director,
 Division of Pensions.
 Filed: May 16, 1983 as R.1983 d.174, **without change**.

Authority: N.J.S.A. 52:18A-96 et seq.

Effective Date: May 16, 1983.
 Expiration Date pursuant to Executive Order No. 66(1978):
 May 15, 1988.

Summary of Public Comments and Agency Responses:

No comments received.

(c)

DIVISION OF PENSIONS

Teacher's Pension and Annuity Fund
Expiration of Chapter

Readoption: N.J.A.C. 17:3

Proposed: April 4, 1983 at 15 N.J.R. 526(b).
 Adopted: May 16, 1983 by the Board of Trustees, Teachers'
 Pension and Annuity Fund, Mary Conrey, Secretary.
 Filed: May 16, 1983 as R.1983 d.175, **without change**.

Authority: N.J.S.A. 18A:66-56.

Effective Date: May 16, 1983.
 Expiration Date pursuant to Executive Order No. 66(1978):
 May 16, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(d)

DIVISION OF PENSIONS

Prison Officers' Fund
Expiration of Chapter

Readoption: N.J.A.C. 17:7

Proposed: April 4, 1983 at 15 N.J.R. 527(a).
 Adopted: May 16, 1983 by the Prison Officers' Pension
 Fund Commission, Robert C. Parsons, Secretary.
 Filed: May 16, 1983 as R.1983 d.176, **without change**.

Authority: N.J.S.A. 43:7-19.

Effective Date: May 16, 1983.
 Expiration Date pursuant to Executive Order No. 66(1978):
 May 16, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(e)

DIVISION OF PENSIONS

State Health Benefits Program
Expiration of Chapter

Readoption: N.J.A.C. 17:9

Proposed: April 4, 1983 at 15 N.J.R. 529(a).
 Adopted: May 16, 1983 by State Health Benefits
 Commission, William J. Joseph, Secretary.

ADOPTIONS

Filed: May 16, 1983 as R.1983 d.177, **without change**.

Authority: N.J.S.A. 52:14-17.27.

Effective Date: May 16, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
May 16, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(a)

DIVISION OF PENSIONS

Judicial Retirement System Expiration of Chapter

Readoption: N.J.A.C. 17:10

Proposed: April 4, 1983 at 15 N.J.R. 530(a).

Adopted: May 16, 1983 by State House Commission for
the Judicial Retirement System, William J. Joseph,
Secretary.

Filed: May 16, 1983 as R.1983 d.178, **without change**.

Authority: N.J.S.A. 43:6A-29d.

Effective Date: May 16, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
May 16, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

OTHER AGENCIES

(b)

CASINO CONTROL COMMISSION

Applications

Readoption: N.J.A.C. 19:41, with Repeal of Subchapter 5

Proposed: April 4, 1983 at 15 N.J.R. 532(b).

Adopted: May 17, 1983 by Casino Control Commission,
Walter N. Read, Chairman.

Filed: May 17, 1983 as R.1983 d.181, **without change**.

Authority: N.J.S.A. 5:12-63(c), 5:12-69, 5:12-70(a), (b),
(c), and (e), 5:12-92, 5:12-93, 5:12-139, 5:12-141 and
5:12-142.

Effective Date (Chapter): May 17, 1983.

Effective Date (Repeal of Subchapter 5): June 6, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
May 17, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

OTHER AGENCIES

(c)

CASINO CONTROL COMMISSION

Hearings

Readoption: N.J.A.C. 19:42

Proposed: April 4, 1983 at 15 N.J.R. 534(a).

Adopted: May 17, 1983 by Casino Control Commission,
Walter N. Read, Chairman.

Filed: May 17, 1983 as R.1983 d.180, **with a technical
change** not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 5:12-63(a), (b), (c) and (g), 5:12-64,
5:12-66, 5:12-69(a), 5:12-70(d), 5:12-71, 5:12-72,
5:12-80, 5:12-86, 5:12-89, 5:12-90, 5:12-91, 5:12-107
through 5:12-109, 5:12-129; 52:14B-4(a), 52:14B-4(f)
and 52:14B-8.

Effective Date: May 17, 1983.

Expiration Date pursuant to Executive Order 66(1978):
May 17, 1988.

Summary of Public Comments and Agency Responses:

No comments were received concerning this proposal. However,
the Commission has adopted a technical change as part of its
adoption of the proposed readoption of these rules.

Specifically, N.J.A.C. 19:42-2.1(d) has been amended to
incorporate a substantive standard which already exists in the
Casino Control Act (N.J.S.A. 5:12-1 et seq.). This standard,
applicable to all contested cases, is being reproduced in the Code
to further the Commission's efforts to organize its substantive and
procedural hearing provisions into one clear, concise and accessible
body of regulations.

Full text of the changes between proposal and adoption follows
(additions to proposal shown in boldface with asterisks ***thus***).

SUBCHAPTER 2. RULES CONCERNING ALL CONTESTED CASES

19:42-2.1 Rules concerning all contested cases

(a)-(c) (No change from proposal.)

(d) In any contested case held before the commission, a hearing
commissioner or the OAL, the following special rules of evidence
shall apply:

1.-2. (No change from proposal.)

***3. If an applicant, licensee, registrant or person who shall be
qualified pursuant to the Casino Control Act is a party and if
such party shall not testify in his own behalf, he may be called
and examined as if under cross-examination, pursuant to
N.J.S.A. 5:12-107(a)5.***

(a)

CASINO CONTROL COMMISSION**Gaming Equipment
Rules of the Games****Readoption: N.J.A.C. 19:46 and 19:47**

Proposed: March 21, 1983 at 15 N.J.R. 429(b).

Adopted: May 4, 1983 by Casino Control Commission,
Walter N. Read, Chairman.

Filed: May 4, 1983 as R.1983 d.163, **without change**.

Authority: N.J.S.A. 5:12-63(c), 5:12-69, 5:12-70(f) and
(i) and 5:12-100.

Effective Date: May 4, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
May 4, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(b)

CASINO CONTROL COMMISSION**Alcoholic Beverage Control****Readoption: N.J.A.C. 19:50, with amendments
to 1.3 and 1.6 through 1.14**

Proposed: April 4, 1983 at 15 N.J.R. 539(a).

Adopted: May 23, 1983 by Casino Control Commission,
Walter N. Read, Chairman.

Filed: May 23, 1983 as R.1983 d.210, **without change**.

Authority: N.J.S.A. 5:12-70(q) and -103.

Effective Date: For readoption of current text—May 23,
1983; for amendments—June 6, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
May 23, 1988.

Summary of Public Comments and Agency Responses:

A comment was received from Thomas Farrell representing Harrah's Marina Hotel Casino. The comment does not pertain to any of the proposed amendments, but rather suggests an additional amendment. Specifically, the comment proposes that N.J.A.C. 19:50-1.6(s) be amended to allow a Casino Hotel Alcoholic Beverage Licensee to provide an alcoholic beverage other than that which has been ordered when the beverage is provided gratuitously in a casino room. As a basis for this proposal, Marina Associates states that due to the tremendous volume of free drinks served in the casino room it is impossible to provide customers with all brands at all times, and impractical to require the cocktail servers to advise each customer of the specific brands available.

Because this proposal represents a substantial departure from the rules of the Division of Alcoholic Beverage Control, which the Commission is bound to follow unless it finds that the uniqueness

of casino operations and the public interest require a departure therefrom (see N.J.S.A. 5:12-103(d) and (3)), and because additional amendments to the rules relating to Casino Hotel Alcoholic Beverage Control (N.J.A.C. 19:50) will be proposed during the current year, the Commission will consider this comment at a later date after it has had time to more fully research the proposed amendment and its ramifications.

(c)

CASINO CONTROL COMMISSION**Equal Employment Opportunity and
Affirmative Action****Readoption: N.J.A.C. 19:53**

Proposed: March 21, 1983 at 15 N.J.R. 433(a).

Adopted: May 4, 1983 by Casino Control Commission,
Walter N. Read, Chairman.

Filed: May 4, 1983 as R.1983 d.162, **without change**.

Authority: N.J.S.A. 5:12-63(c), 5:12-134 and 5:12-135.

Effective Date: May 4, 1983.

Expiration Date pursuant to Executive Order 66(1978):
May 4, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

EMERGENCY ADOPTIONS

HUMAN SERVICES

(a)

DIVISION OF PUBLIC WELFARE

Public Assistance Manual Application Process, Establishing Program Eligibility for AFDC

Emergency Readoption and Concurrent Proposed Readoption: N.J.A.C. 10:81-2 and 3

Emergency Readoption Adopted: May 4, 1983 by George J. Albanese, Commissioner, Department of Human Services.

Gubernatorial Approval (see N.J.S.A. 52:14B-4(c)) May 17, 1983.

Emergency Readoption Filed: May 20, 1983 as R.1983 d.189.

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Emergency Readoption Effective Date: May 20, 1983.
Emergency Readoption Operative Date: June 8, 1983.
Emergency Readoption Expiration Date: July 19, 1983.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Acting Director
Division of Public Welfare
CN 716
Trenton, NJ 08625

Subchapters 2 and 3 of the Public Assistance Manual were readopted on an emergency basis and became effective upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 52:14B-4(c) as implemented by N.J.A.C. 1:30-4.4). Concurrently, the provisions of this emergency readoption are being proposed for readoption in compliance with the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The readopted rule becomes effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)).

The concurrent proposal is known as PRN 1983-288.

The agency emergency readoption and concurrent proposed readoption follows:

Summary

In accordance with the "sunset" provisions of Executive Order No. 66(1978), the Department of Human Services proposes to readopt subchapters 2 and 3 of N.J.A.C. 10:81. The proposed readoption does not include any changes in current text.

On February 3, 1975, pursuant to authority of N.J.S.A. 44:7-6,

44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, the Department adopted the Public Assistance Manual (N.J.A.C. 10:81-1.1 et seq.), which replaced the Manual of Administration (proposed at 6 N.J.R. 244(a)). An order adopting the manual was filed February 11, 1975, as R. 1975 d.29 and became effective April 15, 1975.

N.J.A.C. 10:81-2 describes briefly the steps followed by the income maintenance worker in determining an applicant's eligibility to receive public assistance. The method of determining eligibility must be consistent with the objective of assisting all eligible persons to qualify. The application process begins with an individual's initial contact with the agency and ends with a decision by the county welfare agency as to eligibility for Aid to Families with Dependent Children (AFDC). Both the applicant and the income maintenance worker have an affirmative responsibility in verifying and documenting eligibility. Verification of facts essential to eligibility is required in all segments (-C, -F and -N) of the AFDC program. Eligibility for AFDC is based upon criteria such as age, relationship, residence in the State and upon other criteria relevant to each segment (N.J.A.C. 10:81-2.6). During the initial contact, it is explained to the client what forms he or she must sign, what programs (services and assistance) he or she may be eligible for, and other pertinent requirements in order to qualify for AFDC. If immediate need is apparent and the applicant appears to be eligible, a grant is issued; if immediate need is not apparent, a grant is issued as soon as eligibility is verified. Subchapter 2 also gives a general explanation as to which applicants/recipients are required to register with the State Employment Service (N.J.A.C. 10:81-3 covers specific details concerning such registration).

Under the Work Incentive (WIN) program the county welfare agency is responsible for referring appropriate AFDC-C and F segment recipients for WIN registration and possible placement in employment or training. The WIN program is detailed in N.J.A.C. 10:81-3 but N.J.A.C. 10:81-2.8 gives an explanation of how an applicant/recipient in AFDC-C and F segments (WIN counties only) is registered for the WIN program (that is, forms used, referral procedures, appointments, etc.).

N.J.A.C. 10:81-3 presents, in detail, AFDC program eligibility factors (many addressed in N.J.A.C. 10:81-2) which must be considered. Such factors include, but are not limited to, the age of children, status of parents, determination of eligibility under one of the three segments, work/training requirements and penalties for failure to comply, residence, deprivation of parental support or care (AFDC-C), determination of incapacity, legally responsible relatives.

There are procedures in N.J.A.C. 10:81-3 relevant to individuals who are slated to be released from an institutional facility (medical, mental, or correctional). These procedures have been established to govern relationships between county welfare agencies and the several State institutions.

To the greatest extent possible, the resources of individuals and families will be used for their maintenance and support. The time and method of liquidation or disposal of such resources frequently influences the amount of public assistance necessary and is, therefore, subject to regulation. N.J.A.C. 10:81-3.37 through 3.41 defines potential resources; deals with assignment and transfer of resources, and provides regulations concerning their liquidation.

The Division of Public Welfare conducted an internal review and evaluation of the rules prior to noticing for readoption. This was done subchapter by subchapter. After such review of the rules, that agency determined the rules to be adequate, reasonable, and responsive to the purposes for which they were promulgated. Moreover, since the effective date of the initial rules, professional

staff of the Division have continually reviewed and recommended to the Department revisions to those rules. Rule analyses have invariably considered comments received from interested persons and organizations. As a result of this continuous review process, the following are significant changes to N.J.A.C. 10:81-2 and 3:

1. N.J.A.C. 10:81-2.7, 3.8, 3.38, 3.40, and 3.42 proposed at 11 N.J.R. 625(a) and adopted at 12 N.J.R. 194(c) concerned the repeal of the Aid to Families of the Working Poor (AFWP) debt to the State and dealt with granting of AFDC-N to Supplemental Security Income (SSI) applicants.

2. N.J.A.C. 10:81-3.41, proposed at 12 N.J.R. 27(a) and adopted at 12 N.J.R. 126(e), limited the recovery of assistance granted on behalf of a child pending settlement of a claim to the difference between the actual grant and the amount of the grant had the child not been included in the eligible unit instead of the child's per capita share of the grant.

3. N.J.A.C. 10:81-2.7 proposed at 12 N.J.R. 703(a) and adopted at 13 N.J.R. 146(b) required that a notice of denial be sent to AFDC-F or N segment recipients whose applications for a determination of incapacity and granting of assistance under the AFDC-C segment resulted in an adverse decision.

4. N.J.A.C. 10:81-2.4, 2.8, 2.17-2.23, 3.5, 3.9, 3.18, 3.19, 3.20, 3.43, and 3.45, emergency adoption and concurrent proposal at 13 N.J.R. 759(a) and readopted at 14 N.J.R. 102(c), was mandated by the Federal Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, enacted August 13, 1981). These revisions denied eligibility for AFDC to individuals or their families during participation in a strike, established a new definition of an unemployed parent and established new work registration requirements.

5. N.J.A.C. 10:81-2.6, 2.17, 2.18, 3.1, 3.5, 3.11, 3.13, and 3.18, proposed at 14 N.J.R. 1078(a) and adopted at 15 N.J.R. 92(a) required that Aid to Families of Dependent Children be limited to children under the age 18 or age 18 if reasonably expected to complete secondary school prior to attaining age 19. The age group category for secondary schooling permitting AFDC payments was therefore reduced from age 21 to age 18.

6. N.J.A.C. 10:81-3.17, emergency adoption and concurrent proposal at 14 N.J.R. 1168(a) and readopted at 14 N.J.R. 1459(b), was required by the Federal Tax Equity and Fiscal Responsibility Act of 1982. This rule precluded AFDC eligibility for families where the sole basis for entitlement was the continued absence of a parent due to military service; the rule also extended Medicaid eligibility to families otherwise losing AFDC eligibility due to rounding of benefits to the next lower whole dollar.

Social Impact

The security and welfare of each individual are essential to the security and welfare of the community as a whole. These rules were enacted to provide public assistance for clients who demonstrated need. Assistance is to be rendered to all eligible individuals and families in an atmosphere of mutual respect between county welfare agency employees and the population they serve. The county welfare agencies are to ensure that assistance and services are extended in a manner and environment which creates a person's sense of importance, dignity and self-esteem; and are designed and administered to respect the human and civil rights of persons applying for or receiving assistance. These subchapters set forth policies and procedures necessary to the orderly and equitable provision of public assistance on a statewide basis.

Eligible needy clients receive a benefit in the form of financial assistance. They are also informed of the availability of other programs and assisted to apply if they so choose and are potentially eligible. Applicants have the right to withdraw applications before eligibility or ineligibility has been determined. The Work Incentive (WIN) program provides a benefit by providing clients with the opportunity to receive training that could lead to future employment. An important aspect of the AFDC program is that when a client is in immediate need, immediate assistance may be given until verification of his or her circumstance is completed.

As mentioned in the "Summary", there have been significant changes to these rules. Taken in the order identified, the social impact of these changes has been the following:

1. Example number 1, as cited above, provided that 1) clients would no longer be required to repay previously granted AFWP (based on an opinion received from the Office of the Attorney General) and 2) SSI applicants may be assisted under AFDC-N during the pendency of the SSI application.

2. Example number 2, as cited above, clarified and simplified administrative procedures with respect to the amount of money to be recovered in cases of assistance granted on behalf of a child pending settlement of a claim. It provided for a more equitable recovery mechanism.

3. Example number 3, as cited above, ensured that AFDC-N and F segment recipients are informed if applications to establish incapacity resulted in a negative decision and provided such recipients with an opportunity to request a fair hearing regarding such actions.

4. Example 4, as cited above, primarily resulted in the denial of assistance to any family who applies and contains an individual participating in a strike as well as termination of assistance for any family which was/is on the roles before the strike commenced/commences.

5. Example number 5, as cited above, had little or no new social impact at time of regulatory promulgation inasmuch as, in accordance with Federal and State law and Federal regulations, this program revision has been implemented previously.

6. Example number 6, as cited above, resulted in a small number of families losing eligibility for AFDC. An insignificant number of families would be eligible for Medicaid benefits due to the provision extending such benefits.

Economic Impact

As indicated in the "Summary", rules have been significantly amended. Taken in the order previously identified, these changes had the following economic impact:

1. Amendments cited in example number 1 above, repealed the AFWP debt to the State provision. This created a loss to the State since county welfare agencies (CWAs) could no longer recover monies under that provision. On the other hand, the rule allowed the CWA to obtain reimbursement of AFDC-N payments made to applicants or their dependents who apply for and are subsequently determined eligible for SSI benefits.

2. The amendment cited in example number 2 above, had little economic impact. Its purpose was primarily for clarity and simplification of administrative procedures.

3. The amendment cited in example number 3 above, resulted in additional paperwork on the part of county welfare agency (CWA) staff in sending out the required notice, thus a slight increase in CWA administrative costs for which there is no State participation.

4. The amendments cited in number 4 above, resulted in the following: Approximately \$24.5 million in Federal funds were estimated to be lost to the AFDC program in the first year of implementation of the Federal mandate. As a result, the ability of the low income population to purchase goods and services was diminished. Privately funded agencies and religious organizations may have experienced an additional drain on their resources as families who were terminated from AFDC or whose grants were reduced turned to these agencies for aid. The implementation and operation of the required revisions also entailed substantial increase in administrative costs because of computer programming changes, additional reporting requirements and notices as well as considerable retraining of State and county staff.

5. The amendments cited in example number 5 above, at time of codification had little or no new economic impact since, in accordance with Federal and State law and Federal regulations, these program revisions had previously been effected.

6. The amendment cited in example number 6 above, which limited AFDC eligibility for families in which a parent is in the

EMERGENCY ADOPTIONS

military service reduced total assistance expenditures by a maximum of \$3 million annually. The provision extending Medicaid eligibility to certain families had little or no impact on expenditures.

In Fiscal Year 1982, 439,126 persons received AFDC. The amount of money spent is broken down as follows:

1) County	\$ 59,137,000
2) State	193,688,000
3) Federal	255,671,000
Total expenditure	\$508,496,000

In Fiscal Year 1983, 413,700 individuals are expected to receive AFDC. The amount of money anticipated to be spent is as follows:

1) County	\$ 55,210,000
2) State	185,076,000
3) Federal	244,087,000
Total expenditure	\$484,373,000

Full text of the emergency readoption and concurrent proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 10:81-2 and 3, as amended in the New Jersey Register.

(a)

DIVISION OF PUBLIC WELFARE

Assistance Standards Handbook Income, Procedures for Determining Amount of Monthly Grant, Resources

Emergency Readoption and Concurrent Proposed Readoption: N.J.A.C. 10:82-1, 2, and 3

Emergency Readoption Adopted: May 4, 1983 by George J. Albanese, Commissioner, Department of Human Services.

Gubernatorial Approval (see N.J.S.A. 52:14B-4(c)): May 17, 1983.

Emergency Readoption Filed: May 20, 1983 as R.1983 d.187.

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Emergency Readoption Effective Date: May 20, 1983.

Emergency Readoption Operative Date: June 1, 1983.

Emergency Readoption Expiration Date: July 19, 1983.

Interested persons may submit in writing, data, views or arguments relative to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Acting Director
Division of Public Welfare
CN 716
Trenton, NJ 08625

These subchapters were readopted on an emergency basis and became effective upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 52:14B-4(c) as implemented by N.J.A.C. 1:30-4.4). Concurrently, the provisions of this emergency readoption are being proposed for readoption in compliance with the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The readopted rule becomes effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)).

HUMAN SERVICES

This proposal is known as PRN 1983-286.

The agency emergency readoption and concurrent proposed readoption follows:

Summary

In accordance with the "sunset" provisions of Executive Order No. 66(1978), the Department of Human Services proposes to readopt subchapters 1, 2, and 3 of N.J.A.C. 10:82. The proposed readoption does not include any changes in current text.

On June 15, 1977, Ann Klein, then Commissioner of the Department of Human Services, pursuant to authority of N.J.S.A. 44:10-3 and in accordance with the applicable provision of the Administrative Procedure Act, adopted emergency revisions which deleted the entire text of Chapter 82 in Title 10 of the New Jersey Administrative Code and replaced it with new text. An order adopting the Assistance Standards Handbook (ASH) was filed on June 16, 1977 as R.1977 d.211 and became effective on July 1, 1977.

The ASH was published as an integral part of the Public Assistance Manual (N.J.A.C. 10:81), and is to be used and interpreted in conjunction with N.J.A.C. 10:81. The first three subchapters of the ASH deal with general provisions of the Aid to Families with Dependent Children (AFDC) Program, procedures for determining the amount of the assistance grant, and methods employed for evaluating resources.

The public assistance allowance is the standard amount established for each eligible unit. The allowance is determined according to the number of persons in the eligible unit (EU). Allowance standards for persons eligible under the AFDC-C and AFDC-F segments appear in Schedule I. Allowance standards for persons eligible under the AFDC-N segment appear in Schedule II. The EU shall be comprised of those family members who apply for and are found eligible to receive public assistance. The EU must include one or more children unless such child is a recipient of Supplemental Security Income benefits.

N.J.A.C. 10:82-1 includes detailed descriptions of the components of the three AFDC segments (-C, -F and -N), who is eligible under each segment, eligibility of a person in an institution, eligibility of a parent or child attending school, determination of calculated earned income, overpayments and underpayments.

N.J.A.C. 10:82-2 covers procedures for determining amounts of monthly grants. For all new applications, reapplications, or reopened applications, initial financial eligibility must be established before a determination of the amount of the monthly grant can be made.

When eligibility has been determined, the initial grant shall be computed as follows. All income available from the date of application to the end of the month shall be considered. The countable income shall be subtracted from the appropriate monthly assistance standard and the result shall be prorated by multiplying that amount by the factor appropriate to the date of application in the table at N.J.A.C. 10:82-2.2(a)1. If the result is not a whole dollar, the amount shall be rounded to the next lower whole dollar. In determining the amount of the initial grant, the appropriate disregards as described in N.J.A.C. 10:82-4 shall be applied to earned income.

N.J.A.C. 10:82-3 deals with resources. All available income and liquid resources of the EU must be considered in determining the amount of assistance to be granted. Available resources include cash and other forms of income immediately obtainable to meet the needs of the EU. Other resources are either exempt or potential. Exempt resources are not subject to any requirement for liquidation and are not considered in the determination of the assistance grant. Potential resources are those which are neither exempt nor currently available but are to be liquidated within a reasonable time to meet future needs. Certain relatives are legally responsible to provide support if financially able and may be a source of income for a public assistance applicant or recipient. The county welfare agency

is to determine the capacity of legally responsible relatives to contribute to the support of public assistance clients.

The Division of Public Welfare conducted an internal review and evaluation of the rules prior to noticing for readoption. This was done subchapter by subchapter. After such review of the rules, the agency determined the rules to be adequate, reasonable, and responsive to the purposes for which they were promulgated. Moreover, since the effective date of the initial rules, professional staff of the Division have continually reviewed and recommended to the Department revisions to those rules. Rule analyses have invariably considered comments received from interested persons and organizations. As a result of this continuous review process, the following are significant changes to N.J.A.C. 10:82-1, 2, and 3:

1. Amendments to N.J.A.C. 10:82-3.2, proposed at 9 N.J.R. 431(d) and adopted at 9 N.J.R. 584(b) to conform with Federal regulation 45 CFR 233.30(A)(2)(vii) and (a)(4)(ii), established the disregard of payments received under the Experimental Housing Assistance Program (EHAP).

2. Amendments to N.J.A.C. 10:82-1.5 and 1.7, adopted as an emergency rule at 10 N.J.R. 286(b) effective June 8, 1978, included in the AFDC-N segment 18 to 21 year old dependent children who are attending school, as provided under N.J.S.A. 44:10.

3. Amendments to N.J.A.C. 10:82-1.2 proposed at 10 N.J.R. 254(a) and adopted at 10 N.J.R. 346(b) increased the public assistance allowance standards by five percent.

4. Amendments to N.J.A.C. 10:82-3.2 proposed at 10 N.J.R. 487(b) and adopted at 11 N.J.R. 75(a) established disregards for work related training expenses in the Work Incentive (WIN) program.

5. Amendments to N.J.A.C. 10:82-1.2 proposed at 11 N.J.R. 282(a) and adopted at 11 N.J.R. 382(a) implemented at 2.5 percent increase in AFDC allowance standards.

6. Amendments to N.J.A.C. 10:82-1.2 and 2.13 adopted as an emergency rule at 12 N.J.R. 481(b) implemented a seven percent increase in AFDC allowance standards.

7. Amendments to N.J.A.C. 10:82-3.2 proposed at 12 N.J.R. 534(a) and adopted at 12 N.J.R. 663(d) authorized eligible units to set aside funds up to a maximum of an amount equal to three times the amount of the applicable public assistance allowance standard without identification of purpose.

8. An amendment to N.J.A.C. 10:82-2.14 proposed at 13 N.J.R. 16(b) and adopted at 13 N.J.R. 147(a) was required in order to comply with the United States District Court Order in *McCullough v. Harris* to eliminate the prorating over a full calendar year of earnings paid under contracts for shorter terms.

9. Amendments to N.J.A.C. 10:82-1.2, 1.4, 2.1, 2.2, 2.4, 2.7, 2.8, 2.9, 2.19, 3.2, and 3.13, an emergency rule and concurrent proposal at 13 N.J.R. 763(a) and readopted at 14 N.J.R. 102(d) on the basis of requirements of the Federal Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, enacted August 13, 1981). These regulations:

(a) Reduced the amount that may be disregarded from the earnings of an AFDC family and restricted the period for which such disregards may be applied;

(b) Limited continued eligibility to families with resources below a maximum of \$1000 and/or gross income below 150 percent of the appropriate AFDC allowance standard;

(c) Considered the income of stepparents and sponsors of certain aliens as available to the AFDC family;

(d) Required families to repay all overpayments even those made as the result of administrative error; and

(e) Generally prohibited AFDC payments of less than \$10.00 monthly.

10. Amendments to N.J.A.C. 10:82-1.2, 1.4, 1.5, 1.7, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.8, 2.9, 2.10, 2.13, 2.19, and 3.13 were required to conform with P.L. 97-35 and Chapter II of Title 45, Code of Federal Regulations (FR Vol. 47, No. 25, 5648-5685).

Proposed at 14 N.J.R. 952(a) and adopted at 14 N.J.R. 1459(b). The regulatory change codified the Federal and State statutory requirement that AFDC be limited to children under the age of 18 or age 18 if reasonably expected to complete secondary school prior to attaining age 19. In addition, the amendments:

(a) Clarified which income is counted and not counted in the determination of maximum income eligibility;

(b) Clarified the treatment of scholarships, educational grants, and student loans;

(c) Incorporated the Federal policy that Social Security Title II benefits (RSDI) of 18 year olds must be considered;

(d) Identified allowable earned income disregards in the determination of initial eligibility;

(e) Implemented the Federal requirement that employment expenses and child care deductions be reduced for persons employed less than full time;

(f) Clarified maximum income eligibility for companion cases, that is, families in which some members are eligible only for AFDC-N;

(g) Incorporated a provision whereby the rate of recovery of overpayments may be reduced for circumstances of hardship; and

(h) Clarified situations in which an alien sponsor's income and resources are deemed to the AFDC eligible unit.

11. Amendments to N.J.A.C. 10:82-2.1, 2.2, 2.18, and 2.20 were required to conform with the Tax Equity and Fiscal Responsibility Act of 1982; 45 CFR 233.20(a)(2)(iv), (a)(3)(viii), and 233.90(c)(1)(iii). These regulations were adopted as an emergency amendment and concurrent proposal at 14 N.J.R. 1169(a) and readopted at 14 N.J.R. 1461(a). The Federal Tax Equity and Fiscal Responsibility Act of 1982 amended the Social Security Act as it pertained to AFDC, effective October 1, 1982. One provision of the Act required all AFDC benefits, if not a whole dollar, be rounded to the next lower whole dollar. Additionally, the Act required that assistance payments for the initial month of eligibility and additional payments be prorated from the date of application or eligibility. The Act also precluded AFDC eligibility for families based solely on the absence of a parent due to uniformed (military) service.

Social Impact

The security and welfare of each individual are essential to the security and welfare of the community as a whole. These rules were enacted to provide public assistance for clients who demonstrated need. Assistance is to be rendered to all eligible individuals and families in an atmosphere of mutual respect between county welfare agency employees and the people they serve. The county welfare agencies are to ensure that assistance and services are extended in a manner and environment which creates a person's sense of importance, dignity and self-esteem; and are designed and administered to respect the human and civil rights of persons applying for or receiving assistance. These subchapters set forth policies and procedures necessary to the orderly and equitable provision of public assistance on a statewide basis.

Eligible needy clients receive a benefit in the form of financial assistance. Applicants have the right to withdraw applications before eligibility or ineligibility has been determined. When a client is in immediate need, immediate assistance can be given until verification of his or her financial circumstance is completed.

As mentioned in the "Summary" there have been significant changes to these rules. Taken in the order identified above, the social impact of these changes has been the following:

1. At N.J.A.C. 10:82-3.2 the amendment allowed certain recipients receiving EHAP payments to have these monies disregarded in determining eligibility.

2. At N.J.A.C. 10:82-1.5 and 1.7 the amendments provided that individuals previously ineligible under the AFDC-N segment were now eligible to receive public assistance if they met all other program requirements.

3. At N.J.A.C. 10:82-1.2 the amendment provided clients an increase in eligibility levels and benefits, thus more families would become eligible and those who were currently eligible would receive more benefits to meet day to day living expenses.

4. At N.J.A.C. 10:82-3.2 the amendment provided for the disregard of training expenses for certain clients employed through participation in the Work Incentive Program to permit their involvement without undue fiscal hardship.

5. At N.J.A.C. 10:82-1.2 the amendment provided clients an increase in eligibility levels and benefits, thus more families would become eligible and those who were currently eligible would receive more benefits to meet day to day living expenses.

6. At N.J.A.C. 10:82-1.2 and 2.13 the amendments provided clients an increase in eligibility levels and benefits, thus more families would become eligible and those who were currently eligible would receive more benefits to meet day to day living expenses.

7. At N.J.A.C. 10:82-3.2 the amendment allowed recipients to save money for any purpose rather than for specific purposes, thus permitting clients to save for some unknown future occurrence.

8. At N.J.A.C. 10:82-2.14 the amendment allows certain persons, largely school employees, to claim no income during the period not covered by their contract.

9. At N.J.A.C. 10:82-1, 2 and 3, amendments which were federally mandated changes, resulted in a number of families becoming ineligible for financial assistance or experiencing a reduction in their benefits.

10. At N.J.A.C. 10:82-1, 2 and 3, amendments had little or no new social impact at time of regulatory promulgation inasmuch as, in accordance with Federal and State law and Federal regulations, these program revisions had been effected since October 1981 with the exception of those revisions which were merely technical in nature.

11. At N.J.A.C. 10:82-2.1, 2.2, 2.18, and 2.20 the amendments dealing with rounding had an insignificant social impact. Proration of initial and additional benefits did result in a decrease in the amount of assistance benefits some families would in fact receive. An undetermined number of families did lose AFDC eligibility because of the elimination of uniformed service as a factor establishing continued absence.

Economic Impact

As indicated in the "Summary", rules had been significantly amended. Taken in order previously identified, those changes had the following economic impact:

1. The amendment to N.J.A.C. 10:82-3.2 had very little economic impact due to the small number of clients who fell under this category.

2. The amendments to N.J.A.C. 10:82-1.5 and 1.7 resulted in an increase in State expenditures of approximately \$127,000 in fiscal year 1979.

3. The amendment to N.J.A.C. 10:82-1.2 raised allowance standards by five percent thereby increasing State expenditures for assistance costs by an estimated amount of \$11 million for fiscal year 1979.

4. The amendment to N.J.A.C. 10:82-3.2 enabled certain clients to retain more funds for day to day living through disregard of work related training expenses provided through the WIN program.

5. The amendment to N.J.A.C. 10:82-1.2 raised allowance standards by 2.5 percent thereby increasing State expenditures for assistance costs by an estimated amount of \$5,900,000 for fiscal year 1980.

6. The amendments to N.J.A.C. 10:82-1.2 and 2.13 raised allowance standards by seven percent thereby increasing State expenditures for assistance costs by an estimated amount of \$16,800,000 for fiscal year 1981.

7. The amendment to N.J.A.C. 10:82-3.2 resulted in a very small increase in State expenditures since clients could have previously saved the same amount of money without being counted in

determining their continuing eligibility provided they specified a purpose for such savings.

8. The amendment to N.J.A.C. 10:82-2.14 allowed certain individuals to become eligible for public assistance due to expiration of contracts and lack of gainful employment, resulting in an estimated slight increase in assistance costs.

9. The amendments to N.J.A.C. 10:82-1, 2 and 3, resulted at time of implementation in a substantial increase in administrative costs because of programming changes, additional reporting requirements and notices as well as considerable retraining of State and county staff. It also resulted in diminished ability of certain low income families to purchase goods and services due to reduction or loss of AFDC benefits.

10. The amendments to N.J.A.C. 10:82-1, 2 and 3, at time of codification were anticipated to have had little or no new economic impact on State expenditures since local agencies had already acted in reliance on Federal and State law and Federal regulations.

11. The amendments to N.J.A.C. 10:82-2.1, 2.2, 2.18, and 2.20 dealing with rounding of amounts of assistance payments had an insignificant economic impact. The provision prorating initial month's benefits and additional benefits was anticipated to result in a reduction in State assistance expenditures of approximately \$675,000. The rule concerning eligibility due to uniformed service was anticipated to result in savings of State expenditures of approximately \$1,125,000 annually.

In Fiscal Year 1982, 439,126 persons received AFDC. The amount of money spent is broken down as follows:

(1) County	\$ 59,137,000
(2) State	193,688,000
(3) Federal	255,671,000
Total expenditure	\$508,496,000

In Fiscal Year 1983, 413,700 individuals are expected to receive AFDC. The amount of money anticipated to be spent is as follows:

(1) County	\$ 55,210,000
(2) State	185,076,000
(3) Federal	244,087,000
Total expenditure	\$484,373,000

Full text of the emergency readoption and concurrent proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 10:82-1, 2, and 3, as amended in the New Jersey Register.

(a)**DIVISION OF PUBLIC WELFARE**

**General Assistance Manual
General Provisions, Administrative
Responsibilities, Eligibility, Payments,
Medical Care, Fiscal Procedures and
Employability Program**

**Emergency Readoption and Concurrent
Proposed Readoption: N.J.A.C. 10:85-2
Emergency Readoption with Amendments
and Concurrent Proposed Readoption with
Amendments: N.J.A.C. 10:85-1, 3, 4, 5, 6
and 10**

Emergency Readoption and Amendments Adopted: May 4, 1983 by George J. Albanese, Commissioner, Department of Human Services.

Gubernatorial Approval (see: N.J.S.A. 52:14B-4(c)): May 23, 1983.

Emergency Readoption and Amendments and Concurrent Proposed Readoption with Amendments filed: May 23, 1983 as R.1983 d.209.

Authority: N.J.S.A. 44:8-111(d).

Emergency Readoption with Amendments Effective Date: May 23, 1983.

Emergency Readoption with Amendments Operative Date: June 1, 1983.

Emergency Readoption with Amendments Expiration Date: July 22, 1983.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Acting Director
Division of Public Welfare
CN 716
Trenton, NJ 08625

This readoption was adopted on an emergency basis and became effective upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 52:14B-4(c) as implemented by N.J.A.C. 1:30-4.4). Concurrently, the provisions of this emergency readoption are being proposed for readoption in compliance with the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The readopted existing rules become effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)). The concurrent amendments to existing rules become effective upon publication in the Register of a notice of their adoption.

The concurrent proposal is known as PRN 1983-292.

The agency emergency readoption and concurrent proposed readoption follows:

Summary

In accordance with the "Sunset" provisions of Executive Order

No. 66(1978) the Department of Human Services is submitting this proposal for readoption.

N.J.A.C. 10:85 is the compilation of rules, regulations and procedures related to the General Assistance program, which primarily assists single adults and childless couples. Responsibility for administration of the program rests with each municipality. For most municipalities, the State reimburses the municipality to the extent of 75 percent of the funds granted to the poor. Accordingly, N.J.S.A. 44:1 and 8 provide for State supervision to the end that the program be uniformly administered throughout the State. N.J.A.C. 10:85 is the major tool in that supervision.

On October 15, 1976, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, the Department adopted the General Assistance Manual, substantially as proposed in the Notice published June 10, 1976, at 8 N.J.R. 284(a).

Before its adoption, the regulations were an ill-organized collection of instructions and directives in combination with a volume of budgeting and financial eligibility criteria. The manual has been well received. It has proven to be an effective instrument and has contributed well to understanding and uniformity. The rules contained therein are necessary and responsive to the purposes for which they were promulgated in that they serve as a link between the requirements of the statute and the operation of the program. Not to readopt these rules would leave the General Assistance program without direction.

That relevant segments of regulations presented here in the form of a proposal as required by Executive Order No. 66 is not to be taken as a suggestion that such action is the only reason for review. On the contrary, a study of the New Jersey Register over recent years will show that the Department has frequently amended provisions of the New Jersey Administrative Code pertaining to the General Assistance program. It has been, is, and will continue to be, the subject of continuing review. Two methods, used singly or in combination, assure continuing responsiveness to changing social and economic conditions. The first is staff review and discussion of unusual case situations and instances in which regulations work inappropriately or not at all.

The second and more formal review device is the Division of Public Welfare's General Assistance Manual Policy Advisory Committee. Composed of members of policy level staff of the Department's Division of Public Welfare, municipal welfare directors of considerable experience from large, intermediate, and small municipalities, representatives from the legal and medical professions and client group, the committee meets monthly to discuss a spectrum of topics related to the program. Its recommendations, including recommendations not to act, are accorded substantial weight in the development of the regulations governing the program. Major contributions of that committee arose from its appointment of a subcommittee to review the medical chapter in complete detail. The results of those subcommittee actions, as well as full committee recommendations, are included in this proposal.

Subchapter 1

Subchapter 1 provides information regarding the purpose, funding and administration of the General Assistance program.

Each municipality in New Jersey, pursuant to chapters 1 and 8 of N.J.S.A. 44, is required to provide financial and medical assistance to eligible persons who are ineligible for participation in any other public assistance program. The General Assistance program is administered by the municipality's Director of Welfare under the supervision of a local assistance board. Funding is supplied by the municipality, but the State provides reimbursement of 75 percent if conditions for State financial participation are met.

The revisions to N.J.A.C. 10:85-1 deal with correction of a cross-reference; the mailing address of the Division of Public Welfare and the inclusion of the right to appeal the correctness of grant amount by fair hearing.

Subchapter 1 was amended in 1978 at N.J.A.C. 10:85-1.1(a) to eliminate a reference to Supplemental Security Income (SSI) eligibility as a basis for disqualifying an applicant for General Assistance. This allowed the GA program to cover gaps and irregularities in SSI delivery. This has prevented hardship for some elderly, blind or disabled people. Also amended at that time was N.J.A.C. 10:85-1.1(b) to conform with N.J.S.A. 44:8-120 which stipulates that assistance is to be provided by the municipality where the eligible person is "found". Previously, the word "resident" was sometimes being interpreted to mean permanent resident.

The readoption will correct an erroneous cross-reference in N.J.A.C. 10:85-1.1(e).

An amendment to N.J.A.C. 10:85-1.1(f) is presented to include, in the compendium of issues appealable by Fair Hearing, the correctness of grant entitlement.

In 1982 N.J.A.C. 10:85-1.2(a) was amended, pursuant to the Faulkner Act, to recognize that municipalities operating under Faulkner Act provisions are exempt from the requirement to maintain a local assistance board.

N.J.A.C. 10:85-1.3 was amended in 1978 pursuant to legislation (Chapter 408, section 5) passed in 1977 which repealed the provisions related to chargeability based on "legal settlement." Under that concept the municipality where a "nonresident" applicant sought assistance could seek recovery of assistance granted from the applicant's "home" municipality. Except for recipients in medical institutions, the paying municipality is now the chargeable municipality. A proposed revision to N.J.A.C. 10:85-1.4(a)3i is included here to correct the mailing address of the Division of Public Welfare.

N.J.A.C. 10:85-1.5(a) was amended in 1981 to clarify the concept of confidentiality of information in the General Assistance program. This rule was promulgated to prevent non-welfare municipal officials from obtaining confidential information about welfare clients.

Subchapter 2

Subchapter 2, presented here without change, is concerned with the administrative obligations of municipalities regarding the General Assistance program which includes the establishment of a local assistance board, appointment of employees and establishment of a Public Assistance Trust Fund Account. The subchapter provides guidelines for the agency when fraud and criminal activity is suspected.

The subchapter was amended at N.J.A.C. 10:85-2.1(b)1 regarding conditions under which the State is involved in financial participation. The 1978 amendment stipulated that State reimbursement would be limited solely to 75 percent of funds generated from municipal sources, excluding direct or indirect grants from other levels of government.

N.J.A.C. 10:85-2.2(a) was expanded in 1982 to recognize the existence of the "Faulkner Act" forms of municipal government under which the mandate to maintain a local assistance board is removed.

In 1982, N.J.A.C. 10:85-2.2(b) was expanded to include a reference to the "Faulkner Act" municipalities' option to maintain and reorganize a local assistance board and adjust the terms of office of the members.

In 1982, N.J.A.C. 10:85-2.2(b)2iv was amended to remove the mandate that required Department approval when a local assistance board position is left vacant beyond 30 days.

N.J.A.C. 10:85-2.2(c) was amended in 1981 to show Department designation for municipalities' annual submittal of certification Form GA-15.

N.J.A.C. 10:85-2.2(d)6 was amended in 1981 to redefine the prohibition which prevents employees of the municipal welfare agency from holding elective governmental office which is of a political nature.

In 1981, N.J.A.C. 10:85-2.2(h) was added to reinforce the concept that confidentiality of information regarding recipients be maintained. In 1982 this section was again expanded at N.J.A.C.

10:85-2.2(i) to recognize that some municipalities would operate without a local assistance board under the Faulkner Act.

N.J.A.C. 10:85-2.4(b) was amended in 1979 directing that municipal welfare departments establish a petty cash fund account. N.J.A.C. 10:85-2.4(c) was also added at that time to provide procedures to be followed by municipalities concerning lost or stolen checks.

N.J.A.C. 10:85-2.7, added to subchapter 2 in 1979, outlines procedures to be followed by the municipal welfare department when alleged criminal activity is discovered pursuant to an investigation of an application for General Assistance.

Subchapter 3

Subchapter 3 presents criteria for eligibility for General Assistance, both financial and non-financial. It describes the various procedures applicable to special groups of people such as those for which coordination with State institutions is required.

Subchapter 3 provides the necessary definitions and regulations regarding income and resources, the rules assigning fiscal responsibility for General Assistance payments, and the basic work requirements of the program. (The details of "workfare" are not carried here but in subchapter 10 to which reference is made.)

Subchapter 3 also establishes the payment standards for income maintenance payments, that is, the figures from which income is deducted to determine the existence of a deficit or lack of one and thereby determine financial eligibility and amount of grant.

Additionally, subchapter 3 confers eligibility for medical payments upon all those found eligible for income maintenance payments. It describes the methods whereby certain people who have medical expenses beyond their ability to pay may have a part of those expenses met by the program even though eligibility for income maintenance payments does not exist. (The regulations dealing with medical payments are detailed in subchapter 5.)

The following changes are presented in N.J.A.C. sequence.

N.J.A.C. 10:85-3.1(a)1iii was inserted in 1979 to resolve a problem in medical payments for those whose SSI applications are pending. A retroactive SSI payment does not produce repayment for medical payments made by the General Assistance agency. This regulation allowed payment of the small medical bills on a current basis while holding the larger ones for payment under retroactive Medicaid upon SSI acceptance of the various cases. The result has been willing and prompt payment of small bills by municipal departments with a reduction in complaints from vendors and more willing provision of medical services to the recipients involved.

N.J.A.C. 10:85-3.1(a)2 was inserted shortly after initial promulgation of the rules in 1977. At that time, the Federal agencies were strengthening the provisions against illegal aliens. The provision made it clear that the General Assistance program has no limitations related to citizenship or alien status and that the reporting of illegal aliens to the Immigration and Naturalization Service is neither accepted nor appropriate.

N.J.A.C. 10:85-3.1(f)1iii was added in 1980 to prevent duplicate assistance. At that time, the Department's Division of Mental Health and Hospitals (DMHH) negotiated an interim assistance agreement with the Social Security Administration which allowed DMHH to collect from an initial SSI check the amount of assistance paid while an SSI application was pending.

N.J.A.C. 10:85-3.2(a)1iii was amended and 3.2(c)2 was added in 1980 to resolve a problem in the acceptability of applications filed on behalf of another person. A list of persons who may sign on behalf of another, called authorized agents, was inserted. The result has been a reduction in the number of problems encountered in the processing of applications for people who are for one reason or another unable to sign for themselves. More prompt assistance for such people became possible also.

N.J.A.C. 10:85-3.2(e)4ii(1), added in 1982, permits access to New Jersey Department of Labor files for verification of income such as unemployment insurance benefits and temporary disability insurance.

N.J.A.C. 10:85-3.2(f) has undergone several changes most of

which are related to the 1977 repeal of N.J.S.A. 44:8A, the statute which established and operated the concept of "legal settlement". The social ramifications of that statute had long since been eliminated by various State and Federal court decisions. Its only use was in determining chargeability. Realizing that the statute was causing a heavy paper flow to control the flow of inter-municipal charges which were largely self-offsetting anyway, the repeal was universally accepted. The immediate change paraphrased the statute in establishing that, except in medical institution cases, the municipality where a person is "found" is the municipality responsible for payment. The statute and the regulation established the municipality of previous residence as being chargeable for medical institution cases. This meant that those entering a medical institution from out-of-state, even for valid reason, had no municipality to which to turn for help if it were needed. This was rectified in 1980 by a regulation change making the local municipality responsible for such cases. Other revisions, including a proposal now in process (15 N.J.R. 313(a)), have been directed at correcting administrative problems of minor impact.

Another 1980 amendment to N.J.A.C. 10:85-3.2(f) amended manner of payment of pharmacy bills in large municipalities. By special arrangement with the Department's Division of Medical Assistance and Health Services, the facilities and payment mechanisms of that Division were put to use in paying the General Assistance pharmacy bills in the 50 largest municipalities.

N.J.A.C. 10:85-3.3(c)8 was amended in 1980 to provide that contract income can only be applied over the term of the contract. The change was made in response to a court case in which the previous policy was contested. There was no influx of contract employees applying for assistance as a result of the change.

N.J.A.C. 10:85-3.3(e)4 dealing with income-in-kind, underwent two modifications in 1982. The first required full consideration as income of those cash payments made on behalf of a recipient. The second defined as in-kind income, the value of services, i.e., food, received by hospital inpatients. Both of these changes are believed to have contributed in small ways to program integrity without causing unnecessary hardship.

N.J.A.C. 10:85-3.3(e)5vii provides that all income from reimbursement payments received by GA recipients pursuant to activities in various Domestic Voluntary Service Act programs shall not be counted when determining GA financial eligibility.

N.J.A.C. 10:85-3.3(e)xi is being added to stipulate that payments and credits received under the Home Energy Assistance program, Lifeline Credit Program, and Tenants Lifeline Assistance Program not be counted when determining GA financial eligibility.

N.J.A.C. 10:85-3.3(f)4ii was amended in 1982 in response to a recommendation initiated by the General Assistance Manual Policy Advisory Committee. The problem arose from "adults" living with their parents as roomer-boarders and claiming status as a household of one. The committee felt and recommended that such persons were in fact households of one. The regulation was amended resulting in improved program integrity.

N.J.A.C. 10:85-3.3(f)5 was inserted in 1982 to clarify policy regarding shelter continuity. Previously, the authority of the welfare departments to maintain homes or apartments for those in hospitals for extended periods existed but was not clearly stated. This amendment stated the authority and, while so doing, indicated a time limit.

N.J.A.C. 10:85-3.3(f)4v is merely a relocation of current material previously at N.J.A.C. 10:85-5.3(e). Payments in General Assistance for maternity home care are properly categorized not as medical payments but as specialized room and board payments. Thus, the provision is relocated to the regulatory passage that deals with room and board. The list of Division of Youth and Family Services licensed homes is being deleted as obsolete, and a source for current information is provided.

N.J.A.C. 10:85-3.3(g)3 and 4 is a relocation previously at N.J.A.C. 10:85-5.2(f). The rule deals with recipient eligibility rather than with amounts and specifications of medical payments

and is moved to the eligibility section.

N.J.A.C. 10:85-3.4 has been amended largely for purposes of clarification rather than policy change.

N.J.A.C. 10:85-3.4(b)liii-vii, added in 1982, represents the first, and to date only, exception to the principle of considering only funds which are available. The section defines in detail the income to be assumed or "deemed" to a person. The funds in question are those of the sponsor of an alien admitted for permanent residence. The section, of course, has no effect on "illegal aliens" as the latter do not have sponsors. There have been few, if any, cases of reduction or denial of assistance under this regulation.

N.J.A.C. 10:85-3.4(c)9 is being added, to exempt energy assistance payments and credits as resources.

N.J.A.C. 10:85-3.6, dealing with overpayments and underpayments, was added in 1979 to provide ways to rectify errors and omissions. While no large amount of money was paid or withheld because of the regulation, the rule provided a mechanism by which to correct overpayments and underpayments. In 1980 clarifying language was added but the concepts were not substantially changed.

Subchapter 4

Subchapter 4 is concerned with the amount of General Assistance that may be paid under specific conditions and time periods. The subchapter includes procedures for weekly and other nonmonthly assistance periods and various emergency and special payment situations.

In 1977, N.J.A.C. 10:85-4.2(a)3 was amended to standardize the calculation of per diem grant entitlement.

N.J.A.C. 10:85-4.2(a)6 is added to establish, in regulation, the starting date for General Assistance grants for those cases in which a specification is not established elsewhere. That date, the date of the application or the date of actual eligibility, whichever is later, has been implicit and has usually been observed.

N.J.A.C. 10:85-4.3(b) is being amended to eliminate the requirement for clients' signatures on bills for residential services. Obtaining the signatures is burdensome and unnecessary as better audit trails exist in the records of the institutions and organizations providing the services. A similar provision for residential medical payments is inserted at N.J.A.C. 10:85-5.4(a)1.

In 1979, N.J.A.C. 10:85-4.6(a) was amended to enable recognition of an emergency situation which occurred up to seven calendar days prior to application for General Assistance.

In 1980, N.J.A.C. 10:85-4.6(a)2 was expanded to recognize that domestic violence could cause a state of homelessness and allowed the victim of such violence to be eligible for emergency assistance.

In 1978, N.J.A.C. 10:85-4.6(a)3 was included to clarify the types of situations which would be considered eligible for emergency assistance.

In 1980, N.J.A.C. 10:85-4.6(b)1i was expanded to include authorized payment of security deposits for rents or utilities as emergency assistance.

N.J.A.C. 10:85-4.6(b)1ii was also added, stipulating that in domestic violence cases, the regular grant would not be counted when determining the amount of emergency assistance. However, in 1982 this provision was revised to delete the limitation that the subsection applied only to domestic violence situations.

N.J.A.C. 10:85-4.6(b)3i was added in 1982, providing for the disregard of regular assistance payments when an emergency assistance grant for clothing is computed.

In 1983, N.J.A.C. 10:85-4.6(b)4 was amended to eliminate the distinction between new and used furnishings when determining the amount of emergency house furnishings grant.

N.J.A.C. 10:85-4.6(b)4i was added in 1982, stipulating that regular assistance payments are to be disregarded when an emergency assistance grant for house furnishings is computed.

In 1978, N.J.A.C. 10:85-4.6(b)5 was added to specify what expenses could be recognized when authorizing emergency travel assistance.

In 1982, N.J.A.C. 10:85-4.8(a)1i was amended to increase the

"cap" on General Assistance burials to \$900.00.

Subchapter 5

The changes and revisions in this subchapter have been numerous. Nearly all of them have been made in response to specific problems or were editorial or informative in nature with little economic or social impact. The one exception was the addition of N.J.A.C. 10:85-5.8 and 5.9 in 1980 which changed the payment mechanism for pharmacy bills in the largest municipalities and thereby for most of the caseload. Instead of continuing to use the sometimes cumbersome municipal voucher system, the pharmacies began to bill the local agency through the computerized Medicaid mechanism. This was beneficial in reducing paperwork in both the pharmacies and the agencies. Clients, too, benefitted by finding more pharmacies willing to participate in the system.

N.J.A.C. 10:85-5 has been reviewed and revised using special input from State administration, municipal administration, and the medical profession. Revisions are made for purposes of brevity, clarity, simplicity of administration, and elimination of material that is no longer necessary. No policy changes of significant impact are intended. The revisions concern the following:

N.J.A.C. 10:85-5.1 is amended to emphasize the consulting function of the Bureau of Medical Affairs within the Department's Division of Public Welfare (DPW). Similar references occur elsewhere in the text as well.

N.J.A.C. 10:85-5.1(a) states in text the de facto alignment between General Assistance (GA) medical payments and Medicaid payments.

N.J.A.C. 10:85-5.1(a)2 and 3 are relocations. They were formerly located at N.J.A.C. 10:85-5.4(b) and (c) respectively. Both deal with medical payments made by persons or agencies other than the GA agency and are placed here to clarify their applicability.

N.J.A.C. 10:85-5.2(b) is amended to eliminate, as redundant, the requirement for a special written certification of medical necessity for hospital care. The utilization review committees which exist in all hospitals are to be relied upon to review medical need. Specific reference is made to authorization of payments of hospital insurance premiums. These have been met previously under implicit authority as hospital bills in different form.

N.J.A.C. 10:85-5.2(c)3 is revised to exclude blood and plasma from the items covered under the all-inclusive hospital rate. These are customarily excluded and, when billed at all, are separated on hospital bills.

N.J.A.C. 10:85-5.2(d) and (e) have been edited with no change in policy.

N.J.A.C. 10:85-5.2(f) is revised in several ways. The requirement for a written statement of commitment for payment of a hospital bill is deleted as superfluous paperwork. The payment itself is the critical element and supplies all necessary notice. The section regarding period of coverage is retained. All other parts have been relocated without substantive change as noted earlier.

N.J.A.C. 10:85-5.3(b)1 is deleted. Except in special situations which are covered in text dealing with those situations, the place of service is not relevant. Payments are made for proper medical services rendered by proper persons to GA recipients, the place of service in most instances notwithstanding.

N.J.A.C. 10:85-5.3(b)5i has been revised to eliminate the need for prior authorization for specialist consultation to be in writing. The paperwork is not needed.

N.J.A.C. 10:85-5.3(c)3 has been expanded to show the actual current practices of DPW/BMA in approving outpatient mental health therapy.

N.J.A.C. 10:85-5.3(c)4 dealing with outpatient drug or alcohol centers is deleted as unnecessary. Payment for proper medical services rendered by proper persons to GA recipients is fully covered elsewhere.

N.J.A.C. 10:85-5.3(d)1 is revised to eliminate the requirement for a special written physician's order for visiting nurse service. All visiting nurses operate under the direction and supervision of physicians. That is considered sufficient verification of need. The

paperwork is unnecessary.

N.J.A.C. 10:85-5.3(e), which dealt with maternity home care, has been revised and relocated under N.J.A.C. 10:85-3.3(f)4v. N.J.A.C. 10:85-5.3(e) now deals with care for chronically ill and makes specific mention of continuation of nursing home payments during short absences. These payments had been made previously because such periods have not been separately identified on nursing home bills.

N.J.A.C. 10:85-5.3(g) pertaining to physical therapy has been renumbered to (f) and rewritten for clarity and organization of material.

N.J.A.C. 10:85-5.4(b) and (c) have been relocated to N.J.A.C. 10:85-5.1(a)2 and 3, respectively.

N.J.A.C. 10:85-5.4(b) is being added to allow for retroactive payment of medical expenses to persons denied Medicaid Only but subsequently found eligible for GA.

N.J.A.C. 10:85-5.6 and 5.7 have been edited with technical revisions but no change in policy.

N.J.A.C. 10:85-5.8(c) is amended to institute the use of person numbers on pharmacy bills for families of more than one person. Better utilization review will be possible.

N.J.A.C. 10:85-5.9, which lists municipalities participating in the processing of pharmaceutical payments, is being deleted as unnecessary since current information is readily accessible when needed.

Subchapter 6

Subchapter 6 deals with reporting requirements the municipal welfare agency must comply with to qualify for State Aid. The subchapter describes procedures for establishment of a Public Assistance Trust Fund Account; procedures for obtaining reimbursement of assistance paid to applicants who have pending SSI applications; procedures for establishment of a Petty Cash Fund Account; instructions on case record retention and procedures for payment of pharmaceutical charges.

In 1978, N.J.A.C. 10:85-6.2 was amended to specify that in municipalities where State matching funds are received, the municipal welfare department's 25 percent share of the GA grant must be locally generated. This provision precluded the use of Federal, State or county financial assistance to make up this expenditure.

In 1979, N.J.A.C. 10:85-6.3(a)2 was added to specify that payments received by municipalities as State Aid for GA may not be deposited or transferred to non-GA accounts and may only be used to meet the cost of paying GA grants and related administrative costs.

N.J.A.C. 10:85-6.3(b) was added in 1979 to provide instruction on disbursement of the Public Assistance Trust Fund Account.

N.J.A.C. 10:85-6.4(a)2 was expanded in 1979 to provide more detailed instruction regarding completion of Form GA-6 (Report of Assistance Commitments). Language is now being added to reflect further specific instruction.

N.J.A.C. 10:85-6.4(a)3i includes additional instructions for completion of Form GA-6A (Statistical Summary).

N.J.A.C. 10:85-6.5(c) is being expanded to include detailed information and instructions for completion of Form GA-30 (Authorization for Reimbursement of General Assistance from Initial SSI payment) and Form GA-30A (Agreement to Repay Assistance from Initial SSI Payment).

In 1981, N.J.A.C. 10:85-6.5(d) was amended to clarify the procedure for determining the amount of SSI retroactive lump sum benefit that is to be remitted to the client.

N.J.A.C. 10:85-6.7(b)2 was expanded in 1979 to include the stipulation that the municipal welfare department (MWD) maintain a list of cases that had been closed and case material that had been destroyed.

N.J.A.C. 10:85-6.8 was added in 1980 to provide the MWDs with procedures and instruction for payment of pharmaceutical charges.

Subchapter 10

Subchapter 10, promulgated in 1980, describes the various aspects of the General Assistance Employability Program (GAEP) including work assignments, worksite agreements, worksite locations and activities, scheduling of worksite assignments, program compliance standards and penalties for noncompliance.

In 1982, N.J.A.C. 10:85-10.3(b) was amended to include, as an acceptable worksite assignment, participation in a high school equivalency program or other training or occupational preparedness program.

N.J.A.C. 10:85-10.6(a) was also amended in 1982 to provide a 90 day period of ineligibility for GA due to recipient failure to perform satisfactorily at any worksite or occupational preparedness assignment. This penalty also applied when a recipient failed to attend a drug or alcohol abuse program if directed to do so in lieu of a work assignment.

In 1982, N.J.A.C. 10:85-10.8 was repealed. This section provided criteria for reinstatement when a penalty of ineligibility was imposed due to noncompliance with GAEP. It was rendered obsolete by the 90 day ineligibility provisions in N.J.A.C. 10:85-10.6(a).

A new amendment is presented at this time to N.J.A.C. 10:85-10.8. This amendment serves to update instructions for reporting information regarding the GAEP to the State of New Jersey.

Social Impact

N.J.A.C. 10:85 was promulgated pursuant to Chapters 1 and 8 of Title 44, N.J.S.A. The provisions of those chapters require municipalities to provide assistance according to law. The statute provides authority to the Commissioner of the Department of Human Services to promulgate the necessary rules, regulations, and standards by which that assistance is to be provided. In the absence of regulations, the law would still require the granting of assistance but the basis for order and consistent operation of the program would be missing. The predictable result would be a chaotic distribution of assistance including lack of assistance in some areas and in some cases.

The changes presented at this time are made for purposes of updating obsolete or stale information, elimination of redundancy and of material no longer useful, improved order of presentation and overall clarity. The only social impact intended or expected is that of improvement which will result from the availability of clearer, better organized regulations.

Economic Impact

The economic impact of changes presented here on the recipients of the General Assistance program is not expected. The purposes of these changes are clarification, updating, and improved codification. The changes for those purposes are expected to produce a beneficial impact in the administration of the program, a benefit which will take the form of more efficient operation rather than a reduction in dollar cost.

In Fiscal Year 1982, an average of 26,241 persons per month received General Assistance. The amount of money spent is broken down as follows:

(1) Municipal welfare departments	\$14,918,556
(2) State	38,275,209

In Fiscal Year 1983, 29,030 individuals are expected to receive General Assistance. The amount of money anticipated to be spent is as follows:

(1) Municipal welfare departments	\$16,852,000
(2) State	42,890,000

Full text of the emergency readoption and concurrent proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 10:85-1, 2, 3, 4, 5, 6 and 10, as amended in the New Jersey Register.

Full text of the emergency amendments and concurrent proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

10:85-1.1 Purpose of the General Assistance program

(a)-(d) (No change.)

(e) Any person who is in need and believes him/herself to be eligible for General Assistance shall be given the opportunity to apply. (See N.J.A.C. [10:85-7.3] **10:85-7.1(b)**).

(f) An applicant or recipient shall have the right to appeal any action on the part of the municipal welfare department which results in a denial, reduction or termination of assistance, **amount of grant** or designation of a temporary payee. (See subchapter 7, Notices and Hearings.)

(g) (No change.)

10:85-1.4 Policy of nondiscrimination

(a) Eligibility for program benefits shall be determined without regard to race, color, sex, religious creed, marital or birth status, national origin or political beliefs.

1.-2. (No change.)

3. Complaint procedure: Any person seeking or receiving general assistance, who feels that he/she has been discriminated against, shall be given the opportunity to file a complaint.

i. Filing the complaint: The aggrieved person may file his/her complaints directly with the Division of Public Welfare, [Box 1627] **CN 716**, Trenton, New Jersey 08625. If a complaint has been filed with the local agency, it shall be forwarded immediately to the Division of Public Welfare. All complaints are to be addressed to the attention of the division director.

ii.-v. (No change.)

10:85-3.2 Application process

(a)-(b) (No change.)

(c) Rules concerning taking application are:

1. (No change.)

i.-ii. (No change.)

iii. See [subchapter 5 of this chapter] **N.J.A.C. 10:85-5.2** regarding delay in completion of the application when applicant is hospitalized.

iv.-v. (No change.)

2.-6. (No change.)

(d)-(i) (No change.)

10:85-3.3 Financial eligibility

(a)-(d) (No change.)

(e) Rules concerning unearned income are:

1.-4. (No change.)

5. Income exclusions: The following shall not be counted when determining financial eligibility:

i.-vi. (No change.)

vii. [VISTA volunteer payments: Payments made to persons who have been receiving General Assistance and who qualify as VISTA volunteers. This exemption does not apply to stipends or other monies received by persons who have not been receiving General Assistance prior to qualification as VISTA volunteers, nor does it apply to payments to persons who work for VISTA in a capacity other than as a volunteer.]

Payments for supportive services or reimbursement of out-of-pocket expenses made to individual volunteers, grandparents, senior health aides, senior companions, volunteers under Title I (VISTA) of Public Law 93-113, persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any programs under Titles II and III of the Domestic Volunteer Service Act of 1973 (Public Law 93-113) shall be disregarded.

viii.-x. (No change.)

xi. Energy Assistance Payments: Payments and credits made under the Home Energy Assistance (HEA) Program, the Lifeline Assistance Program (LAP) and the Tenants Lifeline Assistance Program (TLAP).

(f) Assistance allowance standards are as follows [.] :

1.-3. (No change.)

4. Room and board living arrangements: When an individual is purchasing a room and board living arrangement, the following shall apply:

- i.-ii. (No change.)
- iii. Long-term care facilities: See N.J.A.C. 10:85-5.3 [(f)] (e) regarding care in skilled nursing homes and intermediate care facilities.
- iv. (No change.)

v. **Maternity homes: When an individual is receiving room and board in a home for expectant mothers for which a rate has been established by the Division of Youth and Family Services (DYFS), the total monthly allowance shall be the DYFS rate. When no such rate has been established, the total monthly allowance shall be the amount for a single individual as given in Schedule I or Schedule II as appropriate, less any countable income. The MWD may obtain a current rate information as needed by communicating with DPW/BLO.**

5. (No change.)

(g) **Medical care:** Persons found eligible for General Assistance maintenance payments in accordance with the procedures and standards established in this subchapter (N.J.A.C. 10:85-3) are likewise eligible for medical care [.] (S) see N.J.A.C. 10:85-5 regarding provision of medical care [.] In addition, certain other individuals and families are eligible for medical assistance from the MWD or for referral to the county welfare agency.

1.-2. (No change.)

3. **Inpatient hospitalization: Eligibility for payment of inpatient hospital costs described in N.J.A.C. 10:85-5.2 shall be limited to:**

- i. **Persons who, at the time of admission, are receiving General Assistance maintenance payments other than medical payments; or**
- ii. **Persons who, at the time of admission, have an application for General Assistance pending and who are subsequently found eligible for maintenance payments other than medical payments; or**
- iii. **Persons who, after admission but before discharge from the hospital apply for General Assistance are subsequently found eligible for maintenance payments other than medical payments.**

4. **Payment for hospitalization being provided by a third party at the time of application is not considered as income in establishing eligibility.**

10:85-3.4 Resources

(a) (No change.)

1. Resources must be reported in full to the agency and a determination made as to status as either exempt or potential.

i. Medicare benefits must be utilized first before determining the amount of unpaid medical bills. [.] (S) see N.J.A.C. 10:85-5.3 [(i)] (h) [.]

ii. (No change.)

2. (No change.)

(b) (No change.)

(c) Exempt resources are not subject to any requirement for liquidation and are not considered in determining the assistance grant. Any resource which is not or is no longer exempt shall be considered as either available income or a potential resource according to its nature. The exempt resources are:

1.-8. (No change.)

9. **Energy assistance payments: Payments and funds remaining from payments received under the Home Energy Assistance Program (HEA), the Lifeline Assistance Program (LAP), and the Tenants Lifeline Assistance Program (TLAP).**

(d)-(f) (No change.)

10:85-3.5 Continuing eligibility

(a) (No change.)

(b) **Redetermination of eligibility:** In order to continue granting

assistance, the MWD shall make a complete redetermination for each case at least once every six months except that for the chronically ill, recertification by a physician via Form GA-18 shall be made at time intervals in accordance with N.J.A.C. 10:85-5.3 [(f)1i] (e)1i.

1.-4. (No change.)

(c)-(d) (No change.)

10:85-4.2 Periods for which assistance is granted

(a) General Assistance is granted to meet needs of individuals in a variety of situations. The director of welfare shall determine which of the following is appropriate:

1.-5. (No change.)

6. **Initial period of assistance: In all cases for which a starting date is not specified elsewhere in this manual, the starting date for the initial period of assistance shall be the date of the application or the date on which eligibility actually began, whichever is later.**

10:85-4.3 Methods of payment

(a) (No change.)

(b) Assistance orders shall be serially numbered when printed. Assistance orders submitted for payment shall bear the signatures of the director of welfare, the recipient and the vendor **except that orders for residential services such as room and board or residential health care need not bear the signature of the recipient.** Rubber stamp or typescript signatures are not valid unless countersigned by a duly authorized staff member. Reimbursement to municipalities will be contingent upon compliance with this regulation.

10:85-5.1 General provisions

(a) The municipal director of welfare shall authorize payment for medical and hospital care and services to [g] General [a] Assistance recipients and eligible applicants [to the extent provided by this subchapter] **when such care and services are deemed necessary and appropriate. The MWD may seek the advice of DPW/BMA in determining whether particular elements or programs of care or service are necessary and appropriate.**

1. **In no instance will the rate exceed that payable under the Medicaid Program. Payment for services not provided for under the Medicaid Program shall not be authorized.**

2. **Medical bills which have been paid by the client or on his or her behalf are not subject to reimbursement by the MWD.**

3. **In the event that payment is obtained from a third party by or for any client for whom the MWD has made medical payments, the welfare agency shall seek recovery of such payment from the beneficiary.**

10:85-5.2 Inpatient hospital care

(a) (No change.)

(b) **The director of welfare may authorize payment of Blue Cross or other hospital insurance premiums.** [The director of welfare shall require the submission of written certification confirming the medical necessity of initial and continued inpatient hospital care. Such certification must be signed by the patient's physician, podiatrist, or dentist, and will be submitted either by the person receiving the service or on his/her behalf.]

1. Periodic certifications: Certification of medical necessity shall be requested by the director at such intervals as he/she deems appropriate and consistent with the diagnosis for which hospital care is required. Such certification shall be requested at least every 30 days.

2. Reimbursement contingent upon certification: Inpatient hospital expenses incurred in the absence of written certification covering the specified period of hospitalization shall not qualify for State aid.]

(c) **Hospital all-inclusive rate:** To the extent that they are prescribed by a physician, dentist or podiatrist as necessary for the

diagnosis and/or treatment of the condition for which hospitalization is required, the following hospital care and services are included in the hospital all-inclusive [hospital per diem] **rate**:

1. Bed and board: The cost of bed, board, meals and dietary service "semi-private" (two or four beds per room) accommodations.

i. Private accommodations: Should the patient or the hospital, for whatever reason, decide on patient utilization of a private room, **the payment of additional charges resulting from the occupancy of such room shall not [qualify for State aid] be authorized.**

2. Special facilities: Use of the operating room, recovery room, intensive care unit, [and] coronary care unit, **etc.**, including their respective facilities and equipment:

3. Medical supplies: Therapeutic solutions, all types of anesthetics, oxygen, serums, [blood and plasma,] **dressings, bandages, and plaster casts;**

4.-9. (No change.)

(d) [For purposes of qualifying for State aid, hospital care and services shall not include the following] **Expenses not covered: The MWD shall not authorize payments for any of the following:**

1. Services rendered in a nonapproved hospital [:]. [Services rendered in a nonapproved hospital shall not be reimbursable. (See Glossary for a definition of an approved hospital.)]

2. Rest cures and other care: Hospital services, in whole or in part incurred for the purposes of obtaining bed rest or a rest cure; cosmetic surgery not incidental to **accidental** injury, and convalescent, custodial, or sanatorium care [shall not be reimbursable].

3. Miscellaneous expenses: Private duty nursing; services and supplies not directly related to the care of the patient (for example, guest meals and accommodations, travel expenses, TV and telephone charges, take-home supplies, and so forth); and all charges incurred during temporary absence of the patient from the hospital premises prior to actual discharge from the hospital [shall not be reimbursable].

4. Services covered [during] **under** other laws or appropriations: Hospital services to the full extent, if any, that are covered under any foreign, Federal, or State law (other than the New Jersey General Assistance Law) or by county appropriations [shall not be reimbursable]. The amount to which the patient is entitled, when identifiable, whether or not he/[] or she asserts right to the coverage, shall be deducted from the total amount incurred for hospitalization and the remainder, if any, may be [a reimbursable expense] **paid.**

i. Hospital services paid for by the municipality with money appropriated by any foreign, Federal, State, or county government and paid to the municipality either directly or indirectly shall not be [reimbursable] **considered as a General Assistance Program expense.**

5. **Employment related injury or disease:** Hospital services for the treatment of any condition, disease, ailment, or accidental injury stemming from or incurred in the course of employment, for which benefits (in whole or in part) are payable under the provisions of any Workmen's Compensation Law, Temporary Disability Benefits Law, Occupation Disease Law, or similar foreign, Federal, or State law [shall not be reimbursable]. It makes no difference whether a person actually receives benefits for hospital services under any of the aforementioned laws, nor does it matter whether any recovery is made by the patient against a third party for damages resulting from such condition, disease, ailment, or accidental injury.

6. **Otherwise collectible costs:** Hospital services to the extent, if any, that they are or may be collectible by the hospital or by the patient through civil suit against a third party [shall not be reimbursable].

7. **Services covered by health insurance:** Hospital services to the extent, if any, that such costs are or may be payable under a policy which insures that patient [shall not be reimbursable].

i. Medicare program: Persons eligible for Medicare [Part B] benefits must have health services billed to the appropriate carrier (Prudential Insurance Company or Hospital Service Plan, Blue Cross of New Jersey) by the provider before submitting bills to the MWD for consideration. The amount of the Medicare deductible may be paid by the MWD.

ii. Any benefits which are or may be provided through no-fault insurance [are not reimbursable].

iii. Any benefits provided through the Medical Assistance Program (Medicaid) of the State of New Jersey or any other state [are not reimbursable].

8. Death benefits (life insurance): Hospital services to persons who subsequently die and have life insurance, death benefits, or estate assets sufficient to cover burial and hospitalization [shall not be reimbursable].

9. Routine physical examinations: Hospital services for research studies, screening, routine physical examinations or any examination not incident to or necessary for the diagnosis and/or treatment of illness or injury [shall be reimbursable].

(e) **Out-of-State hospitalization:** In cases where the type of treatment required is not available in a New Jersey hospital or in which a hospital beyond State borders is more accessible to the patient, the director may authorize payment for hospital services to the same extent authorized under the provisions of (a) through (d) above. Payment shall not exceed the appropriate Blue Cross or **Medicaid** [all-inclusive per diem] rate, **whichever is less.**

[(f) Authorization by the municipal welfare department to accept responsibility for the payment of hospitalization shall be by letter, or other form of written notice, issued to both the hospital and the patient. Such authorization must be signed by the director on an individual case basis.

1. Persons eligible for hospitalization: the following and only the following shall be issued authorization for hospitalization:

i. Persons who, at the time of admission, are receiving General Assistance maintenance payments. Payments solely for excessive medicals shall not be considered as maintenance payments (see N.J.A.C. 10:85-3.3(g)1);

ii. Persons who, at the time of admission, have an application for General Assistance pending and who are subsequently found eligible for maintenance payments without reference to hospital or excessive medical costs;

iii. Persons who, after admission but before discharge from the hospital, apply for General Assistance and are subsequently found eligible for maintenance payments without reference to hospital or excessive medical costs.]

(f) [2.] Period to be covered: When the MWD establishes eligibility for General Assistance, payment for hospitalization may be authorized [for a period up to] **retroactive to the date** 30 days prior to the date of the initial application. (Any **written** referral made to the MWD by the hospital shall be considered as initiation of an application, even though the actual application form is not completed until after discharge.) **Form PA-1C may be used for this purpose.**

[3. Third party payment: Payment for hospitalization, being provided by a third party at time of application is not considered as income in establishing eligibility.]

(g) **Payment for hospitalization:** Upon certification of hospitalization, the director of welfare shall approve [an authorized all-inclusive per diem rate] **payment as approved by DPW/BMA which shall cover all items listed in (c) above.**

1. (No change.)

2. Amount of Payment: Payment for hospital services by the municipal department of welfare shall be at the Diagnosis Related Group (DRG) rate if such a rate is applicable. If a DRG rate is not applicable, payment shall be authorized at the least of the following. [(Note: The MWD may consult by telephone or letter with DPW/BMA about any of the below-mentioned rates and their applicability to particular cases or situation.)] **(The MWD shall submit all inpatient hospital bills to DPW/BMA for costing**

before making payments):

- i.-iii. (No change.)
- 3. (No change.)

10:85-5.3 Other medical payments

(a) The director of welfare shall authorize payment for medical care and **professional practitioner** services if such care and services are deemed necessary and appropriate.

(b) **Physicians, dentists and other health care providers:** The director of welfare shall authorize payment for services provided by licensed physicians (M.D. or D.O.), dentist and other health care providers including podiatrists, optometrists, pharmacists, opticians, prosthetists and orthotists who have not been deleted for cause from the current list of approved Medicaid providers, unless such services are specifically prohibited under (b)[3]2 below. The DPW/BMA will advise all MWDs of deletions from the approved list and of any reinstatements.

[1. Place of service: Payment shall be authorized when services are rendered in the patient's home (or in the home of a person other than the patient), in the provider's office, in a skilled nursing home, an intermediate care facility, a center for treatment of drug or alcohol abuse, or in a residential health care facility.]

[2.]1. Amount of payment: The amount of the payment which the MWD shall authorize for any medical product or service shall be the lowest amount for which the service or product or a comparable service or product can be reasonably supplied to the recipient but in no event shall total payment for each service or product be more than the rate indicated as a maximum by DPW/BMA. [(See N.J.A.C. 10:85-5.3(i) and 10:85-5.4(a).) If comparable services or products are accessible and readily available free, no payment shall be authorized.]

- i. (No. change.)

[3.]2. [Nonreimbursable services] **Payments not authorized:** Payments to physicians, dentists or other health care providers shall not be authorized for the following services:

- i.-vi. (No change.)

[4.]3. Obtaining a physician and so forth: When an appropriate clinic is not available without charge, the patient shall be provided the opportunity to select a physician, dentist or podiatrist of his[/or her choice. In the event that a person has no such practitioner or his[/or her personal practitioner is not available, the director of welfare may assist in obtaining a physician, dentist or podiatrist. **The MWD may consult the DMAHS District Office to learn the names of practitioners participating in the Medicaid Program.** (The practitioner shall be advised that payment cannot exceed the current Medicaid rate.)

[5.]4. Consultation by a specialist: Payment shall be authorized for services provided by a medical specialist whose advice and recommendations are requested by another physician or by the municipal welfare department with respect to the non-hospital evaluation and/or treatment of a patient. (See (b)[2]1 above regarding maximum fee.)

i. Prior authorization: Payment for consultation services shall be approved only when performed by a qualified specialist who has received prior authorization [, in writing,] from the municipal director of welfare to perform such services.

- (c) Outpatient facility services are as follows [.]:

- 1. (No. change.)

2. Hospital and independent clinics: The director of welfare shall authorize payment of an all-inclusive charge (except for X-ray, **diagnostic study** and laboratory fees) not to exceed \$12.00.

i. X-ray, **diagnostic study** and laboratory fees: A fixed fee, which shall be the maximum payment allowed by Medicaid when such service is provided by a private radiologist, **physician specialist** or independent laboratory, may be authorized. The MWD may contact the DPW/MBA for such information.

3. Outpatient mental health facilities: The municipal director of welfare shall authorize payment for out-patient services rendered by the [following] mental health facilities [.] **listed below when**

services have been approved by DPW/BMA. Approvals are made for periods of six months or less. Requests for approval of initial or continuing therapy may be submitted in any appropriate form or format including Medicaid Form FD-07-C1.

- i.-iii. (No. change.)

iv. Mental health services [not reimbursed]: Services provided by psychiatric social workers, unlicensed psychologists or psychiatric assistants [are not reimbursable] **in private practice are not payable.**

[4. Outpatient drug and alcohol abuse treatment centers: The director of welfare shall authorize payment for services and products provided by duly licensed persons to outpatient participants in programs of rehabilitation operated by centers for treatment of drug or alcohol abuse. Licensure of the center itself is not a requirement for payment.

i. Maximum fee: Payment for such services and products shall not exceed the minimum fee for which such services and products are provided by the center to non-public assistance recipients, the lowest fee for which comparable products or services are available to the recipient, or the fee specified by DPW/BMA, whichever is least.]

(d) **Visiting nurse or home health agency services:** The municipal director of welfare shall authorize payment for services rendered by a Visiting Nurses Association or Home Health Agency provided that the client is not entitled to such services without cost.

[1. Physician's statement: Such services shall be provided only upon written order of the attending physician.]

[2.]1. Maximum fee: Payment shall not exceed the applicable Medicaid rate.

[(e) The director of welfare shall authorize payment for maternity home care for expectant mothers at the applicable rate established by the Division of Youth and Family Services. Municipal welfare departments may call the DPW/BLO to obtain the applicable rate.

1. Approved maternity homes: Listed below are maternity homes which have been approved for use by General Assistance recipients:

- i. Essex County:

(1) St. Martha's Residence
31 Mulberry Street
Newark

- ii. Mercer County:

(1) Florence Crittenton Home
1212 Edgewood Avenue
Trenton

(2) St. Elizabeth's Home
Bordentown and Crosswicks Road
Yardville

- iii. Passaic County:

(1) Florence Christian Home
700 East 18th Street
Paterson

- iv. Philadelphia:

(1) Booth Maternity Home
6051 Overbrook Avenue
Philadelphia, Pennsylvania]

[f](e) **Care for the chronically ill:** The director of welfare shall authorize payments for patient care and a person incidental allowance in a skilled nursing home, intermediate care facility, or public medical institution when a physician certifies that a client has a defect, disease, or impairment (other than psychosis) which necessitates such care, **the client is not eligible for Medicaid**, and there is no person available who will provide such care without cost to the client.

- 1. (No change.)

2. Maximum fees: Payment to the facility shall not exceed the rates for such facility as established by Medicaid **or, for non-Medicaid facilities by DPW/BMA.** The MWD may contact the DPW/BMA to obtain the per diem rate for room, board and nursing care. A personal incidental allowance of \$25.00 per month shall be

allowed to the patient.

i. In determining the amount the MWD will be authorized to pay the facility for room, board and nursing care, the Medicaid rate times the number of days of care less the payment by or on behalf of client shall be used. **Each month the MWD will obtain a current bill for all services rendered during the previous month and will submit it to DPW/BMA for costing prior to payment.**

(1) The MWD may authorize per diem payments for periods of up to 14 days during which the client is temporarily absent from the facility for hospitalization or therapeutic visits.

ii. Prescription drugs, laboratory, X-ray, physician, dental, podiatry services and supplies are not included in the Medicaid per diem rate. Such services shall be paid directly to the provider. An order for lab, X-ray, pharmacy services, and so forth must be based on a written prescription from the attending physician [(S)](see N.J.A.C. 10:85-8.4(g)1i regarding the Pharmaceutical Assistance to the Aged and Disabled program[.]).

[(g)] The director of welfare shall authorize payment for physical, occupational, or speech therapy for a maximum of three months, provided that such therapy is not otherwise available without cost to the client.

1. Conditions for authorization: Payment for such services shall be authorized only when the therapy has been recommended in writing by a physician as part of a planned physical restoration or rehabilitation program. The therapy must be performed by an appropriately qualified therapist working under the direction and supervision of a physician.

2. Authorization for therapy: The municipal director of welfare shall authorize payment for therapy by means of Form GA-18A, prior to the rendering of such services. (See Appendix A for sample form.)

3. Prior approval from the Division of Public Welfare: Prior approval for such services shall be obtained from the Bureau of Medical Affairs, Division of Public Welfare.

4. Maximum fee: The DPW/BMA will determine an appropriate fee for the services provided.

i. Completion of GA-18A: Form GA-18A, Certification of Need for Physical, Occupational or Speech Therapy, shall be completed by the attending physician and therapist and submitted by the MWD to the DPW/BMA with the official invoice.]

(f) The director of welfare shall authorize payment for physical, occupational, or speech therapy under the conditions and in the amounts indicated in (f)1 through 2 below.

1. Conditions:

i. The therapy must have been recommended in writing by a physician.

ii. The therapy must be a part of a planned physical restoration program.

iii. The therapy must be performed by an appropriately qualified therapist under the direction and supervision of a physician.

iv. The therapy has been approved in advance by DPW/BMA. Request for DPW/BMA approval shall be submitted via Form GA-18A with any other documentation which is appropriate and available or is requested by BMA. Approvals by DPW/BMA will be made for a maximum of three months. Requests for approval for an additional three month period shall be made prior to the commencement of the additional period. Such a request must include a new Form GA-18A if appropriate or a written statement by the supervising physician describing all changes since the previous submittal.

2. Amount of payment: The MWD will authorize no payment for therapy which is available or could have been provided to the client without cost. The amount of payment shall be at the rate established for the service by the Medicaid program. The DPW/BMA will ascertain the rate and indicate it in the notice of approval. Welfare directors in need of rate information before submitting an approval request may communicate with the DPW/BMA.

[(h)](g) **Miscellaneous services:** The director of welfare shall authorize payment for drugs, blood, blood plasma, infusions, hearing aids, prosthetics, oxygen, dental services or dentures, eyeglasses and other visual prosthetics, braces and appliances, if recommended in writing by an appropriately licensed practitioner and if not otherwise available without cost to the patient.

1. Maximum fee: The DPW/BMA will determine an appropriate fee for the services provided as stated in (b)[2]1 above.

2. PAAD program: See N.J.A.C. 10:85-8.4(g)1i regarding referral to the Pharmaceutical Assistance to the Aged and Disabled program.

3. (No change.)

[(i)](h) (No change in text.)

[(j)](i) **Resident treatment for drug or alcohol abuse:** When the director of welfare authorizes payment for room and board, and personal incidentals in amounts as specified in N.J.A.C. 10:85-3.3(f)4iv, the payment shall be considered as inclusive of all goods and services [which are supplied without added cost to non-public assistance recipients].

10:85-5.4 Procedure for payment of medical bills

Note: This section does not apply to prescription bills except for medical supplies and equipment, in those municipalities [to which N.J.A.C. 10:85-5.8 applies.] **which pay prescription charges through Medicaid.**

(a) Rules concerning determination of Medicaid rate are as follows:

1. MWD responsibility: The MWD shall submit bills received from providers of health services, or requests for authorized fee levels, to the DPW/BMA. Such bills and/or requests should be submitted on official Medicaid vendor voucher forms which all providers servicing Medicaid recipients utilize. The forms must contain the following: signature of the vendor and client, date, and description of the commodity delivered or service rendered with full Medicaid product and procedure codes. **Exception: The signature of the client/designee is not required on bills for residential services such as Long Term Care Facilities ([S]s (a)4 below for requirement of client/designee signature[.]).**

i. Bills/requests shall include age of the patient, diagnosis, and whether or not he[or] she is receiving disability insurance benefits. The signature of the MWD director, preceded by the words "approved by" is required on the bottom or on the reverse side of the Medicaid vendor form. This signature may be affixed either before or after submission to DPW/BMA for rate approval but prior to payment.

ii.-iii. (No change.)

2.-3. (No change.)

4. Client/designee signature requirements: The following procedures may be used when the patient's signature is unobtainable.

i. Illiterate patient: The patient may sign by mark (X), and the signature must be witnessed by another person and also the provider of the service must sign his[or] her name and address on the same line.

ii.-iii. (No change.)

[(b)] Medical bills which have been paid by the client or on his/her behalf are not subject to reimbursement by the MWD.

1. See N.J.A.C. 10:85-5.2(d)7, 5.3(b)2 and 5.3(i) regarding Medicare.

(c) In the event that payment is obtained from a third party by or for any client for whom the MWD has made medical payments under this subchapter, the welfare agency shall have the right to recover such payment from the beneficiary.]

(b) Retroactive medical eligibility: In the event that a person who is determined ineligible for Medicaid Only benefits by the county welfare agency applies promptly and is found eligible for

EMERGENCY ADOPTIONS

General Assistance, payment of medical expenses shall be made retroactive to the date of application for Medicaid Only.

10:85-5.6 Medical care for recipients with chronic renal failure

(a) Most patients with chronic renal failure requiring dialysis or transplantation are eligible for Medicare coverage the first day of the third month following the first dialysis treatment, or immediately upon hospitalization for transplantation. Medicare provides payment for the hospitalization. Medicare Part B must be purchased to provide payment for 80 percent of the cost of outpatient care, including dialysis treatment. Drugs not prescribed as part of the dialysis treatment are not eligible for payment by Medicare.

1. Responsibility of other agencies: It is the responsibility of the administrator or coordinator of the dialysis unit to initiate the application for Medicare and to contact all other possible resources. These include: The Social Security Administration for DIB and/or SSI benefits; the county welfare agency for "Medicaid Only"[, Medical Assistance for the Aged (MAA)] and transportation, and the Division of Medical Assistance and Health Services for Pharmaceutical Assistance to the Aged and Disabled (PAAD).

i. PAAD applications can be obtained from county offices on aging, local Medicaid offices, county welfare agencies and local pharmacies.

2. MWD responsibility: When utilization of benefits from other sources leaves a medical cost deficit, the municipal welfare director will determine eligibility for hospitalization payment through General Assistance, if needed, in accordance with N.J.A.C. 10:85-5.2. The MWD will determine eligibility for payment for other medical costs, if needed, in accordance with N.J.A.C. 10:85-5.3 with due regard for the medically needy provisions of N.J.A.C. 10:85-3.3(g)[1]. Maximum fees will be determined by DPW/BMA in accordance with N.J.A.C. 10:85-5.3(b)[2].

i. Written [V]erification: As part of the application process for assistance for individuals with chronic renal failure, the municipal welfare director must obtain, from the administrator of the dialysis unit, written verification that the patient's eligibility for any or all of the above resources has been explored.

10:85-5.7 SSI application pending

(a) In situations where [in-patient hospital care or care in a long term care facility] **residential medical care** is required by an eligible person whose SSI application is pending, the MWD will assure the provider of payment in accordance with all regulations in this chapter. Such payment will, however, be withheld during the period in which the SSI application is pending. The MWD shall authorize payment of all other medical expenses as for other GA recipients.

(b) **Payment following SSI determination** If the application is approved, the withheld payments will be made through the Medical Assistance (Medicaid) program on a retroactive basis. If the application is denied, the MWD shall promptly make payment for the **withheld** costs incurred during the pending period, such payments being eligible for reimbursement to the same extent as other medical payments. **For purposes of this section an SSI application shall not be considered as denied until there has been a decision acceptable to the MWD that no appeal or no further appeal is to be taken.**

10:85-5.8 Pharmaceutical payments through DMAHS

(a)-(b) (No change.)

(c) **Form MC-24, GA prescription claim form:** Each MWD will maintain in a secure location a supply of Form MC-24. Forms are available from the Bureau of Management Services, Division of Public Welfare. The MWD will enter its four-digit municipality code in the first four of the 10 blocks over "Patient's First Name" on each form upon receipt and record the receipt of the serially numbered forms on a MC-24 Record Log (Form GA-20). **In cases**

HUMAN SERVICES

which cover the needs of more than one person, the "Person No." blocks on the MC-24 Form must be completed. The number 01 shall apply to adult males; 02 to adult females; the numbers 20, 21, 22 etc. shall apply to children. All person numbers must be recorded by the MWD to ensure that the assigned numbers are applied consistently to the same individual. The MWD will supply forms without charge to pharmacies which provide services to GA recipients, recording on a separate MC-24 Control Log (Form GA-20A), the serial numbers of forms supplied to each pharmacy.

(d)-(e) (No change.)

[10:85-5.9 List of MWDs (and four-digit codes) participating in the processing of pharmaceutical payments by DMAHS

MUNICIPALITY	COUNTY	CODE
Asbury Park	Monmouth	5384
Atlantic City	Atlantic	5002
Barnegat	Ocean	5491
Bayonne	Hudson	5286
Bridgeton	Cumberland	5211
Burlington City	Burlington	5705
Burlington Township	Burlington	5706
Camden	Camden	5748
Deptford	Gloucester	5257
Dover	Ocean	5498
East Orange	Essex	5235
Edison	Middlesex	5355
Elizabeth	Union	5629
Englewood	Bergen	5042
Franklin Township	Somerset	5578
Hamilton Township	Mercer	5338
Harrison	Hudson	5289
Hazlet Township	Monmouth	5398
Hoboken	Hudson	5290
Howell	Monmouth	5401
Irvington	Essex	5239
Jackson	Ocean	5502
Jersey City	Hudson	5291
Keansburg	Monmouth	5403
Kearny	Hudson	5292
Lakewood	Ocean	5505
Lincoln Park	Morris	5456
Linden	Union	5634
Lindenwold	Camden	5762
Long Branch	Monmouth	5407
Millville	Cumberland	5220
Montclair	Essex	5243
Neptune Township	Monmouth	5415
Newark	Essex	5244
New Brunswick	Middlesex	5363
North Bergen	Hudson	5293
Old Bridge	Middlesex	5365
Orange City	Essex	5247
Passaic City	Passaic	5537
Paterson	Passaic	5538
Perth Amboy	Middlesex	5366
Piscataway Township	Middlesex	5367
Plainfield	Union	5637
Rahway	Union	5638
Red Bank	Monmouth	5419
Trenton	Mercer	5346
Union City	Hudson	5295
Vineland	Cumberland	5224
Willingboro	Burlington	5738
Woodbridge	Middlesex	5375]

10:85-6.4 Fiscal and statistical reporting requirements

(a) **General completion and submittal requirements:** Forms described below shall be completed and either submitted to the Division of Public Welfare, as indicated, or retained by each municipality approved to receive State aid in the General Assistance program. Use of the forms described herein is required.

1. (No change.)

2. Report of Assistance Commitments (Form GA-6): Form GA-6, accompanied by Form GA-6A, will be submitted on a monthly basis to the DPW/BBS within 10 days after the end of the assistance month. Cases are to be listed in sequential order according to case number. The list will include all cases for which assistance was granted during the calendar month of the report for which the reporting municipality is financially responsible. It will include cases for which payments were made to medical facilities whether or not serviced by another municipality in accordance with N.J.A.C. 10:85-3.2(f)1 but shall not include any cases being serviced for another municipality. **Payment for medical goods and/or services are to be reported on the Form GA-6 for the month in which the payments are actually made, date of authorization or commitment notwithstanding. Column 1-C (Social Security number) must be completed in the months of January, April, July and October.**

3. Statistical summary (Form GA-6A):

i. Form GA-6A is a summary of data contained on Forms GA-6 and GA-7. Items on all forms, (that is, GA-6, GA-6A, and GA-7) must correspond for use in computing other statistical data. **Section VI of Form GA-6A must include information on the monthly total numbers and costs of salaried employees related solely to the administration of the General Assistance program regardless of the source of funds;**

ii.-iii. (No change.)

4. (No change.)

10:85-6.5 Reimbursement of assistance provided to applicants for SSI

(a)-(b) (No change.)

(c) Completion of Form GA-30 and Form GA-30A: When an individual is about to apply or has already applied for SSI, the municipal welfare department will require that he or she sign Form GA-30, Authorization for Reimbursement of General Assistance from Initial SSI Payment and Form GA-30A, Agreement to Repay Assistance from Initial SSI Payment, before granting assistance. **These forms pertain to the applicant's obligation to repay the municipal welfare agency for assistance granted while the applicant's SSI application is being processed. The GA-30 is prepared in triplicate and forwarded to the Social Security Administration as described in (c) below. This form authorizes the Social Security Administration to forward the applicant's initial SSI payment to the State Division so that repayment of assistance may be accomplished. A single copy of Form GA-30A is prepared at the time of application and is retained in the case record. This form contains a repayment agreement which is to be enforced in cases in which, for whatever reason, the initial SSI payment is sent directly to the applicant.**

1. (No change.)

2. Couples applying for SSI: When both spouses are applying for SSI, separate sets of the GA-30 and the GA-30A must be completed for each individual. [When one spouse is applying for SSI, the other spouse may be included in the SSI application as an "essential person", and only one GA-30 and GA-30A is to be completed.]

3. (No change.)

(d)-(f) (No change.)

10:85-10.8 [(Reserved)] GAEP reporting requirements

Selected Data on Employability Status (Form GA-6D): Form GA-6D (Selected Data on Employability Status) will be completed each month and forwarded with the regular forms in the GA-6 series identified in N.J.A.C. 10:85-6.4(a)2 through

4. All activities relating to the GAEP which occur during the calendar month of the report shall be included.

(a)

DIVISION OF PUBLIC WELFARE

Medicaid Only Manual Nonfinancial Eligibility Criteria

Emergency Readoption and Concurrent Proposed Readoption: N.J.A.C. 10:94-3

Emergency Readoption Adopted: May 4, 1983 by George J. Albanese, Commissioner, Department of Human Services.

Gubernatorial Approval (see N.J.S.A. 52:14B-4(c)): May 9, 1983.

Emergency Readoption Filed: May 20, 1983 as R.1983 d.188.

Authority: N.J.S.A. 44:7-87 and 30:4D-7.

Emergency Readoption Effective Date: May 20, 1983.

Emergency Readoption Operative Date: June 22, 1983.

Emergency Readoption Expiration Date: July 19, 1983.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Acting Director
Division of Public Welfare
CN 716
Trenton, NJ 08625

This readoption was readopted on an emergency basis and became effective upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 52:14B-4(c) as implemented by N.J.A.C. 1:30-4.4). Concurrently, the provisions of this emergency readoption are being proposed for readoption in compliance with the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The readopted rule becomes effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)).

This proposal is known as PRN 1983-287.

The agency emergency readoption and concurrent proposed readoption follows:

Summary

The purpose of this emergency readoption and concurrent proposal is to readopt N.J.A.C. 10:94-3 pursuant to the "sunset" provisions of Executive Order No. 66(1978). This subchapter which pertains to nonfinancial eligibility criteria for Medicaid for aged, blind, and disabled individuals, has been reviewed by professional staff of the Division of Public Welfare within the Department of Human Services and found necessary for the continued operation of the Medicaid program. These rules establish a uniform system of determining eligibility for all applicants under the same criteria established by the Federal government for eligibility determinations in the Supplemental Security Income program. This subchapter contains nonfinancial eligibility rules

concerning citizenship, State and county residency, the definitions of "age", "disability" and "blindness" and describes institutional eligibility.

The Medical Assistance and Health Services Act (N.J.S.A. C30:3D-2) was effective January 1, 1970. With implementation of Title XVI of the Social Security Act on January 1, 1974, the State was required to determine Medicaid eligibility for aged, blind, and disabled individuals in accordance with Federal rules prescribed for the Supplemental Security Income program. This subchapter was originally promulgated July 1, 1976 in accordance with the Administrative Procedure Act. These rules specify general Federal nonfinancial eligibility requirements and the Federal rules pertaining to these regulations have not changed. Only four revisions to this subchapter have been made subsequent to the original promulgation. Those revisions (1) provided that evidence of blindness could be submitted by either an optometrist or an ophthalmologist, (2) increased maximum allowances for examining physicians, (3) clarified when the Division of Public Welfare's Bureau of Medical Affairs will make an independent determination of disability, and (4) increased maximum allowances for consultation evaluation services and established a maximum allowance for electro-cardiogram with interpretation and report.

Social Impact

The Medicaid Only Program for the aged, blind, and disabled provides an opportunity for needy individuals to secure medical care and services which they could not otherwise afford. In the most recent month for which data is available, there were 29,598 eligible persons of which 26,058 received medical services. If the program were not available, many of these financially needy individuals would forego necessary medical treatment.

Economic Impact

In the most recent month for which data is available (March 1983) expenditures for Medicaid Only-aged, blind, and disabled were approximately \$27.5 million of which \$27.3 million were matchable by the Federal government. The rate for matching Medicaid expenditures is 50 percent subject to reduction pursuant to the Omnibus Budget Reconciliation Act of 1981.

Full Text of the emergency readoption and concurrent proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 10:94-3.

MISCELLANEOUS NOTICES

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WATER RESOURCES

Annual Departmental Review of Fee Schedule for Water Supply Allocation Permits N.J.A.C. 7:19-3

Public Notice

The Department of Environmental Protection, pursuant to N.J.A.C. 7:19-3.5(a), reviewed the Water Supply Allocation Fee Schedule, set forth at N.J.A.C. 7:19-3.9, prior to March 1, 1983. The Department concluded that revenue from the existing fee schedule, when applied to current Fiscal Year 1983 and future Fiscal Year 1984 operations, adequately covers the actual cost of the non-agricultural water supply allocation permit program established by N.J.A.C. 7:19-1, 2 and 3.

Take notice that the Department, pursuant to N.J.A.C. 7:19-3.5(c), has determined that there shall be no change in the existing fee schedule at this time.

This notice is published as a matter of public information.

INDEX OF ADOPTED RULES

The *Index of Adopted Rules* contains rules which have been promulgated subsequent to the most recent update of the New Jersey Administrative Code. **Rules which are being promulgated in this Register, and which appear in the Table of Rules in this issue, do not appear in this index. These rules will appear in next month's Index of Adopted Rules.**

The rules in this index are listed in order of their N.J.A.C. citations. Accompanying the N.J.A.C. citation for each rule is a brief description of the rule's content, the Register citation for its proposal notice, its Office of Administrative Law (OAL) document citation (which should be used if ordering a copy of the rule from OAL), and the Register citation for its adoption. At the bottom of the listing for each Title is the date of the most recent Code update for that Title.

The *Index of Adopted Rules* appears in the first Register of each month, complementing the *Index of Proposed Rules* which appears in the second Register of each month. Together, these indices make

available to a Code and Register subscriber all legally effective rules, and enable the subscriber to keep track of all State agency rulemaking activities from the initial proposal through final promulgation.

For any rule not yet published in a Code update, the full text of the proposal notice as published in the Register, plus the full text of any changes published with the adoption notice in the Register, constitute an official copy of the promulgated rule. If the full text of either the proposed rule or any changes does not appear in the Register, it is available for a fee from:

Administrative Filings
CN 301
Trenton, New Jersey 08625

To be certain that you have a copy of each proposed rule which may have been adopted but which does not yet appear in the most recent Code update, you should retain each Register beginning with October 5, 1979.

HOW TO USE THE TABLE OF CITATIONS

Generally, the key to locating a particular adopted rule is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule you are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research.

The N.J.A.C. citation itself indicates the extent of the changes to a rule. Every citation includes, at a minimum, the numerical designation of the title and chapter (1:30), and may include subchapter and section designations (1:30-1.1). In general, the less specific the citation, the more extensive the rule change. For example, 1:30 means that much or all of chapter 30 of title 1 has been modified; 1:30-1 means that several sections of subchapter 1 of 1:30 have been revised; and 1:30-1.1 means that only section 1 of 1:30-1 has been changed.

An N.J.A.C. citation that includes several section numbers (1:30-1.1, 1.3, 1.4) or several different subchapter and section numbers (1:30-1.1, 2.1, 4.3) means that similar or related changes have been made to those provisions. Additionally, a citation may designate an entirely new rule rather than an amended one.

In general, each rule is listed separately and chronologically. However, where an adoption notice contained several related rule adoptions or amendments within a single chapter, all of those changes may be under a single entry. Therefore, to be certain that you have found all of the changes to a given rule, be sure to scan the citations above and below that rule to find any entries which might contain related rule adoptions, including the one you are researching.

ADMINISTRATIVE LAW—TITLE 1

1:1-2.2	Contested cases and OAL jurisdiction	14 N.J.R. 486(a)	R. 1982 d. 467	15 N.J.R. 23(a)
1:1-3.3	Pre-hearing conferences and tape-recording	14 N.J.R. 606(a)	R. 1982 d. 297	14 N.J.R. 975(a)
1:1-3.11	Succession of parties in contested cases	14 N.J.R. 606(b)	R. 1982 d. 295	14 N.J.R. 975(b)
1:1-9.1, 9.2, 9.6, 9.7, 13.2, 13.3, 14.5	Interlocutory review and emergency relief	14 N.J.R. 1182(a)	R. 1982 d. 472	15 N.J.R. 25(a)
1:1-14.1	Consolidation of cases	14 N.J.R. 674(b)	R. 1982 d. 296	14 N.J.R. 975(c)
1:1-16.5	Substantiation of final decisions	14 N.J.R. 608(a)	R. 1982 d. 292	14 N.J.R. 975(d)
1:2-2	Conference hearings and Civil Service cases	15 N.J.R. 66(a)	R. 1983 d. 87	15 N.J.R. 435(a)
1:2-3	"Hearings on the papers" and MV cases	15 N.J.R. 68(a)	R. 1983 d. 86	15 N.J.R. 436(a)
1:6A	Special Education Program hearing rules	14 N.J.R. 930(a)	R. 1982 d. 462	15 N.J.R. 25(b)
1:6A-2.2, 4.2, 5.5	Special Education Program hearing rules	15 N.J.R. 2(a)	R. 1983 d. 88	15 N.J.R. 437(a)
1:30	Agency rulemaking	14 N.J.R. 780(a)	R. 1982 d. 466	15 N.J.R. 29(a)
1:30-2.7	Correction: Agency rulemaking	14 N.J.R. 780(a)	R. 1982 d. 466	15 N.J.R. 543(a)
1:30-3.7	Correction: Agency rulemaking	14 N.J.R. 780(a)	R. 1982 d. 466	15 N.J.R. 101(a)
1:31	Organization of OAL	Organizational	R. 1982 d. 291	14 N.J.R. 976(a)
15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R. 1982 d. 339	14 N.J.R. 1163(b)

(Title 1, Transmittal 2 dated June 21, 1982)

AGRICULTURE—TITLE 2

2:2-2.1, 2.6, 2.10, 2.13, 2.14, 2.15, 2.17, 2.18	Swine brucellosis control	14 N.J.R. 487(b)	R. 1982 d. 237	14 N.J.R. 833(a)
2:2-2.2	Official calfhood brucella vaccination	13 N.J.R. 114(b)	R. 1981 d. 173	13 N.J.R. 318(a)
2:2-2.3	Vaccination of female bovines	13 N.J.R. 256(a)	R. 1981 d. 288	13 N.J.R. 471(a)
2:2-2.3	Calfhood brucellosis vaccination	14 N.J.R. 487(a)	R. 1982 d. 234	14 N.J.R. 833(b)
2:2-2.16	Slaughtering of market cattle and goats	13 N.J.R. 5(a)	R. 1981 d. 40	13 N.J.R. 115(b)
2:2-2.19	Brucellosis testing for intrastate movement	14 N.J.R. 865(a)	R. 1982 d. 360	14 N.J.R. 1154(a)
2:3-2.3, 2.4	Brucellosis and tuberculosis tests for cattle	13 N.J.R. 4(b)	R. 1981 d. 39	13 N.J.R. 115(a)
2:3-3.7	Swine brucellosis control	14 N.J.R. 487(b)	R. 1982 d. 237	14 N.J.R. 833(a)
2:3-4.1	Movement of livestock	13 N.J.R. 5(b)	R. 1981 d. 41	13 N.J.R. 115(c)
2:3-6.2	Goats for exhibition: Disease testing	14 N.J.R. 489(a)	R. 1982 d. 235	14 N.J.R. 833(c)
2:3-6.2	Goats for exhibition: Disease testing	14 N.J.R. 489(a)	R. 1982 d. 235	14 N.J.R. 833(c)
2:5-1	Repeal hog cholera quarantines	13 N.J.R. 5(c)	R. 1981 d. 42	13 N.J.R. 115(d)
2:22-2	Mediterranean fruit fly control	13 N.J.R. 550(a)	R. 1981 d. 508	14 N.J.R. 101(a)
2:32-2	Sire Stakes Program	15 N.J.R. 69(a)	R. 1983 d. 84	15 N.J.R. 439(a)
2:48-5.1	Use of coupons in milk promotion	13 N.J.R. 181(b)	R. 1981 d. 166	13 N.J.R. 318(b)
2:50-1.1	Dairy farmers and relief from notice of intent	14 N.J.R. 489(b)	R. 1982 d. 238	14 N.J.R. 833(d)
2:54-1.1	Milk marketing order	13 N.J.R. 551(a)	R. 1981 d. 416	13 N.J.R. 753(a)
2:54-1.1, 2.1	Milk Marketing Order 57-3 and Order 63-1	13 N.J.R. 798(a)	R. 1981 d. 512	14 N.J.R. 101(b)
2:69-1.6	Slow-release nitrogen products	14 N.J.R. 258(a)	R. 1982 d. 159	14 N.J.R. 471(b)
2:69-1.11	Commercial values of primary plant nutrients	13 N.J.R. 114(c)	R. 1981 d. 172	13 N.J.R. 318(c)
2:69-1.11	Commercial values of fertilizers	14 N.J.R. 402(a)	R. 1982 d. 236	14 N.J.R. 833(e)
2:71-2.28, 2.29, 2.31	Farm products inspection and grading fees	14 N.J.R. 66(a)	R. 1982 d. 75	14 N.J.R. 277(a)

(Title 2, Transmittal 18 dated January 14, 1981)

BANKING—TITLE 3

3:1-1.1	Readoption: Interest Rates on mortgages	13 N.J.R. 753(b)	R. 1981 d. 511	14 N.J.R. 101(c)
3:1-1.1	Correction: Interest rates on mortgages	13 N.J.R. 753(b)	R. 1981 d. 511	14 N.J.R. 205(a)
3:1-2	Procedural rules	13 N.J.R. 182(a)	R. 1981 d. 258	13 N.J.R. 382(b)
3:1-9.4-9.21	Home mortgage disclosure	15 N.J.R. 4(a)	R. 1983 d. 85	15 N.J.R. 439(b)
3:1-10.1	Real property transactions: Executive officer defined	14 N.J.R. 490(a)	R. 1982 d. 242	14 N.J.R. 834(a)
3:1-11	"Executive officer" and affiliated persons	14 N.J.R. 490(b)	R. 1982 d. 243	14 N.J.R. 834(b)
3:2-2	Repealed: Plain language review of contracts	14 N.J.R. 454(a)	R. 1982 d. 213	14 N.J.R. 755(a)
3:2-2.1-2.3	Plain language in consumer contracts	13 N.J.R. 184(a)	R. 1981 d. 259	13 N.J.R. 383(a)
3:6-1.1	Savings bank parity rule	13 N.J.R. 383(b)	R. 1981 d. 352	13 N.J.R. 551(b)
3:6-3	Standardization of executive officer classification	14 N.J.R. 491(a)	R. 1982 d. 244	14 N.J.R. 834(c)
3:6-7, -9	Class II and Small Business Loans	14 N.J.R. 182(a)	R. 1982 d. 126	14 N.J.R. 383(b)
3:6-7.1-7.8	Mutual savings banks: Investment restatement accounting	14 N.J.R. 676(a)	R. 1982 d. 307	14 N.J.R. 988(a)
3:6-12.1	Commercial bank parity	13 N.J.R. 383(c)	R. 1981 d. 351	13 N.J.R. 552(a)
3:6-14	Foreign banks: Biennial certification fee	15 N.J.R. 6(a)	R. 1983 d. 42	15 N.J.R. 330(a)
3:7-5, 5.1-5.5	Statement of interest: Officers defined	14 N.J.R. 492(a)	R. 1982 d. 245	14 N.J.R. 834(d)
3:8-3, -4	Nonmember commercial bank reserves	14 N.J.R. 183(a)	R. 1982 d. 125	14 N.J.R. 383(c)
3:11-2.1	Commercial bank lending: Approved subsidiaries	13 N.J.R. 799(a)	R. 1981 d. 516	14 N.J.R. 101(d)
3:11-2.1	Commercial bank lending: Approved subsidiaries	15 N.J.R. 110(a)	R. 1983 d. 108	15 N.J.R. 622(a)
3:11-7.2, 7.8, 7.9	Expanded lending limitations	15 N.J.R. 192(a)	R. 1983 d. 133	15 N.J.R. 688(a)
3:11-7.7	Time deposit balances and 10 percent limitation	14 N.J.R. 608(b)	R. 1982 d. 263	14 N.J.R. 909(a)
3:11-10.1, 10.2	Savings banks participation in credit card operations	13 N.J.R. 61(b)	R. 1981 d. 91	13 N.J.R. 185(b)
3:17-4.4, -7	Small loan licensees	13 N.J.R. 115(e)	R. 1981 d. 257	13 N.J.R. 384(a)
3:17-7.1, 7.3	Permits to small loan licensees	13 N.J.R. 471(b)	R. 1981 d. 430	13 N.J.R. 754(a)
3:17-7.1, 7.3	Small loan lenders and second mortgage purchases	15 N.J.R. 111(a)	R. 1983 d. 120	15 N.J.R. 622(b)
3:19-2	Emergency	Emergency	R. 1981 d. 29	13 N.J.R. 116(a)
3:21-2	State chartered credit unions	13 N.J.R. 522(b)	R. 1981 d. 414	13 N.J.R. 754(b)
3:23	Readoption: License fees for credit and lending	14 N.J.R. 277(b)	R. 1982 d. 158	14 N.J.R. 471(c)
3:26-4.1	Parity with federally-chartered savings and loan	13 N.J.R. 634(a)	R. 1981 d. 506	14 N.J.R. 40(a)
3:27-6	Repealed: Variable rate mortgage rules	13 N.J.R. 715(a)	R. 1981 d. 507	14 N.J.R. 40(b)
3:28-5.1-5.7	Mutual savings and loan: Investment restatement accounting	14 N.J.R. 678(a)	R. 1982 d. 306	14 N.J.R. 989(a)
3:30-2.1	Reserve requirements	13 N.J.R. 61(c)	R. 1981 d. 90	13 N.J.R. 185(a)
3:38-1	Licensing of mortgage bankers and brokers	14 N.J.R. 571(a)	R. 1982 d. 302	14 N.J.R. 977(a)
3:38-1.1	Mortgage bankers and brokers license fees	13 N.J.R. 256(c)	R. 1981 d. 260	13 N.J.R. 384(b)
3:38-2, 3, 4, 5, 6	Mortgage bankers and brokers: Rules of operation	14 N.J.R. 493(a)	R. 1982 d. 303	14 N.J.R. 977(b)

(Title 3, Transmittal 17 dated January 14, 1981)

CIVIL SERVICE—TITLE 4

4:1-2.1	"Base salary" defined	14 N.J.R. 679(a)	R. 1982 d. 331	14 N.J.R. 1089(a)
4:1-5.11	Hearings: Decision notification	15 N.J.R. 111(b)	R. 1983 d. 100	15 N.J.R. 543(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
4:1-7.11	Hours of work and compensation	14 N.J.R. 938(a)	R. 1983 d. 159	15 N.J.R. 801(a)
4:1-8.8B	Veterans' age reduction	14 N.J.R. 455(a)	R. 1982 d. 326	14 N.J.R. 1089(b)
4:1-10.1, 10.2, 10.3, 10.5	Noncompetitive and labor titles	14 N.J.R. 1186(a)	R. 1982 d. 496	15 N.J.R. 83(a)
4:1-12.10	Notifying eligibles of certification	14 N.J.R. 940(a)	R. 1983 d. 17	15 N.J.R. 141(a)
4:1-13.4	Police and firefighters: Working test periods	14 N.J.R. 115(a)	R. 1982 d. 204	14 N.J.R. 709(a)
4:1-17.16	Advancing of sick leave (State)	14 N.J.R. 299(a)	R. 1982 d. 300	14 N.J.R. 978(a)
4:1-18.2, 18.6-18.8	Hours of work and compensation	14 N.J.R. 938(a)	R. 1983 d. 159	15 N.J.R. 801(a)
4:1-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R. 1983 d. 18	15 N.J.R. 141(b)
4:1-25.1	Public inspection of records	14 N.J.R. 942(a)	R. 1983 d. 134	15 N.J.R. 689(a)
4:2-2.1	Repealed: Veterans' age reduction	14 N.J.R. 455(a)	R. 1982 d. 326	14 N.J.R. 1089(b)
4:2-6.8	Repealed (see 4:1-10)	14 N.J.R. 1186(a)	R. 1982 d. 496	15 N.J.R. 83(a)
4:2-7.1	Repealed (see 4:1-7.11, 18.8)	14 N.J.R. 938(a)	R. 1983 d. 159	15 N.J.R. 801(a)
4:2-10.1, 10.2	Repealed (see 4:1-10)	14 N.J.R. 1186(a)	R. 1982 d. 496	15 N.J.R. 83(a)
4:2-17.14	Repealed: Sick leave advance	14 N.J.R. 299(a)	R. 1982 d. 300	14 N.J.R. 978(a)
4:2-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R. 1983 d. 18	15 N.J.R. 141(b)
4:2-20.12	Repealed (see 4:1-25.1)	14 N.J.R. 942(a)	R. 1983 d. 134	15 N.J.R. 689(a)
4:3-2.1	Repealed: Veterans' age reduction	14 N.J.R. 455(a)	R. 1982 d. 326	14 N.J.R. 1089(b)
4:3-6.9	Repealed (see 4:1-10)	14 N.J.R. 1186(a)	R. 1982 d. 496	15 N.J.R. 83(a)
4:3-13.1	Repealed: Formerly CSPM (Local) 13-4.101	14 N.J.R. 115(a)	R. 1982 d. 204	14 N.J.R. 709(a)
4:3-17.6	Repealed: Sick leave advance	14 N.J.R. 299(a)	R. 1982 d. 300	14 N.J.R. 978(a)
4:3-18.1	Repealed: Dual employment rules	14 N.J.R. 941(a)	R. 1983 d. 18	15 N.J.R. 141(b)
4:6	Overtime Committee Rules	14 N.J.R. 1126(a)	R. 1983 d. 158	15 N.J.R. 801(b)

(Title 4, Transmittal 16 dated June 21, 1982)

COMMUNITY AFFAIRS—TITLE 5

5:10-1.3	Hotels and multiple dwellings	13 N.J.R. 387(b)	R. 1981 d. 363	13 N.J.R. 704(a)
5:10-1.4	Row houses and multiple dwelling jurisdiction	15 N.J.R. 375(a)	R. 1983 d. 156	15 N.J.R. 803(a)
5:10-1.17	Readopted: Hotel and multiple dwelling inspection fees	14 N.J.R. 909(b)	R. 1982 d. 334	14 N.J.R. 1089(c)
5:10-2.2	Hotels and multiple dwellings	13 N.J.R. 387(b)	R. 1981 d. 363	13 N.J.R. 704(a)
5:10-2.2, 25.3	Standards for hotels and multiple dwellings	14 N.J.R. 119(a)	R. 1982 d. 253	14 N.J.R. 910(a)
5:10-25.3	Hotels and multiple dwellings	13 N.J.R. 387(b)	R. 1981 d. 363	13 N.J.R. 704(a)
5:11-2.1	Emergency relocation benefits	15 N.J.R. 6(b)	R. 1983 d. 59	15 N.J.R. 330(b)
5:11-3.2	Duplicate rental assistance	14 N.J.R. 72(a)	R. 1982 d. 71	14 N.J.R. 278(a)
5:11-3.11	Emergency relocation benefits	15 N.J.R. 6(b)	R. 1983 d. 59	15 N.J.R. 330(b)
5:11-9.2	Relocation assistance hearings	13 N.J.R. 186(d)	R. 1981 d. 183	13 N.J.R. 332(a)
5:11-9.2	Parties to relocation assistance hearing	14 N.J.R. 1188(a)	R. 1982 d. 487	15 N.J.R. 83(b)
5:12	Repeal State aid for urban renewal projects	13 N.J.R. 187(a)	R. 1981 d. 180	13 N.J.R. 333(a)
5:12	Plain language review of residential leases	13 N.J.R. 473(a)	R. 1981 d. 424	13 N.J.R. 782(b)
5:12	Repealed: Plain language review of leases	14 N.J.R. 222(a)	R. 1982 d. 139	14 N.J.R. 426(a)
5:13-1.1, 1.5, 1.19, 1.20, 1.25, 1.27	Limited dividend and nonprofit housing corporations	15 N.J.R. 193(a)	R. 1983 d. 145	15 N.J.R. 803(b)
5:13-1.3, 1.21-1.24, 1.26	Repealed	15 N.J.R. 193(a)	R. 1983 d. 145	15 N.J.R. 803(b)
5:17	Expiration date for retirement community disclosure	13 N.J.R. 560(d)	R. 1981 d. 425	13 N.J.R. 782(c)
5:21	Repealed: Uniform standards for mobile homes	13 N.J.R. 717(a)	R. 1982 d. 7	14 N.J.R. 142(a)
5:22-2.6	Multiple dwelling exemptions and tax list designations (joint adoption, see 18:12-6A.8)	14 N.J.R. 72(b)	R. 1982 d. 78	14 N.J.R. 278(b)
5:23	Readopted: Uniform Construction Code	14 N.J.R. 1247(a)	R. 1983 d. 144	15 N.J.R. 803(c)
5:23-1.4	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d. 7	14 N.J.R. 142(a)
5:23-1.4, -2	Uniform Construction Code	13 N.J.R. 119(a)	R. 1981 d. 134	13 N.J.R. 258(b)
5:23-2.5	Uniform Construction Code	13 N.J.R. 120(a)	R. 1981 d. 133	13 N.J.R. 258(c)
5:23-2.5	Uniform Construction Code	13 N.J.R. 390(a)	R. 1981 d. 462	13 N.J.R. 885(d)
5:23-2.6	Uniform Construction Code inspections	13 N.J.R. 187(b)	R. 1981 d. 182	13 N.J.R. 333(b)
5:23-2.8	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d. 7	14 N.J.R. 142(a)
5:23-2.38	Licensing	14 N.J.R. 734(a)	R. 1982 d. 436	14 N.J.R. 1449(a)
5:23-3	Uniform Construction Code	13 N.J.R. 121(a)	R. 1981 d. 132	13 N.J.R. 258(d)
5:23-3.2	Uniform Construction Code	13 N.J.R. 120(a)	R. 1981 d. 133	13 N.J.R. 258(c)
5:23-3.3	Uniform Construction Code interpretations	13 N.J.R. 561(a)	R. 1981 d. 454	13 N.J.R. 886(a)
5:23-3.3	Uniform Construction Code: Casino hotels	13 N.J.R. 561(b)	R. 1981 d. 455	13 N.J.R. 886(b)
5:23-3.9	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d. 7	14 N.J.R. 142(a)
5:23-3.14, 3.15	Building and plumbing subcode supplements	14 N.J.R. 1326(a)	R. 1983 d. 12	15 N.J.R. 141(c)
5:23-4.3	Temporary appointments of municipal code officials	13 N.J.R. 863(a)	R. 1982 d. 23	14 N.J.R. 142(b)
5:23-4.6	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d. 7	14 N.J.R. 142(a)
5:23-4.8	Uniform Construction Code	13 N.J.R. 120(a)	R. 1981 d. 133	13 N.J.R. 258(c)
5:23-4.8	Interlocal Construction Code enforcement	14 N.J.R. 495(a)	R. 1982 d. 401	14 N.J.R. 1300(a)

**N.J.A.C.
CITATION**

**PROPOSAL NOTICE
(N.J.R. CITATION)**

**DOCUMENT
CITATION**

**ADOPTION NOTICE
(N.J.R. CITATION)**

	(recodified as 5:23-4.17(d))			
5:23-4.8(c)	Now codified as 5:23-4.19	14 N.J.R. 456(a)	R. 1982 d. 220	14 N.J.R. 755(b)
5:23-4.8, 4.10	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d. 7	14 N.J.R. 142(a)
5:23-4.10A	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d. 42	14 N.J.R. 233(a)
5:23-4.10A	Recodified as 5:23-4.25A	14 N.J.R. 496(a)	R. 1982 d. 232	14 N.J.R. 834(e)
5:23-4.15, 4.26	Licensing	14 N.J.R. 734(a)	R. 1982 d. 436	14 N.J.R. 1449(a)
5:23-4.17, 4.20	UCC enforcing agency fees	14 N.J.R. 943(a)	R. 1982 d. 402	14 N.J.R. 1300(b)
5:23-4.19	Remitting of UCC training fees	14 N.J.R. 456(a)	R. 1982 d. 220	14 N.J.R. 755(b)
5:23-4.20	Uniform Construction Code: Periodic inspection fees	14 N.J.R. 1129(a)	R. 1982 d. 463	15 N.J.R. 32(a)
5:23-4.20	Correction: UCC periodic inspection fees	14 N.J.R. 1129(a)	R. 1982 d. 463	15 N.J.R. 84(a)
5:23-4.25A	Manufactured homes standards	14 N.J.R. 496(a)	R. 1982 d. 232	14 N.J.R. 834(e)
5:23-5.2	Uniform Construction Code	13 N.J.R. 119(a)	R. 1981 d. 134	13 N.J.R. 258(b)
5:23-5.2, 5.9, 5.11	Licensing	14 N.J.R. 734(a)	R. 1982 d. 436	14 N.J.R. 1449(a)
5:23-5.3, 5.5	Uniform Construction Code	13 N.J.R. 390(a)	R. 1981 d. 462	13 N.J.R. 885(d)
5:23-5.5	Uniform Construction Code	13 N.J.R. 635(a)	R. 1981 d. 463	13 N.J.R. 886(c)
5:23-5.5	Licensing of Code officials	13 N.J.R. 801(a)	R. 1982 d. 10	14 N.J.R. 143(b)
5:23-5.5	Fire subcode officials and construction licensing	14 N.J.R. 8(a)	R. 1982 d. 56	14 N.J.R. 234(a)
5:23-5.5, 5.6, 5.7	Code enforcement (provisional) licensees	13 N.J.R. 799(b)	R. 1982 d. 8	14 N.J.R. 143(a)
5:23-5.8, 5.9	Licensing of Code officials	13 N.J.R. 801(a)	R. 1982 d. 10	14 N.J.R. 143(b)
5:23-5.11	Code enforcement (provisional) licensees	13 N.J.R. 799(b)	R. 1982 d. 8	14 N.J.R. 143(a)
5:23-5.11	Uniform Construction Code	13 N.J.R. 119(a)	R. 1981 d. 134	13 N.J.R. 258(b)
5:24-1.3	Condominium and cooperative conversion	13 N.J.R. 70(a)	R. 1981 d. 131	13 N.J.R. 258(e)
5:24-1.3	Correction: Condominium and cooperative conversion	13 N.J.R. 70(a)	R. 1981 d. 131	13 N.J.R. 333(c)
5:24-1.4, 1.5, 1.12	Condominium and cooperative conversion	13 N.J.R. 392(a)	R. 1981 d. 354	13 N.J.R. 562(a)
5:24-2	Protected tenancy for disabled and seniors	13 N.J.R. 802(a)	R. 1982 d. 9	14 N.J.R. 144(a)
5:25-2.8	Restoration of builders' registrations	14 N.J.R. 9(a)	R. 1982 d. 55	14 N.J.R. 234(b)
5:25-3.1	New home warranty and mixed use property	13 N.J.R. 863(b)	R. 1982 d. 22	14 N.J.R. 145(a)
5:25-5.5	New home warranties and builders' registration	13 N.J.R. 187(c)	R. 1981 d. 181	13 N.J.R. 333(d)
5:25-5.5	Warranty coverage claims	14 N.J.R. 944(a)	R. 1982 d. 386	14 N.J.R. 1210(a)
5:26	Planned real estate development full disclosure	12 N.J.R. 631(b)	R. 1981 d. 130	13 N.J.R. 259(a)
5:26-2.4	Registration fees for planned developments	14 N.J.R. 609(a)	R. 1982 d. 260	14 N.J.R. 912(a)
5:26-2.4, 3.1, 10.5	Planned real estate development full disclosure	13 N.J.R. 474(a)	R. 1981 d. 365	13 N.J.R. 704(b)
5:27	Rooming and boarding houses	13 N.J.R. 393(a)	R. 1981 d. 359	13 N.J.R. 704(c)
5:27-1.6	Rooming and boarding houses: License fees	15 N.J.R. 7(a)	R. 1983 d. 60	15 N.J.R. 330(c)
5:27-1.6, 2.1	Multi-building rooming and boarding houses	14 N.J.R. 1075(a)	R. 1982 d. 422	14 N.J.R. 1365(a)
5:27-1.6	Rooming and boarding houses and discrimination	13 N.J.R. 562(b)	R. 1981 d. 435	13 N.J.R. 842(e)
5:27-2.1	Fire safety in boarding houses	14 N.J.R. 496(b)	R. 1982 d. 378	14 N.J.R. 1210(b)
5:27-3.2	Rooming houses and discrimination	13 N.J.R. 562(b)	R. 1981 d. 435	13 N.J.R. 842(e)
5:27-3.5	Boarding houses: Non-ambulatory residents	14 N.J.R. 499(a)	R. 1982 d. 379	14 N.J.R. 1211(a)
5:27-3.12	Limited tenure residents and boarding houses	15 N.J.R. 375(b)	R. 1983 d. 157	15 N.J.R. 804(a)
5:27-4.8, 5.1, 5.3, 5.8, 5.9	Fire safety in boarding houses	14 N.J.R. 496(b)	R. 1982 d. 378	14 N.J.R. 1210(b)
5:27-5.1	Fire drills in rooming houses	14 N.J.R. 1248(a)	R. 1982 d. 490	15 N.J.R. 84(b)
5:27-5.3	Correction: Fire safety in boarding houses	14 N.J.R. 496(b)	R. 1982 d. 378	14 N.J.R. 1300(c)
5:27-10.6	Boarding houses: self-administration of medicine	14 N.J.R. 499(a)	R. 1982 d. 379	14 N.J.R. 1211(a)
5:27-12	Safety improvement loans	14 N.J.R. 496(b)	R. 1982 d. 378	14 N.J.R. 1210(b)
5:29	Petitions for rules	13 N.J.R. 259(b)	R. 1981 d. 242	13 N.J.R. 395(a)
5:30-1.11	Realized revenue analysis report	13 N.J.R. 475(a)	R. 1981 d. 381	13 N.J.R. 755(a)
5:30-3.3	"Dedication by rider" to local budgets	14 N.J.R. 301(a)	R. 1982 d. 186	14 N.J.R. 654(a)
5:30-3.4	Filing of municipal budget amendments	13 N.J.R. 188(a)	R. 1981 d. 216	13 N.J.R. 395(b)
5:30-9.2	Form of tax collection record	13 N.J.R. 121(b)	R. 1981 d. 122	13 N.J.R. 260(a)
5:30-9.3	Tax collector examination	13 N.J.R. 70(d)	R. 1981 d. 121	13 N.J.R. 260(b)
5:70	Congregate Housing Services Program	14 N.J.R. 609(b)	R. 1982 d. 272	14 N.J.R. 912(b)
5:71	County offices on aging	13 N.J.R. 395(c)	R. 1981 d. 356	13 N.J.R. 563(a)
5:80-4.1	NJHFA: Debarment and suspension	12 N.J.R. 385(a)	R. 1981 d. 255	13 N.J.R. 397(a)
5:90	Repealed: Urban Loan Authority rules	14 N.J.R. 558(a)	R. 1982 d. 288	14 N.J.R. 983(a)

(Title 5, Transmittal 16 dated March 19, 1981)

EDUCATION—TITLE 6

6:2-1.1, 1.2, 1.7-1.19	Filing appeals before State Board	14 N.J.R. 261(a)	R. 1982 d. 268	14 N.J.R. 913(a)
6:11-3.3	Teacher certification fees	13 N.J.R. 8(b)	R. 1981 d. 82	13 N.J.R. 191(a)
6:11-3.3	Fees for certificates and transcript evaluation	14 N.J.R. 1188(b)	R. 1983 d. 40	15 N.J.R. 244(a)
6:11-3.7	Revocation of teaching certificate	14 N.J.R. 73(a)	R. 1982 d. 122	14 N.J.R. 383(d)
6:11-3.12, 4.7	County substitute certification: School nurse, athletic coach	14 N.J.R. 1010(a)	R. 1982 d. 486	15 N.J.R. 84(c)
6:11-3.18	Teacher education and academic credentials	12 N.J.R. 452(e)	R. 1981 d. 22	13 N.J.R. 123(b)
6:11-7	Repealed existing subchapter	14 N.J.R. 456(b)	R. 1982 d. 269	14 N.J.R. 914(a)

**N.J.A.C.
CITATION**

**PROPOSAL NOTICE
(N.J.R. CITATION)**

**DOCUMENT
CITATION**

**ADOPTION NOTICE
(N.J.R. CITATION)**

6:11-7.1	State Approval of Teacher Education	14 N.J.R. 456(b)	R. 1982 d. 269	14 N.J.R. 914(a)
6:20-2.3	Budget and cost distribution records	13 N.J.R. 333(e)	R. 1981 d. 353	13 N.J.R. 563(b)
6:20-2.3	Program-oriented budgeting format	14 N.J.R. 309(a)	R. 1982 d. 194	14 N.J.R. 654(b)
6:20-3.1	Building use charge by receiving districts	14 N.J.R. 499(b)	R. 1982 d. 270	14 N.J.R. 914(b)
6:20-3.1	Correction: Operative date of building use charge	14 N.J.R. 499(b)	R. 1982 d. 270	14 N.J.R. 978(b)
6:21-10.4	Private auto use for pupil transportation	13 N.J.R. 914(a)	R. 1982 d. 121	14 N.J.R. 384(a)
6:22-1.14, 1.19	Inspection fees for school facilities	14 N.J.R. 74(a)	R. 1982 d. 119	14 N.J.R. 384(b)
6:24-1.3	Format of petition for controversies and disputes	13 N.J.R. 190(a)	R. 1981 d. 265	13 N.J.R. 397(b)
6:24-1.3	Correction: Petition format	13 N.J.R. 190(a)	R. 1981 d. 265	13 N.J.R. 481(a)
6:28-5.10, 5.11, 6.10, 6.11	Approval of auxiliary services for private school students	14 N.J.R. 617(a)	R. 1982 d. 316	14 N.J.R. 1054(a)
6:29-4.2	Tuberculosis testing	13 N.J.R. 914(b)	R. 1982 d. 120	14 N.J.R. 385(a)
6:29-6.3	County substitute certification: Athletic coach	14 N.J.R. 1010(a)	R. 1982 d. 486	15 N.J.R. 84(c)
6:29-8.1, 8.2	Hearing screening of pupils	14 N.J.R. 108(a)	R. 1982 d. 195	14 N.J.R. 654(c)
6:30	Adult diploma requirements	13 N.J.R. 721(a)	R. 1982 d. 39	14 N.J.R. 205(c)
6:44-6,-7	Recodified as 6:30	13 N.J.R. 721(a)	R. 1982 d. 39	14 N.J.R. 205(c)
6:46-1.1	"Technical education" in local area districts	14 N.J.R. 9(b)	R. 1982 d. 118	14 N.J.R. 385(b)
6:46-1.1-1.5	Local area vocational school districts	13 N.J.R. 635(b)	R. 1981 d. 495	14 N.J.R. 41(c)
6:53	Vocational education safety standards	14 N.J.R. 619(a)	R. 1982 d. 368	14 N.J.R. 1154(b)
6:66	Archives and history records management	13 N.J.R. 190(b)	R. 1981 d. 202	13 N.J.R. 397(c)
6:79-1.9, 1.11	Child nutrition program changes	14 N.J.R. 1248(b)	R. 1983 d. 71	15 N.J.R. 440(a)

(Title 6, Transmittal 17 dated November 10, 1980)

ENVIRONMENTAL PROTECTION-TITLE 7

7:1A	Water Supply Bond Act loans	14 N.J.R. 10(a)	R. 1982 d. 167	14 N.J.R. 573(c)
7:1A	Extension of application closing date	Public Notice	R. 1982 d. 167	14 N.J.R. 1172(a)
7:1A-2.5, 2.12, 2.13	Water Supply Bond Act loans	14 N.J.R. 499(c)	R. 1982 d. 281	14 N.J.R. 915(a)
7:1A-3	Emergency interim repair of water systems	14 N.J.R. 1075(b)	R. 1983 d. 26	15 N.J.R. 141(d)
7:1C-1.5	Fees for 90-day construction permits	13 N.J.R. 123(c)	R. 1981 d. 187	13 N.J.R. 334(b)
7:1C-1.5	Maximum fees for waterfront development permits	13 N.J.R. 564(a)	R. 1981 d. 473	13 N.J.R. 943(b)
7:1C-1.13	90-day construction permits	Procedural	R. 1981 d. 48	13 N.J.R. 128(b)
7:1H-3.4	County fees for solid waste enforcement activities	14 N.J.R. 1328(a)	R. 1983 d. 50	15 N.J.R. 330(d)
7:7-2	Waterfront development permits	13 N.J.R. 73(c)	R. 1981 d. 355	13 N.J.R. 564(b)
7:7A-1.13	Correction to Code: Wetlands maps			14 N.J.R. 1403(a)
7:7D-2.3, 2.5, 2.8	CAFRA procedural rules	13 N.J.R. 75(a)	R. 1981 d. 267	13 N.J.R. 401(b)
7:7E	Coastal resource and development policies	13 N.J.R. 76(a)	R. 1981 d. 186	13 N.J.R. 338(a)
7:7E	Coastal Management Program: "Routine implementation" determination			14 N.J.R. 1467(b)
7:7E-3.10, 3.30, 3.33, 3.37, 4.10, 4.11, 5.5	Coastal resources and development policies	13 N.J.R. 565(a)	R. 1982 d. 114	14 N.J.R. 385(c)
7:7E-5.3, 5.6, 5.7	Coastal resource and development	14 N.J.R. 1129(b)	R. 1983 d. 27	15 N.J.R. 142(a)
7:7E-5.5	Correction: Coastal resources and development	13 N.J.R. 565(a)	R. 1982 d. 114	14 N.J.R. 1155(a)
7:7E-7.2	Affordable housing and coastal development	13 N.J.R. 864(a)	R. 1982 d. 31	14 N.J.R. 206(a)
7:7E-8.7, 8.16, 8.17	Coastal resources and development policies	13 N.J.R. 565(a)	R. 1982 d. 114	14 N.J.R. 385(c)
7:7F	Shore Protection Program	14 N.J.R. 865(b)	R. 1982 d. 421	14 N.J.R. 1365(b)
7:8	Storm water management	14 N.J.R. 1022(a)	R. 1983 d. 24	15 N.J.R. 142(b)
7:9-4, -5, -6	Water quality standards	12 N.J.R. 108(c)	R. 1981 d. 80	13 N.J.R. 194(b)
7:9-8,-11,-14	Repealed	12 N.J.R. 108(c)	R. 1981 d. 80	13 N.J.R. 194(b)
7:9-10.2, 10.3, 10.9	Pinelands and coastal area sewerage approval	14 N.J.R. 504(a)	R. 1982 d. 298	14 N.J.R. 979(a)
7:9-10.4, 10.5, 10.6	One-year suspension of rules	14 N.J.R. 504(a)	R. 1982 d. 298	14 N.J.R. 979(a)
7:9-13.3, 13.5, 13.6	Sewer extension ban	12 N.J.R. 639(b)	R. 1981 d. 224	13 N.J.R. 402(a)
7:10-8	Repealed: See 7:18	13 N.J.R. 260(d)	R. 1981 d. 279	13 N.J.R. 481(c)
7:11-2, -4	Water rate schedule: D and R, Spruce Run- Round Valley	14 N.J.R. 681(a)	R. 1982 d. 455	14 N.J.R. 1449(b)
7:12-1.1, 1.3,	Condemnation of certain shellfish beds	13 N.J.R. 191(b)	R. 1981 d. 190	13 N.J.R. 339(b)
7:12-1.2-1.5	Shellfish beds: Reclassification	14 N.J.R. 310(a)	R. 1982 d. 182	14 N.J.R. 655(a)
7:12-1.3	Condemnation of certain shellfish areas	13 N.J.R. 566(a)	R. 1981 d. 431	13 N.J.R. 755(b)
7:12-2	Shellfish waters condemnation	13 N.J.R. 191(b)	R. 1981 d. 190	13 N.J.R. 339(b)
7:13-1.11	Flood plain delineation of Great Egg Harbor River	12 N.J.R. 506(a)	R. 1981 d. 88	13 N.J.R. 194(d)
7:13-1.11	Flood plain delineation of Mullica River and tributaries	12 N.J.R. 506(b)	R. 1981 d. 89	13 N.J.R. 194(e)
7:13-1.11	Flood hazard area delineations	12 N.J.R. 640(b)	R. 1981 d. 144	13 N.J.R. 339(c)
7:13-1.11	Flood hazard area delineations	12 N.J.R. 640(a)	R. 1981 d. 145	13 N.J.R. 340(a)
7:13-1.11	Delaware Basin floodway delineations	13 N.J.R. 805(a)	R. 1982 d. 154	14 N.J.R. 472(b)
7:13-1.11	Floodway delineations along Tuckahoe River	13 N.J.R. 921(a)	R. 1982 d. 155	14 N.J.R. 473(a)
7:13-1.11	Floodway delineations in Hackensack basin	14 N.J.R. 19(a)	R. 1982 d. 156	14 N.J.R. 473(b)
7:13-1.11	Floodway delineations: Woodbridge and Rahway rivers	13 N.J.R. 920(a)	R. 1982 d. 157	14 N.J.R. 473(c)
7:13-1.11	Delineated streams along Upper Mullica River	14 N.J.R. 367(b)	R. 1982 d. 209	14 N.J.R. 755(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
7:13-1.11	Delineated streams in Somerset County	14 N.J.R. 367(a)	R.1982 d.392	14 N.J.R. 1211(b)
7:13-1.11	Floodway delineations in Union County	14 N.J.R. 870(a)	R.1982 d.428	14 N.J.R. 1365(c)
7:13-1.11	Floodway delineations along Cedar Creek, Lacey Twp.	14 N.J.R. 683(a)	R.1982 d.430	14 N.J.R. 1365(d)
7:13-1.11	Floodway delineations along Big Timber Creek	14 N.J.R. 505(a)	R.1982 d.431	14 N.J.R. 1366(a)
7:13-1.11	Floodway delineations along Pond Run, Mercer County	14 N.J.R. 506(a)	R.1982 d.432	14 N.J.R. 1366(b)
7:13-1.11	Floodway delineations in Morris County	14 N.J.R. 870(b)	R.1982 d.453	14 N.J.R. 1451(a)
7:13-1.11	Floodway delineations in Essex County	14 N.J.R. 1027(a)	R.1982 d.478	15 N.J.R. 32(b)
7:13-1.11	Floodway delineations in Hunterdon County	14 N.J.R. 1131(b)	R.1983 d.109	15 N.J.R. 622(c)
7:13-1.11	Floodway delineations in Burlington County	14 N.J.R. 1434(a)	R.1983 d.135	15 N.J.R. 689(b)
7:13-1.11	Floodway delineations in Somerset-Union counties	14 N.J.R. 1131(a)	R.1983 d.136	15 N.J.R. 690(a)
7:14	Pollutant discharge and waste management	12 N.J.R. 569(f)	R.1981 d.84	13 N.J.R. 194(c)
7:14-2	Construction of wastewater treatment facilities	14 N.J.R. 75(a)	R.1982 d.338	14 N.J.R. 1155(b)
7:14-2.12	Correction: Select trench backfill payment width	14 N.J.R. 75(a)	R.1982 d.338	15 N.J.R. 440(b)
7:14-5, App. A	Statewide septage management	13 N.J.R. 124(a)	R.1982 d.82	14 N.J.R. 336(c)
7:14A	Conditions for users of DTW	12 N.J.R. 569(f)	R.1981 d.84	13 N.J.R. 194(c)
7:14A-1.8, 1.9, 2.1	Fee schedule for NJPDES permittees	14 N.J.R. 684(a)	R.1982 d.495	15 N.J.R. 85(a)
7:14A-1.9	Water quality: Underground injection control	14 N.J.R. 1136(a)	R.1983 d.9	15 N.J.R. 145(a)
7:14A-4	Industrial waste management facilities	12 N.J.R. 569(f)	R.1981 d.373	13 N.J.R. 705(a)
7:14A-4.2, 4.3	Hazardous waste management	14 N.J.R. 1137(a)	R.1983 d.25	15 N.J.R. 146(a)
7:14A-4.3	"Wastewater treatment unit" defined	14 N.J.R. 506(b)	R.1982 d.310	14 N.J.R. 1054(b)
7:14A-5.11, 5.13, 5.15, 5.16	Underground injection control	14 N.J.R. 1136(a)	R.1983 d.9	15 N.J.R. 145(a)
7:14A-11, 13.1	Hazardous waste management	13 N.J.R. 724(a)	R.1982 d.97	14 N.J.R. 338(a)
7:14A-13.4	Pollutant discharge and waste management	13 N.J.R. 89(a)	R.1981 d.214	13 N.J.R. 403(a)
7:17	Hard clam depuration pilot plant program	12 N.J.R. 253(a)	R.1981 d.56	13 N.J.R. 194(a)
7:18	Laboratory certification and standards of performance	13 N.J.R. 260(d)	R.1981 d.279	13 N.J.R. 481(c)
7:19	Water diversion and water supply allocation permits	13 N.J.R. 639(a)	R.1981 d.488	14 N.J.R. 42(a)
7:19-3	Water diversion fees for non-growing use	14 N.J.R. 459(a)	R.1982 d.239	14 N.J.R. 834(f)
7:21	Water policy and supply council	Organizational	R.1981 d.366	13 N.J.R. 705(b)
7:22	Natural Resources Bond Fund	13 N.J.R. 481(d)	R.1981 d.456	13 N.J.R. 886(d)
7:23-2	Flood control bond grants	13 N.J.R. 192(a)	R.1981 d.223	13 N.J.R. 403(b)
7:24	Dam restoration grants	13 N.J.R. 9(a)	R.1981 d.104	13 N.J.R. 195(b)
7:25-4.6	Nongame and exotic wildlife inspection	13 N.J.R. 806(a)	R.1981 d.513	14 N.J.R. 102(a)
7:25-5	Game Code	13 N.J.R. 262(a)	R.1981 d.253	13 N.J.R. 403(c)
7:25-5	1982-83 Game Code	14 N.J.R. 402(b)	R.1982 d.212	14 N.J.R. 755(d)
7:25-5.13, 5.28, 5.29	1982-83 Game Code changes	14 N.J.R. 871(a)	R.1982 d.351	14 N.J.R. 1158(a)
7:25-6	1982-1983 Fish Code	13 N.J.R. 483(a)	R.1981 d.470	13 N.J.R. 887(a)
7:25-6	1983 Fish Code	14 N.J.R. 872(a)	R.1982 d.429	14 N.J.R. 1366(c)
7:25-7.2	Oyster seed beds recodification	13 N.J.R. 193(a)	R.1981 d.189	13 N.J.R. 340(b)
7:25-7.10	Taking of oysters	13 N.J.R. 125(a)	R.1981 d.199	13 N.J.R. 403(d)
7:25-7.10	Senior citizen's oyster license	14 N.J.R. 629(a)	R.1982 d.337	14 N.J.R. 1158(b)
7:25-7.13	Crab dredging	13 N.J.R. 125(b)	R.1981 d.200	13 N.J.R. 404(a)
7:25-9.2	Hard clam harvest penalties	13 N.J.R. 404(b)	R.1981 d.362	13 N.J.R. 706(a)
7:25-9.4	Bay scallops	13 N.J.R. 126(a)	R.1981 d.256	13 N.J.R. 404(c)
7:25-12.1	Sea clam harvesting	Emergency	R.1981 d.448	13 N.J.R. 843(a)
7:25-12.1	Harvest of sea clams	13 N.J.R. 613(a)	R.1981 d.486	13 N.J.R. 943(c)
7:25-12.1	1982 sea clam harvest limits	Emergency	R.1982 d.80	14 N.J.R. 288(a)
7:25-12.1	Sea clam harvest	14 N.J.R. 881(a)	R.1982 d.393	14 N.J.R. 1213(a)
7:25-14	Atlantic Coast crabbing	13 N.J.R. 262(b)	R.1981 d.299	13 N.J.R. 546(a)
7:25-14.8-14.10	Crab harvesting	13 N.J.R. 645(a)	R.1982 d.169	14 N.J.R. 578(a)
7:25-15.1	Hard clam relay program	13 N.J.R. 645(b)	R.1982 d.117	14 N.J.R. 387(a)
7:25-15.1	Readopted: Relay of hard clams	14 N.J.R. 1055(a)	R.1982 d.411	14 N.J.R. 1300(d)
7:25-16.1	Upstream line revisions	13 N.J.R. 484(a)	R.1981 d.469	13 N.J.R. 887(b)
7:25-16.1	Upstream fishing lines	14 N.J.R. 882(a)	R.1982 d.454	14 N.J.R. 1451(b)
7:25-18A	Readopted: Fisheries closures and advisories	15 N.J.R. 39(a)	R.1983 d.102	15 N.J.R. 543(c)
7:25-21	Terrapin	13 N.J.R. 126(b)	R.1981 d.198	13 N.J.R. 405(a)
7:25-22.1	Marine finfish: Menhaden season	14 N.J.R. 945(a)	R.1983 d.137	15 N.J.R. 690(b)
7:25A-1.1	Emergency: Oyster dredging license moratorium	Emergency	R.1981 d.94	13 N.J.R. 195(a)
7:25A-1.1, 1.2	Oyster dredging licenses	13 N.J.R. 192(b)	R.1981 d.188	13 N.J.R. 340(c)
7:25A-2.1-2.7	Oyster management in Delaware Bay	13 N.J.R. 192(c)	R.1981 d.197	13 N.J.R. 405(b)
7:25A-3.1	Oyster seed beds recodification	13 N.J.R. 193(a)	R.1981 d.189	13 N.J.R. 340(b)
7:25A-3.1	1982 seed oyster season	14 N.J.R. 264(a)	R.1982 d.148	14 N.J.R. 426(b)
7:25A-3.1	1983 oyster seed bed season	15 N.J.R. 200(a)	R.1983 d.161	15 N.J.R. 804(b)
7:26-1	Solid waste administration	12 N.J.R. 511(a)	R.1981 d.281	13 N.J.R. 484(b)
7:26-1	Hazardous waste management	12 N.J.R. 511(a)	R.1981 d.370	13 N.J.R. 706(b)
7:26-1.1	Pollutant discharge and waste management	12 N.J.R. 569(f)	R.1981 d.84	13 N.J.R. 194(c)
7:26-1.1, 1.4,	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
1.7, 2.14, 3.8, 5.5				
7:26-1.4	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-1.4	Correction: Hazardous waste management	14 N.J.R. 1137(a)	R.1983 d.25	15 N.J.R. 333(a)
7:26-1.8	Hazardous waste management	13 N.J.R. 724(a)	R.1982 d.97	14 N.J.R. 338(a)
7:26-3.2,4.7	Solid waste collection and haulage	Procedural	R.1981 d.49	13 N.J.R. 129(a)
7:26-4.7	Registration of hazardous waste collector/haulers	14 N.J.R. 368(a)	R.1982 d.289	14 N.J.R. 979(b)
7:26-4.10	County fees for solid waste enforcement activities	14 N.J.R. 1328(a)	R.1983 d.50	15 N.J.R. 330(d)
7:26-6	Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R.1982 d.434	14 N.J.R. 1368(a)
7:26-6	Correction: Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R.1982 d.434	15 N.J.R. 32(c)
7:26-7, -8	Solid waste administration	12 N.J.R. 511(a)	R.1981 d.281	13 N.J.R. 484(b)
7:26-7.4	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-7.4, 7.5, 7.7, 8.13, 8.15	Waste oil management as hazardous material	14 N.J.R. 20(a)	R.1982 d.494	15 N.J.R. 88(a)
7:26-7.6, 8.16, 9.1, 9.5, 9.9	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-9	Hazardous waste management	12 N.J.R. 511(a)	R.1981 d.370	13 N.J.R. 706(b)
7:26-9.1, 9.2, 9.4,-10, 11.2, 11.3, 11.5, 11.7, 12.1, 12.2	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-11, -12	Hazardous waste management	12 N.J.R. 511(a)	R.1981 d.370	13 N.J.R. 706(b)
7:26-12.2	Hazardous waste management	13 N.J.R. 724(a)	R.1982 d.97	14 N.J.R. 338(a)
7:26-14	Resource recovery grants	13 N.J.R. 9(a)	R.1981 d.184	13 N.J.R. 340(d)
7:26-14	Codification correction: Resource recovery grants	13 N.J.R. 9(a)	R.1981 d.184	15 N.J.R. 147(a)
7:26-15	Recycling of municipal solid waste (joint adoption, see 14A:6)	13 N.J.R. 865(a)	R.1982 d.32	14 N.J.R. 206(b)
7:26-15.8	Recycling grants and loans: Supplementary projects	14 N.J.R. 1346(a)	R.1983 d.119	15 N.J.R. 622(d)
7:27-2	Control and prohibition of open burning	12 N.J.R. 690(a)	R.1981 d.135	13 N.J.R. 264(a)
7:27-9	Sulfur in fuels	13 N.J.R. 870(a)	R.1982 d.456	14 N.J.R. 1452(a)
7:27-10	Sulfur in coal	12 N.J.R. 571(a)	R.1981 d.185	13 N.J.R. 341(a)
7:27-16	Air pollution control: Volatile organic substances	13 N.J.R. 127(a)	R.1982 d.3	14 N.J.R. 145(b)
7:28-24	Licensing of nuclear medicine technologists	14 N.J.R. 507(a)	R.1982 d.457	14 N.J.R. 1455(a)
7:28-41	Mercury vapor lamps	13 N.J.R. 9(b)	R.1981 d.464	13 N.J.R. 887(c)
7:29B	Noise measurement	13 N.J.R. 127(b)	R.1982 d.81	14 N.J.R. 339(a)
7:30-1, -2, -4, -8	State Pesticide Control Code	14 N.J.R. 787(a)	R.1982 d.435	14 N.J.R. 1385(a)
7:30-10	State Pesticide Control Code: Pesticide use	14 N.J.R. 787(a)	R.1983 d.63	15 N.J.R. 333(b)
7:36-3.1	Green Acres reimbursement	14 N.J.R. 461(a)	R.1982 d.231	14 N.J.R. 835(a)
7:38-1.17	Wild and scenic rivers addition	13 N.J.R. 568(a)	R.1982 d.2	14 N.J.R. 147(a)
7:50	Pinelands Comprehensive Management Plan	12 N.J.R. 513(b)	R.1981 d.13	13 N.J.R. 91(e)
7:50	Pinelands management	13 N.J.R. 569(a)	R.1982 d.131	14 N.J.R. 388(a)
7:50	Pinelands Comprehensive Management Plan and Sunset Provision	Public Notice		14 N.J.R. 1102(b)

(Title 7, Transmittal 16 dated January 14, 1981)

HEALTH—TITLE 8

8:13-2.1, 2.3, 2.4, 2.7-2.9, 2.11, 2.13-2.15	Soft-shell clam depuration	14 N.J.R. 415(a)	R.1982 d.241	14 N.J.R. 835(b)
8:18-1	Repealed: Children's boarding home rules	14 N.J.R. 1436(b)	R.1983 d.101	15 N.J.R. 544(a)
8:21-2.34	Repealed (see 8:21-12)	14 N.J.R. 1265(a)	R.1983 d.115	15 N.J.R. 623(a)
8:21-3.23	Legal animal repellants	14 N.J.R. 79(a)	R.1982 d.123	14 N.J.R. 389(a)
8:21-3.24	Ingredients for human self-defense sprays	14 N.J.R. 1029(a)	R.1982 d.451	14 N.J.R. 1456(a)
8:21-3.25	Sale and possession of nitrous oxide	14 N.J.R. 1190(a)	R.1983 d.41	15 N.J.R. 244(b)
8:21-10	Designated fluid milk products	12 N.J.R. 643(c)	R.1980 d.539	13 N.J.R. 13(f)
8:21-12	Nonalcoholic beverages and bottled water	14 N.J.R. 1265(a)	R.1983 d.115	15 N.J.R. 623(a)
8:21-12.5	Correction: labeling of bottled water	15 N.J.R. 623(a)		15 N.J.R. 809(a)
8:22-1	State Sanitary Code—Campgrounds	13 N.J.R. 130(a)	R.1981 d.161	13 N.J.R. 342(a)
8:22-2	Repeal mobile home park rules	12 N.J.R. 577(d)	R.1980 d.499	13 N.J.R. 13(c)
8:24	Retail food establishments; vending machines	14 N.J.R. 509(a)	R.1983 d.98	15 N.J.R. 544(b)
8:24	Correction: retail food establishments		R.1983 d.98	15 N.J.R. 809(b)
8:25-6.12	Youth camp certification fees	14 N.J.R. 1191(a)	R.1982 d.476	15 N.J.R. 33(a)
8:30	Expiration date	13 N.J.R. 265(a)	R.1981 d.283	13 N.J.R. 485(b)
8:30	Long-term care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)
8:30-1.4	Health care facilities licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:31-22.1	Doctors' offices in medical facilities	13 N.J.R. 807(a)	R.1982 d.273	14 N.J.R. 915(b)
8:31-23.1	Parking garage standards	13 N.J.R. 807(b)	R.1982 d.274	14 N.J.R. 916(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
8:31-24.1	Hospital personnel housing	13 N.J.R. 808(a)	R. 1982 d. 275	14 N.J.R. 916(b)
8:31-25.1	Mobile intensive care paramedics: Approved	14 N.J.R. 1331(a)	R. 1983 d. 28	15 N.J.R. 147(b)
8:31-26.3	All health care facilities: Employee physicals	14 N.J.R. 1274(a)	R. 1983 d. 69	15 N.J.R. 337(a)
8:31-26.4	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 342(b)
8:31-26.4	Correction: Child abuse reporting	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 756(a)
8:31-26.5	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:31-27	Megavoltage radiation (recodified as 8:33I)	13 N.J.R. 406(b)	R. 1981 d. 406	13 N.J.R. 756(b)
8:31-28.1, 28.3	Need and designation of regional services	12 N.J.R. 515(a)	R. 1980 d. 528	13 N.J.R. 13(d)
8:31-30.1	Plan Review Fee multiplier	13 N.J.R. 265(b)	R. 1981 d. 284	13 N.J.R. 486(a)
8:31A-7	1982 SHARE regulations	13 N.J.R. 266(a)	R. 1981 d. 325	13 N.J.R. 571(c)
8:31A-7	SHARE Manual: 1983 rate review guidelines	14 N.J.R. 887(a)	R. 1982 d. 452	14 N.J.R. 1456(b)
8:31A-9.2	Correction to Code: SHARE Manual	10 N.J.R. 534(c)	R. 1979 d. 25	14 N.J.R. 44(a)
8:31A-10.1	Mobile unit rate guidelines	13 N.J.R. 647(a)	R. 1982 d. 38	14 N.J.R. 208(a)
8:31B-2.2, 2.4	Uniform Bill-Patient Summary (Inpatient)	13 N.J.R. 410(a)	R. 1981 d. 404	13 N.J.R. 756(c)
8:31B-3	Hospital procedural and methodological regulations	12 N.J.R. 515(b)	R. 1980 d. 455	12 N.J.R. 645(c)
8:31B-3	Procedural and methodological regulations	13 N.J.R. 486(b)	R. 1981 d. 494	14 N.J.R. 45(a)
8:31B-3	Nursing Management Report: RIM Methodology	14 N.J.R. 737(a)	R. 1982 d. 427	15 N.J.R. 43(a)
8:31B-3	Hospital rate setting: RIM and other 1983 changes	14 N.J.R. 737(a)	R. 1982 d. 427	14 N.J.R. 1389(a)
8:31B-3.20D	Rate of return: For-profit hospitals	13 N.J.R. 266(b)	R. 1981 d. 290	13 N.J.R. 486(c)
8:31B-4	Hospital financial elements and reporting regulations	12 N.J.R. 516(a)	R. 1980 d. 453	12 N.J.R. 645(a)
8:31B-4.44, 4.66	1983 Financial Elements and Reporting	14 N.J.R. 946(b)	R. 1982 d. 449	14 N.J.R. 1457(a)
8:31B-4.62	Excluded health care services	12 N.J.R. 643(d)	R. 1981 d. 10	13 N.J.R. 92(a)
8:31B-5.1, 5.2, 5.3	Diagnostic related groups	13 N.J.R. 726(b)	R. 1982 d. 27	14 N.J.R. 147(b)
8:31B-6.1-6.5	Mobile unit rate guidelines	13 N.J.R. 647(a)	R. 1982 d. 38	14 N.J.R. 208(a)
8:33	Certificate of Need application changes	13 N.J.R. 267(a)	R. 1981 d. 296	13 N.J.R. 487(b)
8:33D-1.3	Regional hemophilia care centers	13 N.J.R. 727(a)	R. 1982 d. 26	14 N.J.R. 147(c)
8:33E-1.1	Cardiac diagnostic facilities	13 N.J.R. 649(a)	R. 1982 d. 24	14 N.J.R. 147(d)
8:33E-2.2	Cardiac surgical centers	13 N.J.R. 651(a)	R. 1982 d. 25	14 N.J.R. 147(e)
8:33F-1.1-1.4, 1.6, 1.7	Regional end-stage renal services	13 N.J.R. 922(b)	R. 1982 d. 143	14 N.J.R. 426(c)
8:33G	Certificate of Need reviews: CT scanners	13 N.J.R. 487(c)	R. 1981 d. 472	13 N.J.R. 944(a)
8:33G-1.2, 1.4	CT scanners: Need review	14 N.J.R. 1275(a)	R. 1983 d. 64	15 N.J.R. 337(b)
8:33H-3.3	Medicare and Medicaid beds in long-term care	14 N.J.R. 191(a)	R. 1982 d. 180	14 N.J.R. 578(b)
8:33I	Megavoltage radiation units (recodified from 8:31-27)	13 N.J.R. 406(b)	R. 1981 d. 406	13 N.J.R. 756(b)
8:37	Expiration date	13 N.J.R. 265(a)	R. 1981 d. 283	13 N.J.R. 485(b)
8:37	Intermediate care facilities	14 N.J.R. 417(a)	R. 1982 d. 205	14 N.J.R. 709(b)
8:37-4.7	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:39-Foreword	Long-term care facilities	14 N.J.R. 417(a)	R. 1982 d. 205	14 N.J.R. 709(b)
8:39-1	Foreword: Amend operational dates	13 N.J.R. 265(a)	R. 1981 d. 283	13 N.J.R. 485(b)
8:39-1.1	Long term care standards	13 N.J.R. 268(a)	R. 1981 d. 285	13 N.J.R. 495(a)
8:39-1.1, 1.16-1.21	Long-term care facilities: Licensure standards	14 N.J.R. 193(a)	R. 1982 d. 146	14 N.J.R. 427(a)
8:39-1.4	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:39-1.33	LTC facilities: Construction standards	13 N.J.R. 809(a)	R. 1982 d. 276	14 N.J.R. 916(a)
8:39-1.34	LTC facilities: Additional standards	13 N.J.R. 809(b)	R. 1982 d. 277	14 N.J.R. 916(d)
8:39-1.35	Operational dates	13 N.J.R. 265(a)	R. 1981 d. 283	13 N.J.R. 485(b)
8:39-1.35	Long-term care facilities	14 N.J.R. 417(a)	R. 1982 d. 205	14 N.J.R. 709(b)
8:42-1.4, 2.4	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:42-1.8	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 342(b)
8:42-2	Readopted: Inpatient drug treatment facilities	14 N.J.R. 812(a)	R. 1982 d. 391	14 N.J.R. 1214(a)
8:42A	Alcoholism treatment facilities	13 N.J.R. 217(b)	R. 1981 d. 236	13 N.J.R. 411(a)
8:42A-2.2	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:43-1.4	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:43-2.6	Residential health care facilities	15 N.J.R. 8(a)	R. 1983 d. 90	15 N.J.R. 440(c)
8:43-2.13	Licensure of Residential Health Care Facilities	12 N.J.R. 644(a)	R. 1980 d. 529	13 N.J.R. 13(e)
8:43-3.3, 3.20, 3.22	Residential health care standards	13 N.J.R. 268(b)	R. 1981 d. 297	13 N.J.R. 495(b)
8:43-3.22	Residential health care: Fire protection	13 N.J.R. 495(c)	R. 1981 d. 402	13 N.J.R. 756(d)
8:43-3.22	Fire safety in residential care homes	14 N.J.R. 194(a)	R. 1982 d. 145	14 N.J.R. 427(b)
8:43-4.13, 4.14	Residential health care standards	13 N.J.R. 268(b)	R. 1981 d. 297	13 N.J.R. 495(b)
8:43-6.9	Licensure of Residential Health Care Facilities	12 N.J.R. 644(a)	R. 1980 d. 529	13 N.J.R. 13(e)
8:43-7.1	Residential health care facilities	15 N.J.R. 8(a)	R. 1983 d. 90	15 N.J.R. 440(c)
8:43A-1.5	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:43A-2.1, 2.2	Ambulatory care facilities: Construction standards	13 N.J.R. 810(a)	R. 1982 d. 278	14 N.J.R. 916(e)
8:43A-3.1	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 342(b)
8:43A-8.1	Ambulatory care facilities: Surgical services	15 N.J.R. 9(a)	R. 1983 d. 92	15 N.J.R. 440(d)
8:43A-9.4, 9.7, 9.11	Drug abuse treatment centers	14 N.J.R. 529(a)	R. 1982 d. 390	14 N.J.R. 1214(b)
8:43A-9.9	Outpatient drug abuse counseling	15 N.J.R. 10(a)	R. 1983 d. 91	15 N.J.R. 441(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
8:43B-1.8	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d.66	15 N.J.R. 336(a)
8:43B-1.13	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d.157	13 N.J.R. 342(b)
8:43B-3.1, 3.1A	Hospital construction standards	13 N.J.R. 811(a)	R. 1982 d.279	14 N.J.R. 916(f)
8:43B-8.3, 8.6	Hospital facilities: Maternal and newborn services	14 N.J.R. 1276(a)	R. 1983 d.68	15 N.J.R. 338(a)
8:43B-15.12, 15.12A	Renal dialysis services: Construction standards	13 N.J.R. 812(a)	R. 1982 d.280	14 N.J.R. 917(a)
8:43F-2.3	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d.66	15 N.J.R. 336(a)
8:43F-3.26	Medical day care in long-term facilities	15 N.J.R. 11(a)	R. 1983 d.89	15 N.J.R. 441(b)
8:45-1.3	Licensure of clinical laboratories	13 N.J.R. 653(a)	R. 1981 d.493	14 N.J.R. 45(b)
8:57-1.1	Reportable diseases	14 N.J.R. 1277(a)	R. 1983 d.67	15 N.J.R. 338(b)
8:57-1.1-1.18	Reportable disease rules	12 N.J.R. 577(e)	R. 1980 d.498	13 N.J.R. 13(b)
8:57-4.5, 4.10, 4.12, 4.13, 4.15, 4.16	Immunization of pupils in school	13 N.J.R. 738(a)	R. 1981 d.502	14 N.J.R. 45(c)
8:65	Administrative corrections	_____	_____	15 N.J.R. 164(b)
8:65-1.1	Controlled dangerous substances: Registration fees	14 N.J.R. 1191(b)	R. 1983 d.29	15 N.J.R. 147(c)
8:65-7.8	CDS prescription filling requirements	13 N.J.R. 130(b)	R. 1981 d.452	13 N.J.R. 845(a)
8:65-7.10	CDS: Prescriptions in LTCF's	13 N.J.R. 130(c)	R. 1981 d.453	13 N.J.R. 845(b)
8:65-7.14, 7.18	Controlled dangerous substances	14 N.J.R. 195(a)	R. 1982 d.124	14 N.J.R. 389(b)
8:65-8.7	Controlled dangerous substances	13 N.J.R. 131(a)	R. 1981 d.238	13 N.J.R. 411(b)
8:65-10.1, 10.2	Controlled dangerous substances	Emergency	R. 1981 d.50	13 N.J.R. 132(b)
8:65-10.1, 10.2	Rescheduling of methaqualone	14 N.J.R. 1029(b)	R. 1982 d.450	14 N.J.R. 1457(b)
8:65-10.1, 10.3, 10.4	Controlled dangerous substances	14 N.J.R. 195(a)	R. 1982 d.124	14 N.J.R. 389(b)
8:65-10.4, 10.8	Controlled dangerous substances	Emergency	R. 1981 d.50	13 N.J.R. 132(b)
8:70-1.4	Resubmission of rejected generic drug products	14 N.J.R. 1030(a)	R. 1983 d.33	15 N.J.R. 147(d)
8:71	Interchangeable drug products	12 N.J.R. 465(a)	R. 1980 d.454	12 N.J.R. 645(b)
8:71	Interchangeable drug products	12 N.J.R. 516(b)	R. 1981 d.25	13 N.J.R. 131(b)
8:71	Interchangeable drug products	12 N.J.R. 465(b)	R. 1981 d.26	13 N.J.R. 131(c)
8:71	Interchangeable drug products	Emergency	R. 1981 d.27	13 N.J.R. 132(a)
8:71	Interchangeable drug products	12 N.J.R. 644(b)	R. 1981 d.81	13 N.J.R. 217(d)
8:71	Interchangeable drug product list	13 N.J.R. 269(a)	R. 1981 d.364	13 N.J.R. 706(c)
8:71	Interchangeable drug list	12 N.J.R. 644(b)	R. 1981 d.405	13 N.J.R. 757(a)
8:71	List of interchangeable drugs	13 N.J.R. 354(a)	R. 1981 d.403	13 N.J.R. 757(b)
8:71	Interchangeable drug products	13 N.J.R. 654(a)	R. 1981 d.503	14 N.J.R. 45(d)
8:71	Correction: Generic drug list	13 N.J.R. 654(a)	R. 1981 d.503	14 N.J.R. 102(b)
8:71	Generic drug list additions	13 N.J.R. 217(c)	R. 1982 d.58	14 N.J.R. 235(a)
8:71	Amitriptyline addition	14 N.J.R. 22(b)	R. 1982 d.106	14 N.J.R. 342(a)
8:71	Generic drug list additions	14 N.J.R. 22(a)	R. 1982 d.115	14 N.J.R. 389(c)
8:71	Additions to generic drug list	14 N.J.R. 22(a)	R. 1982 d.197	14 N.J.R. 655(b)
8:71	Additions to generic drug list	14 N.J.R. 369(a)	R. 1982 d.240	14 N.J.R. 836(a)
8:71	Correction: Generic drug list	14 N.J.R. 369(a)	R. 1982 d.240	14 N.J.R. 980(a)
8:71	Generic drug list changes	14 N.J.R. 22(a)	R. 1982 d.371	14 N.J.R. 1159(a)
8:71	Generic drug list changes	13 N.J.R. 645(a)	R. 1982 d.372	14 N.J.R. 1159(b)
8:71	Generic drug list changes	14 N.J.R. 369(a)	R. 1982 d.373	14 N.J.R. 1160(a)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R. 1982 d.374	14 N.J.R. 1160(b)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R. 1982 d.426	14 N.J.R. 1392(a)
8:71	Correction: Generic drug list	14 N.J.R. 690(a)	R. 1982 d.426	15 N.J.R. 33(b)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R. 1982 d.488	15 N.J.R. 90(a)
8:71	Generic drug list additions	14 N.J.R. 690(a)	R. 1982 d.489	15 N.J.R. 91(a)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R. 1983 d.30	15 N.J.R. 147(e)
8:71	Additions to generic drug list	14 N.J.R. 1077(a)	R. 1983 d.31	15 N.J.R. 148(a)
8:71	Steri-med 50mg hydrochlorothiazide tabs	14 N.J.R. 887(b)	R. 1983 d.32	15 N.J.R. 148(b)
8:71	Generic drug list deletions	14 N.J.R. 1030(b)	R. 1983 d.34	15 N.J.R. 149(a)
8:71	Generic drug list changes	14 N.J.R. 1278(a)	R. 1983 d.65	15 N.J.R. 339(a)
8:71	Generic drug list changes	14 N.J.R. 888(a)	R. 1983 d.138	15 N.J.R. 690(c)
8:71	Generic drug list changes	14 N.J.R. 1278(a)	R. 1983 d.139	15 N.J.R. 691(a)
8:71	Generic drug list changes	15 N.J.R. 127(a)	R. 1983 d.140	15 N.J.R. 691(b)
8:71	Oxycodones; Schedule II policy	14 N.J.R. 1077(a)	_____	15 N.J.R. 700(a)

(Title 8, Transmittal 14 dated September 18, 1980)

HIGHER EDUCATION-TITLE 9

9:1-6.1, 6.4	Petitions from out-of-state institutions	14 N.J.R. 372(a)	R. 1982 d.219	14 N.J.R. 756(a)
9:2-2.25	Mandatory retirement at State colleges	14 N.J.R. 947(a)	R. 1982 d.444	14 N.J.R. 1458(a)
9:2-2.25	Correction: State college retirement	14 N.J.R. 947(a)	R. 1982 d.444	15 N.J.R. 809(c)
9:2-13.1-13.12	State college auxiliary organizations	14 N.J.R. 1141(a)	R. 1982 d.493	15 N.J.R. 91(b)
9:4-1.5	County colleges: Chargebacks to sending counties	14 N.J.R. 690(b)	R. 1982 d.335	14 N.J.R. 1099(a)
9:4-1.6	County colleges: General education requirements	15 N.J.R. 203(a)	R. 1983 d.147	15 N.J.R. 805(a)
9:4-3.1, 3.10	County college annual audit	14 N.J.R. 318(a)	R. 1982 d.218	14 N.J.R. 757(a)
9:4-3.4	Correction: Assets to be capitalized by county	_____	_____	15 N.J.R. 700(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
	colleges			
9:4-5	County colleges reduction in force rules	15 N.J.R. 128(a)	R.1983 d.146	15 N.J.R. 805(b)
9:5-1.5	State funding for senior citizens	15 N.J.R. 73(b)	R.1983 d.118	15 N.J.R. 625(a)
9:7	Readopted: Student Assistance Programs	15 N.J.R. 129(a)	R.1983 d.126	15 N.J.R. 692(a)
9:11-1	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R.1982 d.385	14 N.J.R. 1214(c)
9:12-1, -2	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R.1982 d.385	14 N.J.R. 1214(c)

(Title 9, Transmittal 17 dated June 21, 1982)

HUMAN SERVICES--TITLE 10

10:4	Group homes and community relations	14 N.J.R. 1192(a)	R.1982 d.475	15 N.J.R. 33(c)
10:38	Interim Assistance Procedures Manual	13 N.J.R. 220(d)	R.1981 d.225	13 N.J.R. 412(c)
10:44A	Group homes and supervised apartments for developmentally disabled	14 N.J.R. 531(a)	R.1983 d.23	15 N.J.R. 149(b)
10:49-1.2	Amend recipient controls	12 N.J.R. 274(a)	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.2	Medicaid ID: Special Status Card	14 N.J.R. 418(a)	R.1982 d.261	14 N.J.R. 917(b)
10:49-1.3	Provider participation	13 N.J.R. 496(c)	R.1981 d.393	13 N.J.R. 758(c)
10:49-1.3, 1.4	Nurse-midwife services	14 N.J.R. 889(a)	R.1982 d.415	14 N.J.R. 1393(a)
10:49-1.5	Amend recipient controls	12 N.J.R. 274(a)	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.5	Record keeping by providers	12 N.J.R. 520(b)	R.1981 d.329	13 N.J.R. 574(b)
10:49-1.7	Utilization of insurance benefits	12 N.J.R. 187(c)	R.1981 d.123	13 N.J.R. 272(a)
10:49-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R.1982 d.52	14 N.J.R. 235(b)
10:49-1.13, 1.14	Providers using management agencies	13 N.J.R. 272(b)	R.1981 d.246	13 N.J.R. 412(d)
10:49-1.17	Suspension of provider from Medicaid program	12 N.J.R. 581(a)	R.1980 d.501	13 N.J.R. 17(a)
10:49-1.17	Suspended providers	13 N.J.R. 222(a)	R.1981 d.315	13 N.J.R. 574(c)
10:49-1.17	Provider participation	13 N.J.R. 496(c)	R.1981 d.393	13 N.J.R. 758(c)
10:49-1.24	Medical day care in hospital-affiliated facilities	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:49-1.26	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:49-1.27	Final audits	13 N.J.R. 133(c)	R.1981 d.114	13 N.J.R. 273(a)
10:49-1.27	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R.1983 d.5	15 N.J.R. 155(a)
10:49-5.3, 5.4	Recipient fair hearings	12 N.J.R. 581(b)	R.1980 d.512	13 N.J.R. 17(f)
10:49-5.6	Recipient fair hearings	12 N.J.R. 581(b)	R.1980 d.512	13 N.J.R. 17(f)
10:49-6.5	Medicaid: Payment recovery from estates	14 N.J.R. 80(a)	R.1982 d.147	14 N.J.R. 427(c)
10:49-6.8	Compromising claims	12 N.J.R. 582(a)	R.1980 d.502	13 N.J.R. 17(b)
10:50	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:50-2.7	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:51	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:51-1	Pharmacy Manual: Appendices B, C, and D	14 N.J.R. 1142(a)	R.1982 d.458	14 N.J.R. 1458(b)
10:51-1.13, 1.14	Emergency amend "Less than effective" drugs	Emergency	R.1981 d.476	13 N.J.R. 945(a)
10:51-1.13, 1.14	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R.1982 d.28	14 N.J.R. 158(a)
10:51-1.14, 1.17	Pharmaceutical Services: Fees and delivery	14 N.J.R. 1336(a)	R.1983 d.56	15 N.J.R. 339(b)
10:51-1.17	Legend drug dispensing fee	13 N.J.R. 575(c)	R.1981 d.411	13 N.J.R. 758(d)
10:51-1.19	Emergency amendment: "Less than effective" drugs	Emergency	R.1981 d.476	13 N.J.R. 945(a)
10:51-1.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R.1982 d.28	14 N.J.R. 158(a)
10:51-1(App.B,D)	Pharmaceutical Services Manual	13 N.J.R. 134(a)	R.1981 d.124	13 N.J.R. 274(a)
10:51-1(App.B,D)	Non-legend drugs and legend services	13 N.J.R. 739(a)	R.1981 d.505	14 N.J.R. 46(a)
10:51-1(App. E)	Pharmacy Manual: Protein replacements	14 N.J.R. 418(b)	R.1982 d.211	14 N.J.R. 757(b)
10:51-2	Pharmacy Manual billing procedures	13 N.J.R. 274(b)	R.1981 d.247	13 N.J.R. 415(a)
10:51-2.6	Reporting chemotherapy injectable drugs	14 N.J.R. 813(a)	R.1982 d.340	14 N.J.R. 1161(a)
10:51-3	Pharmaceutical services in LTC facilities	13 N.J.R. 415(b)	R.1981 d.344	13 N.J.R. 577(a)
10:51-3.15	Capitation of fee for legend drugs dispensed by LTC pharmacy providers	13 N.J.R. 577(b)	R.1981 d.465	13 N.J.R. 887(d)
10:51-4.5	Repeal payments for pharmaceutical consultants	12 N.J.R. 410(a)	R.1981 d.101	13 N.J.R. 228(c)
10:51-5	Readopted: PAAD in Pharmacy Manual	15 N.J.R. 209(a)	R.1983 d.155	15 N.J.R. 806(a)
10:51-5.9, 5.12	Prescription policies; telephone orders	15 N.J.R. 209(a)	R.1983 d.155	15 N.J.R. 806(a)
10:51-5.16, 5.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R.1982 d.28	14 N.J.R. 158(a)
10:51-5.28-5.33	Pharmaceutical Assistance to the Aged	13 N.J.R. 289(a)	R.1981 d.248	13 N.J.R. 415(c)
10:51-6	Expired: Institutional Pharmacy Permits	15 N.J.R. 209(a)	R.1983 d.155	15 N.J.R. 806(a)
10:52	Hospital and special hospital manuals	13 N.J.R. 416(a)	R.1981 d.327	13 N.J.R. 578(a)
10:52-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.1	Nurse-midwife services	14 N.J.R. 889(a)	R.1982 d.415	14 N.J.R. 1393(a)
10:52-1.1	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:52-1.3	Non-covered hospital services	13 N.J.R. 14(d)	R.1981 d.126	13 N.J.R. 291(a)
10:52-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R.1982 d.73	14 N.J.R. 278(c)
10:52-1.3	Second opinion requirement on certain surgery	14 N.J.R. 1143(a)	R.1982 d.459	14 N.J.R. 1458(c)
10:52-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R.1982 d.52	14 N.J.R. 235(b)
10:52-1.9	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:52-1.17	Out-of-State inpatient hospital services	13 N.J.R. 15(a)	R.1981 d.162	13 N.J.R. 358(b)
10:52-1.17	Correction: Out-of-State hospital services	13 N.J.R. 15(a)	R.1981 d.162	13 N.J.R. 416(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:52-1.18	Out-of-State hospital services	13 N.J.R. 359(a)	R. 1981 d.293	13 N.J.R. 497(a)
10:52-2.2	Uniform billing of hospital services	13 N.J.R. 93(a)	R. 1982 d.13	14 N.J.R. 158(b)
10:52-2.8A	Outpatient dental services	13 N.J.R. 416(c)	R. 1981 d.479	13 N.J.R. 946(a)
10:52-2.13	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:52-3.6	Outpatient dental services	13 N.J.R. 416(c)	R. 1981 d.479	13 N.J.R. 946(a)
10:53	Hospital and special hospital manuals	13 N.J.R. 416(a)	R. 1981 d.327	13 N.J.R. 578(a)
10:53-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d.51	13 N.J.R. 147(c)
10:53-1.1	Medical day care	14 N.J.R. 1332(a)	R. 1983 d.75	15 N.J.R. 442(a)
10:53-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d.73	14 N.J.R. 278(c)
10:53-1.3	Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d.459	14 N.J.R. 1458(c)
10:53-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d.51	13 N.J.R. 147(c)
10:53-1.15	Medical day care	14 N.J.R. 1332(a)	R. 1983 d.75	15 N.J.R. 442(a)
10:53-2.18	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:54-1	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:54-1.2	Routine chest X rays	13 N.J.R. 94(a)	R. 1981 d.125	13 N.J.R. 292(b)
10:54-1.2	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d.73	14 N.J.R. 278(c)
10:54-1.2	Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d.459	14 N.J.R. 1458(c)
10:54-1.3	Record keeping by providers	12 N.J.R. 520(b)	R. 1981 d.329	13 N.J.R. 574(b)
10:54-1.5	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R. 1981 d.374	13 N.J.R. 706(d)
10:54-1.6	Reimbursement for anesthesia time	12 N.J.R. 413(a)	R. 1981 d.220	13 N.J.R. 417(b)
10:54-1.20	Physicians Services: Sterilization by hysterectomy	14 N.J.R. 1337(a)	R. 1983 d.55	15 N.J.R. 339(c)
10:54-1.22	Routine chest X rays	13 N.J.R. 94(a)	R. 1981 d.125	13 N.J.R. 292(b)
10:54-2.1	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:54-2.4, 2.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:54-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:54-3	Procedure Code Manual	12 N.J.R. 520(c)	R. 1980 d.511	13 N.J.R. 17(e)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 95(a)	R. 1981 d.111	13 N.J.R. 299(a)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 223(a)	R. 1981 d.211	13 N.J.R. 418(c)
10:54-3	Procedure codes for pacemakers	13 N.J.R. 297(a)	R. 1981 d.251	13 N.J.R. 430(a)
10:54-3	Procedure codes for physicians services	13 N.J.R. 298(a)	R. 1981 d.305	13 N.J.R. 578(b)
10:54-3	Physician services procedure codes	13 N.J.R. 298(b)	R. 1981 d.314	13 N.J.R. 578(c)
10:54-3	Procedure Code Manual	13 N.J.R. 578(d)	R. 1981 d.475	13 N.J.R. 946(b)
10:54-3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d.73	14 N.J.R. 278(c)
10:54-3	Procedure codes: Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d.459	14 N.J.R. 1458(c)
10:54-3	Procedure codes: Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d.415	14 N.J.R. 1393(a)
10:55	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:56	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:56-1.8, 1.12	Dental Services Manual	12 N.J.R. 700(a)	R. 1981 d.219	13 N.J.R. 430(b)
10:56-1.14, 1.15	Limitations on diagnostic dental services	13 N.J.R. 875(a)	R. 1982 d.403	14 N.J.R. 1301(a)
10:56-3.15	Orthodontics	13 N.J.R. 134(b)	R. 1981 d.113	13 N.J.R. 299(b)
10:57-1.4	Podiatry services	13 N.J.R. 360(a)	R. 1981 d.300	13 N.J.R. 579(a)
10:57-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:57-1.9	Podiatry services	13 N.J.R. 360(a)	R. 1981 d.300	13 N.J.R. 579(a)
10:57-1.20, 2.5-2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:57-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:58	Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d.415	14 N.J.R. 1393(a)
10:59	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:59-1.7, 1.8	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d.510	13 N.J.R. 17(d)
10:59-1.9	Medical Supplier Manual	13 N.J.R. 430(c)	R. 1981 d.376	13 N.J.R. 707(a)
10:59-1.10	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d.510	13 N.J.R. 17(d)
10:59-1.10	IPPB equipment	13 N.J.R. 223(b)	R. 1981 d.328	13 N.J.R. 579(b)
10:59-1.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d.510	13 N.J.R. 17(d)
10:59-2.6-2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:59-2.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d.510	13 N.J.R. 17(d)
10:60	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:60-1, 2.1-2.3	Home Health Services Manual revisions	14 N.J.R. 264(b)	R. 1982 d.199	14 N.J.R. 656(a)
10:60-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:61-1.4	Record retention requirements	13 N.J.R. 95(b)	R. 1981 d.110	13 N.J.R. 299(c)
10:61-1.4	Physician orders for laboratory services	13 N.J.R. 430(d)	R. 1981 d.342	13 N.J.R. 579(c)
10:61-2.3	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:61-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:62	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:62-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:62-1.7	Procedure codes for ophthalmologists and optometrists	13 N.J.R. 299(d)	R. 1981 d.280	13 N.J.R. 497(b)
10:62-3	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:63-1.2	Rehabilitation in long-term care	14 N.J.R. 420(a)	R. 1982 d.210	14 N.J.R. 757(c)
10:63-1.4	Long Term Care Manual	12 N.J.R. 700(a)	R. 1981 d.219	13 N.J.R. 430(b)
10:63-1.4	Special equipment in long-term care	13 N.J.R. 877(a)	R. 1982 d.110	14 N.J.R. 391(a)
10:63-1.5	Inspection of long-term care	14 N.J.R. 81(a)	R. 1982 d.72	14 N.J.R. 279(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:63-1.6	Level III care in LTC facilities	14 N.J.R. 462(a)	R.1982 d.264	14 N.J.R. 917(c)
10:63-1.8	Long Term Care Manual	12 N.J.R. 700(a)	R.1981 d.219	13 N.J.R. 430(b)
10:63-1.8	Clinical records in long-term care facilities	12 N.J.R. 701(a)	R.1981 d.33	13 N.J.R. 146(c)
10:63-1.11	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:63-1.14	Retention of records in LTC facilities	13 N.J.R. 431(a)	R.1981 d.345	13 N.J.R. 579(d)
10:63-1.19	LTCSM: Termination of Medicaid eligibility	13 N.J.R. 15(b)	R.1981 d.62	13 N.J.R. 225(b)
10:63-1.21	Three-year audit cycle	12 N.J.R. 701(a)	R.1981 d.23	13 N.J.R. 146(a)
10:63-1.22	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R.1983 d.5	15 N.J.R. 155(a)
10:63-3.1	Reimbursement to Long Term Care Facilities	12 N.J.R. 702(a)	R.1981 d.87	13 N.J.R. 227(a)
10:63-3.2	LTC: Related-party lease costs	14 N.J.R. 742(a)	R.1983 d.74	15 N.J.R. 442(b)
10:63-3.8	LTC's nursing care costs	13 N.J.R. 360(b)	R.1981 d.326	13 N.J.R. 579(e)
10:63-3.10	LTC: Capital Facilities Allowance rate	14 N.J.R. 743(a)	R.1983 d.73	15 N.J.R. 443(a)
10:63-3.20	Long-term care facilities: Reimbursement appeals	14 N.J.R. 269(a)	R.1983 d.11	15 N.J.R. 156(a)
10:63-3.21	Rescission: Long-term care per diem reduction	13 N.J.R. 498(a)	R.1981 d.375	13 N.J.R. 707(b)
10:64	Hearing Aid Services Manual	14 N.J.R. 413(a)	R.1982 d.74	14 N.J.R. 279(b)
10:65	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:65-1.2-1.8, 2.1, 2.4-2.7	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:65-2.1	Medical day care rates	13 N.J.R. 362(a)	R.1981 d.318	13 N.J.R. 580(a)
10:66	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:66-1.5, 1.6	Mental health partial care services	13 N.J.R. 662(a)	R.1982 d.19	14 N.J.R. 158(c)
10:66-2.10	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:66-3.1-3.3	Independent clinic services procedure codes	13 N.J.R. 363(a)	R.1981 d.313	13 N.J.R. 580(b)
10:66-3.3	Procedure codes for Medicaid	12 N.J.R. 662(b)	R.1981 d.112	13 N.J.R. 299(e)
10:66-3.3	Independent Clinic Services Manual	13 N.J.R. 224(a)	R.1981 d.212	13 N.J.R. 431(b)
10:66-3.3	Mental health partial care services	13 N.J.R. 662(a)	R.1982 d.19	14 N.J.R. 158(c)
10:66-3.3	Family planning procedure codes	13 N.J.R. 663(a)	R.1982 d.84	14 N.J.R. 343(b)
10:67-1.2	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:67-1.8	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R.1981 d.374	13 N.J.R. 706(d)
10:67-2.5,2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:67-2.10	Psychological services procedure codes	13 N.J.R. 298(a)	R.1981 d.305	13 N.J.R. 578(b)
10:68-2.5,2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:68-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:69A	Readopted: Pharmaceutical Assistance Manual (PAAD)	15 N.J.R. 211(a)	R.1983 d.154	15 N.J.R. 806(b)
10:69A-2.1	Pharmaceutical Assistance for Aged and Disabled	14 N.J.R. 321(b)	R.1982 d.198	14 N.J.R. 659(a)
10:69A-5.6	PAA eligibility determinations	13 N.J.R. 432(a)	R.1981 d.332	13 N.J.R. 580(c)
10:69A-7.1	PAA: Payment recovery from estates	14 N.J.R. 80(a)	R.1982 d.147	14 N.J.R. 427(c)
10:81	PAM: Readopted Federal requirements	13 N.J.R. 759(a)	R.1981 d.518	14 N.J.R. 102(c)
10:81-1.14	PAM: Welfare board minutes	13 N.J.R. 877(b)	R.1982 d.151	14 N.J.R. 473(d)
10:81-2.6, 2.17, 2.18	PAM: AFDC changes	14 N.J.R. 1078(a)	R.1982 d.482	15 N.J.R. 92(a)
10:81-2.7	PAM: Deprivation of parental support in AFDC-C	12 N.J.R. 703(a)	R.1981 d.28	13 N.J.R. 146(b)
10:81-3.1, 3.5, 3.11, 3.13, 3.18	PAM: AFDC changes	14 N.J.R. 1078(a)	R.1982 d.482	15 N.J.R. 92(a)
10:81-3.17	PAM: Readopted revisions	14 N.J.R. 1168(a)	R.1982 d.441	14 N.J.R. 1459(a)
10:81-3.35	PAM: Legally responsible relatives	14 N.J.R. 814(a)	R.1982 d.352	14 N.J.R. 1161(b)
10:81-3.38	PAM: Liquidation and transfer of resources	14 N.J.R. 1437(a)	R.1983 d.94	15 N.J.R. 443(b)
10:81-4.5-4.11, 4.13, 4.14, 4.16, 4.18, 4.19	PAM: Vendor payments	14 N.J.R. 1034(a)	R.1982 d.424	14 N.J.R. 1395(a)
10:81-5.2	PAM: Periodic redetermination	14 N.J.R. 1341(a)	R.1983 d.54	15 N.J.R. 340(a)
10:81-6.17, 7.18	PAM: Replacement of lost or stolen checks	14 N.J.R. 373(a)	R.1982 d.419	14 N.J.R. 1396(a)
10:81-7.1	AFDC: New or changed income	13 N.J.R. 300(a)	R.1981 d.262	13 N.J.R. 432(b)
10:81-7.13	PAM: Request and authorization for records disposal	14 N.J.R. 947(b)	R.1982 d.417	14 N.J.R. 1397(a)
10:81-7.22	AFDC: Funeral or burial payments for children	13 N.J.R. 580(d)	R.1981 d.447	13 N.J.R. 845(d)
10:81-7.22	PAM: Funeral and burial contributions	14 N.J.R. 462(b)	R.1982 d.286	14 N.J.R. 980(b)
10:81-7.26	PAM: Veterans' funeral expenses	14 N.J.R. 374(a)	R.1982 d.228	14 N.J.R. 836(b)
10:81-7.26, 8.4	PAM: RSDI lump sum benefits	13 N.J.R. 925(a)	R.1982 d.90	14 N.J.R. 344(a)
10:81-8.22	PAM: Extension of Medicaid benefits	14 N.J.R. 893(a)	R.1982 d.357	14 N.J.R. 1161(c)
10:81-8.22	PAM revisions	14 N.J.R. 1168(a)	R.1982 d.441	14 N.J.R. 1459(a)
10:81-8.23, 8.24, 8.25	PAM: AFDC changes	14 N.J.R. 1078(a)	R.1982 d.482	15 N.J.R. 92(a)
10:81-10	PAM: Refugee programs	14 N.J.R. 948(a)	R.1982 d.425	14 N.J.R. 1397(b)
10:81-App. A	Repealed: See 10:81-10	14 N.J.R. 948(a)	R.1982 d.425	14 N.J.R. 1397(b)
10:82	ASH: Readopted Federal requirements	13 N.J.R. 763(a)	R.1981 d.519	14 N.J.R. 102(d)
10:82-1.2, 1.4, 1.5, 1.7, 2.1-2.6, 2.8- 2.10, 2.13, 2.19	ASH: Federal requirements	14 N.J.R. 952(a)	R.1982 d.443	14 N.J.R. 1459(b)
10:82-2.1, 2.2, 2.18,	ASH: Readopted revisions	14 N.J.R. 1169(a)	R.1982 d.440	14 N.J.R. 1461(a)

2.20				
10:82-2.9	Correction: Stepparent's income in AFDC-C	13 N.J.R. 763(a)	R. 1981 d.519	14 N.J.R. 281(a)
10:82-2.14	ASH: Established monthly earnings	13 N.J.R. 16(a)	R. 1981 d.47	13 N.J.R. 147(b)
10:82-2.14	AFDC: New or changed income	13 N.J.R. 300(a)	R. 1981 d.262	13 N.J.R. 432(b)
10:82-3.1, 3.2, 3.4	ASH: Resources	14 N.J.R. 1438(a)	R. 1983 d.93	15 N.J.R. 443(c)
10:82-3.2	Correction to ASH: Exemption resources			15 N.J.R. 346(c)
10:82-3.2	ASH: HUD community development block grant	13 N.J.R. 96(a)	R. 1981 d.96	13 N.J.R. 227(b)
10:82-3.2, 4.5	Exempt resources and disregard of earned income	13 N.J.R. 224(b)	R. 1981 d.282	13 N.J.R. 499(a)
10:82-3.8	ASH: Relatives as a resource	14 N.J.R. 814(b)	R. 1982 d.353	14 N.J.R. 1161(d)
10:82-3.13	Correction: Federal requirement for ASH	13 N.J.R. 763(a)	R. 1981 d.519	14 N.J.R. 837(a)
10:82-3.13, 4.1, 4.3, 4.4, 4.15	ASH: Federal requirements	14 N.J.R. 952(a)	R. 1982 d.443	14 N.J.R. 1459(b)
10:82-4.9	ASH: Foster care rates	14 N.J.R. 374(b)	R. 1982 d.208	14 N.J.R. 709(c)
10:82-4.15	Irregular and nonrecurring income in AFDC	13 N.J.R. 224(c)	R. 1981 d.287	13 N.J.R. 499(b)
10:82-5.3	ASH: Day care rates	13 N.J.R. 134(c)	R. 1981 d.243	13 N.J.R. 432(c)
10:82-5.3	ASH: Care for unwed mothers	13 N.J.R. 134(c)	R. 1982 d.43	14 N.J.R. 235(c)
10:82-5.3	ASH: Federal requirements	14 N.J.R. 952(a)	R. 1982 d.443	14 N.J.R. 1459(b)
10:82-5.3, 5.10	ASH: Child care; emergency assistance	14 N.J.R. 1169(a)	R. 1982 d.440	14 N.J.R. 1461(a)
10:82-5.10	ASH: Emergency assistance	12 N.J.R. 584(a)	R. 1980 d.552	13 N.J.R. 101(a)
10:82-5.10	ASH: Emergency house furnishings allowance	14 N.J.R. 375(a)	R. 1982 d.207	14 N.J.R. 709(d)
10:82-5.10	ASH: Return of child from foster care placement	14 N.J.R. 698(a)	R. 1982 d.376	14 N.J.R. 1215(a)
10:83	Repeal Medical Assistance for Aged	14 N.J.R. 1081(a)	R. 1982 d.460	14 N.J.R. 1462(a)
10:85-1.2, 1.5, 2.2	General Assistance and Faulkner Act municipalities	13 N.J.R. 301(a)	R. 1982 d.61	14 N.J.R. 281(b)
10:85-2.2	GAM: Temporary director of municipal welfare	12 N.J.R. 584(b)	R. 1980 d.505	13 N.J.R. 17(c)
10:85-2.2	GAM: Local assistance board	13 N.J.R. 96(b)	R. 1981 d.98	13 N.J.R. 228(b)
10:85-2.2	GAM: Local assistance board appointments	14 N.J.R. 1144(a)	R. 1982 d.492	15 N.J.R. 92(b)
10:85-3.1	GAM: Common living quarters	13 N.J.R. 927(a)	R. 1982 d.102	14 N.J.R. 344(b)
10:85-3.1	GAM: Eligibility of young people	14 N.J.R. 815(a)	R. 1982 d.355	14 N.J.R. 1162(a)
10:85-3.1	Correction to Code: General Assistance eligibility			14 N.J.R. 1103(b)
10:85-3.1, 3.2	GAM: Prospective SSI recipients	13 N.J.R. 145(a)	R. 1981 d.160	13 N.J.R. 363(b)
10:85-3.2	General Assistance application process	12 N.J.R. 584(c)	R. 1980 d.514	13 N.J.R. 18(a)
10:85-3.2	GAM: Clarification of "unemployable"	13 N.J.R. 927(b)	R. 1982 d.103	14 N.J.R. 344(c)
10:85-3.2	GAM: Workfare compliance	13 N.J.R. 929(a)	R. 1982 d.104	14 N.J.R. 344(d)
10:85-3.2	GAM: Verification of unemployment/disability benefits	14 N.J.R. 956(a)	R. 1982 d.418	14 N.J.R. 1398(a)
10:85-3.2	GAM: Determination of unemployability	15 N.J.R. 314(a)	R. 1983 d.160	15 N.J.R. 807(a)
10:85-3.3	GAM: Recipients in residential health care facilities	12 N.J.R. 662(c)	R. 1980 d.547	13 N.J.R. 100(a)
10:85-3.3	GAM: Financial eligibility	12 N.J.R. 16(b)	R. 1981 d.46	13 N.J.R. 147(a)
10:85-3.3	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d.263	13 N.J.R. 433(a)
10:85-3.3	GAM: Boarding rate for residential care	13 N.J.R. 879(a)	R. 1982 d.53	14 N.J.R. 235(d)
10:85-3.3	GAM: Hospital shelter time	13 N.J.R. 930(a)	R. 1982 d.98	14 N.J.R. 345(a)
10:85-3.3	GAM: Cash Contributions	14 N.J.R. 270(a)	R. 1982 d.185	14 N.J.R. 659(b)
10:85-3.3	GAM: Members of household	14 N.J.R. 893(b)	R. 1982 d.375	14 N.J.R. 1216(a)
10:85-3.3	GAM: Residential health care rates	14 N.J.R. 894(a)	R. 1983 d.105	15 N.J.R. 550(a)
10:85-3.4	GAM: Income and alien sponsorship	14 N.J.R. 122(b)	R. 1982 d.134	14 N.J.R. 428(a)
10:85-4.6	GAM: Emergency grants	12 N.J.R. 585(a)	R. 1980 d.538	13 N.J.R. 18(d)
10:85-4.6	GAM: Emergency grants	14 N.J.R. 124(a)	R. 1982 d.135	14 N.J.R. 428(b)
10:85-4.6	GAM: Emergency house furnishings	14 N.J.R. 1342(a)	R. 1983 d.58	15 N.J.R. 340(b)
10:85-4.8	GAM: Funeral and burial contributions	14 N.J.R. 463(a)	R. 1982 d.287	14 N.J.R. 980(c)
10:85-5.2	GAM: Diagnostic-Related Group payments	12 N.J.R. 585(b)	R. 1980 d.515	13 N.J.R. 18(b)
10:85-5.2	GAM—Payments for inpatients hospital care	13 N.J.R. 433(b)	R. 1981 d.394	13 N.J.R. 768(a)
10:85-5.3	Submission of Form GA-18	12 N.J.R. 586(a)	R. 1980 d.531	13 N.J.R. 18(c)
10:85-5.3	GAM: Recipients in residential health care facilities	12 N.J.R. 662(c)	R. 1980 d.547	13 N.J.R. 100(a).
10:85-5.3	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d.263	13 N.J.R. 433(a)
10:85-5.4	GAM: Procedure for payments of medical bills	13 N.J.R. 499(c)	R. 1981 d.417	13 N.J.R. 768(b)
10:85-5.6, 8.4	GAM: Renal services; child health services	14 N.J.R. 420(b)	R. 1982 d.377	14 N.J.R. 1217(a)
10:85-6.5	GAM: Repayment by SSI recipients	12 N.J.R. 586(b)	R. 1980 d.551	13 N.J.R. 100(d)
10:85-6.5	GAM: Reimbursement authorization and repayment agreement	14 N.J.R. 1342(b)	R. 1983 d.57	13 N.J.R. 340(c)
10:85-6.6	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d.263	13 N.J.R. 433(a)
10:85-7.2	GAM: Receipt of assistance	12 N.J.R. 535(b)	R. 1981 d.53	13 N.J.R. 147(d)
10:85-7.3	General Assistance and Faulkner Act municipalities	13 N.J.R. 301(a)	R. 1982 d.61	14 N.J.R. 281(b)
10:85-8.2	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d.263	13 N.J.R. 433(a)
10:85-8.2	GAM: Eligibility of refugee groups	14 N.J.R. 815(b)	R. 1982 d.356	14 N.J.R. 1162(b)
10:85-8.3	GAM: Prospective SSI recipients	13 N.J.R. 145(a)	R. 1981 d.160	13 N.J.R. 363(b)
10:85-9.1	GAM: Legally responsible relatives	14 N.J.R. 543(a)	R. 1982 d.284	14 N.J.R. 980(d)
10:85-10.3, 10.6, 10.8	GAM: Workfare compliance	13 N.J.R. 929(a)	R. 1982 d.104	14 N.J.R. 344(d)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:87	Emergency amend Food Stamp Manual	Emergency	R. 1981 d.64	13 N.J.R. 226(b)
10:87	Student participation in Food Stamps	13 N.J.R. 96(c)	R. 1981 d.97	13 N.J.R. 228(a)
10:87	Food Stamp Manual	13 N.J.R. 364(a)	R. 1981 d.316	13 N.J.R. 581(a)
10:87	FSM: Readopted Federal requirements	13 N.J.R. 769(a)	R. 1981 d.517	14 N.J.R. 103(a)
10:87	Correction: FSM—Federal requirements	13 N.J.R. 769(a)	R. 1981 d.517	14 N.J.R. 208(b)
10:87-2.2, 2.3, 2.21	Readopted Food Stamp Program revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-2.3, 2.21, 3.10, 3.11, 4.4, 4.6, 4.7, 4.14, 4.16, 5.4, 5.6, 7.14, 7.15, 9.7	Food Stamp Program revisions	Emergency	R. 1983 d.116	15 N.J.R. 629(a)
10:87-2.4, 2.7, 2.8	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-2.7	Food stamp participants and job search	14 N.J.R. 1041(a)	R. 1982 d.437	14 N.J.R. 1462(b)
10:87-2.32, 2.34, 2.35	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-2.34	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-2.38	Readopted FSP revisions	15 N.J.R. 247(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-3.2, 3.12	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-3.15–3.21	Food stamp participants and job search	14 N.J.R. 1041(a)	R. 1982 d.437	14 N.J.R. 1462(b)
10:87-3.19	Readopted FSP revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-3.23, 3.24	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-4.3, 4.8	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-4.4, 4.19	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-4.8, 4.12, 5.5	Food Stamp Program: Resource exclusions	15 N.J.R. 212(a)	R. 1983 d.141	15 N.J.R. 692(b)
10:87-5.5	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-5.10	Readopted FSP revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-6.2, 6.3, 6.16, 6.17, 6.18	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-6.14, 6.15	FSP: Readopted emergency revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-7.16, 7.17	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-7.18	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-9.7	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-9.16	Replacement of food stamp benefits	14 N.J.R. 1081(b)	R. 1982 d.474	15 N.J.R. 35(a)
10:87-11.1–11.12, 11.15, 11.16, 11.20–11.29	Food Stamp Program revisions	Emergency	R. 1983 d.117	15 N.J.R. 633(a)
10:87-12.1	Readopted FSP revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-12.1, 12.2	Emergency amend Food Stamp Manual	Emergency	R. 1980 d.558	13 N.J.R. 100(e)
10:87-12.1, 12.3, 12.4, 12.6	Readopted: Food Stamp Program adjustments	14 N.J.R. 757(d)	R. 1982 d.318	14 N.J.R. 1057(a)
10:87-12.1, 12.2, 12.6	Food Stamp Program: Readopted revisions	14 N.J.R. 1170(a)	R. 1982 d.442	14 N.J.R. 1463(a)
10:87-12.3	Food Stamp Program maximum net income levels	13 N.J.R. 500(a)	R. 1981 d.400	13 N.J.R. 772(a)
10:87-12.3, 12.4	Emergency adoption: Food Stamp income levels	Emergency	R. 1981 d.278	13 N.J.R. 500(a)
10:87-12.4	Emergency amend Food Stamp Manual	Emergency	R. 1980 d.558	13 N.J.R. 100(e)
10:87-12.5, 12.6	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R. 1983 d.121	15 N.J.R. 625(b)
10:87-12.7	Readopted FSP revisions	15 N.J.R. 247(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:89	Readopted Home Energy Assistance rules	13 N.J.R. 888(a)	R. 1982 d.62	14 N.J.R. 281(c)
10:89-2.3, 3.1, 3.2, 3.4, 3.5, 3.6, 4.1, 5.2, 5.3	Readopted: Home Energy Assistance Handbook	14 N.J.R. 1311(a)	R. 1982 d.497	15 N.J.R. 92(c)
10:89-3.6	Emergency rule on Home Energy Assistance	Emergency	R. 1980 d.548	13 N.J.R. 100(b)
10:90	Monthly Reporting Policy Handbook	14 N.J.R. 958(a)	R. 1982 d.399	14 N.J.R. 1302(a)
10:91	Repealed: Services to families and children	14 N.J.R. 744(a)	R. 1982 d.317	14 N.J.R. 1057(b)
10:94-4,-5	Medicaid Only: Income and resource eligibility	12 N.J.R. 663(a)	R. 1981 d.177	13 N.J.R. 364(b)
10:94-5.4, 5.5, 5.6	Readopt Medicaid Only computation amounts	13 N.J.R. 501(a)	R. 1981 d.385	13 N.J.R. 773(a)
10:94-5.4, 5.5, 5.6	Correction: Medicaid Only computation amounts	13 N.J.R. 501(a)	R. 1981 d.385	13 N.J.R. 846(a)
10:94-5.4, 5.5, 5.6	Readopted: Medicaid Only computation amounts	14 N.J.R. 758(a)	R. 1982 d.314	14 N.J.R. 1058(a)
10:94-7.5	Medicaid Only: Burial and funeral expenses	14 N.J.R. 816(a)	R. 1982 d.354	14 N.J.R. 1162(c)
10:94-8	Medicaid Only	12 N.J.R. 663(a)	R. 1981 d.177	13 N.J.R. 364(b)
10:94-9	Medical Assistance for Aged Continuation	14 N.J.R. 1084(a)	R. 1982 d.461	14 N.J.R. 1463(b)
10:98	State Plan for blind and visually impaired	14 N.J.R. 745(a)	R. 1982 d.311	14 N.J.R. 1058(b)
10:98	State Plan for Vocational Rehabilitation Services	14 N.J.R. 1193(a)	R. 1983 d.149	15 N.J.R. 807(b)
10:100-1.23	Readopt SSI payment levels	13 N.J.R. 502(a)	R. 1981 d.386	13 N.J.R. 773(b)
10:100-1.23	Readopted: SSI payment levels	14 N.J.R. 760(a)	R. 1982 d.315	14 N.J.R. 1059(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:100-3.6	Special Payments Handbook: Funeral contributions	14 N.J.R. 463(b)	R. 1982 d. 285	14 N.J.R. 981(a)
10:109-1	Ruling 11	13 N.J.R. 581(b)	R. 1981 d. 445	13 N.J.R. 846(b)
10:109-1.4	Ruling 11: Tuition Aid	14 N.J.R. 375(b)	R. 1982 d. 227	14 N.J.R. 837(b)
10:109-3.2, 3.4	Ruling 11-Sick leave and leave without pay	13 N.J.R. 515(a)	R. 1981 d. 395	13 N.J.R. 774(a)
10:109-App. I, II	Ruling 11: Salary increases for CWA employees	13 N.J.R. 741(a)	R. 1981 d. 498	14 N.J.R. 46(b)
10:109-App. II	County welfare agencies: Salary parity with State	14 N.J.R. 630(a)	R. 1982 d. 319	14 N.J.R. 1060(a)
10:121-2	Adoption subsidy	14 N.J.R. 746(a)	R. 1982 d. 321	14 N.J.R. 1060(b)
10:121-5.1	Medical information form	12 N.J.R. 703(c)	R. 1981 d. 63	13 N.J.R. 226(a)
10:121A	Adoption agency practices	13 N.J.R. 99(a)	R. 1981 d. 298	13 N.J.R. 516(a)
10:122-4.1, 4.3-4.7	Child care centers: Staff requirements	14 N.J.R. 816(b)	R. 1982 d. 384	14 N.J.R. 1218(a)
10:122-4.1, 4.3-4.7	Correction: Child care centers	14 N.J.R. 816(b)	R. 1982 d. 384	14 N.J.R. 1307(a)
10:122-4.2, 7.1-7.7	Standards for child care centers	14 N.J.R. 82(a)	R. 1982 d. 136	14 N.J.R. 428(c)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R. 1981 d. 423	13 N.J.R. 774(b)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R. 1981 d. 423	14 N.J.R. 287(a)
10:123-3.1, 3.2	Personal needs allowance: Residential health care	14 N.J.R. 699(a)	R. 1982 d. 301	14 N.J.R. 981(b)
10:124	Children's shelter facilities and homes	14 N.J.R. 125(a)	R. 1982 d. 222	14 N.J.R. 761(a)
10:130	Shelters for victims of domestic violence	14 N.J.R. 197(a)	R. 1982 d. 138	14 N.J.R. 429(a)
10:130	Repealed: Children's shelters manual	14 N.J.R. 125(a)	R. 1982 d. 222	14 N.J.R. 761(a)
10:131	Adoption assistance and child welfare	14 N.J.R. 744(a)	R. 1982 d. 317	14 N.J.R. 1057(b)
10:132	Court actions and proceedings	13 N.J.R. 595(b)	R. 1981 d. 434	13 N.J.R. 846(c)
10:140	1982 State Plan for Services to Developmentally Disabled	14 N.J.R. 699(b)	R. 1982 d. 320	14 N.J.R. 1060(c)

(Title 10, Transmittal 15 dated November 10, 1980)

CORRECTIONS-TITLE 10A

(Title 10A, Transmittal 7 dated June 21, 1982)

INSURANCE-TITLE 11

11:1-5.5	Notice of Cancellation and Nonrenewal: property and casualty insurance	_____	_____	15 N.J.R. 810(a)
11:1-13	Sale of auto club service contracts	13 N.J.R. 879(b)	R. 1982 d. 177	14 N.J.R. 579(a)
11:1-14	Licenses: Address change; process serving	14 N.J.R. 748(a)	R. 1982 d. 336	14 N.J.R. 1099(b)
11:2-1.6	Independent testing service	13 N.J.R. 364(d)	R. 1981 d. 433	13 N.J.R. 846(d)
11:2-17	Unfair claims-settlement practices	12 N.J.R. 600(f)	R. 1981 d. 407	13 N.J.R. 774(c)
11:2-17	Correction: Operative date for settlement practices	13 N.J.R. 774(c)	R. 1981 d. 407	13 N.J.R. 894(a)
11:2-17.7	Claims settlement practices	14 N.J.R. 966(a)	R. 1982 d. 400	14 N.J.R. 1307(b)
11:2-18	Readable policies	14 N.J.R. 967(a)	R. 1982 d. 410	14 N.J.R. 1307(c)
11:2-18.4	Correction: Readable policies	14 N.J.R. 1308	R. 1982 d. 410	14 N.J.R. 1398(b)
11:3-7.3, 7.7	Additional personal injury protection	14 N.J.R. 543(b)	R. 1982 d. 246	14 N.J.R. 917(d)
11:4-2	Replacement of existing life insurance	13 N.J.R. 18(e)	R. 1982 d. 16	14 N.J.R. 158(d)
11:4-11.5, 11.6	Life insurance solicitation	13 N.J.R. 36(a)	R. 1982 d. 17	14 N.J.R. 159(a)
11:5-1.2, 1.3	Real Estate Commission rules	13 N.J.R. 306(a)	R. 1981 d. 261	13 N.J.R. 440(c)
11:5-1.8, 1.14	Real Estate Commission rules	13 N.J.R. 302(b)	R. 1982 d. 101	14 N.J.R. 345(b)
11:5-1.14	Correction: Real Estate Commission rules	13 N.J.R. 302(b)	R. 1982 d. 101	14 N.J.R. 1162(d)
11:5-1.33-1.35	Real Estate Commission rules	13 N.J.R. 306(a)	R. 1981 d. 261	13 N.J.R. 440(c)
11:5-1.36	Real Estate Guaranty Fund	13 N.J.R. 306(a)	R. 1981 d. 252	13 N.J.R. 441(a)
11:12	Legal services insurance	13 N.J.R. 601(a)	R. 1981 d. 422	13 N.J.R. 776(a)
11:13	Commercial lines insurance	14 N.J.R. 1045(a)	R. 1982 d. 423	14 N.J.R. 1398(c)

(Title 11, Transmittal 16 dated January 14, 1981)

LABOR-TITLE 12

12:15-1.3	Maximum weekly benefit rates	13 N.J.R. 602(b)	R. 1981 d. 419	13 N.J.R. 777(a)
12:15-1.3	Correction: Operative date	13 N.J.R. 602(b)	R. 1981 d. 419	13 N.J.R. 894(b)
12:15-1.3	1983 unemployment and disability benefits	14 N.J.R. 969(a)	R. 1982 d. 383	14 N.J.R. 1218(b)
12:15-1.4	Taxable wage base for unemployment compensation	13 N.J.R. 602(c)	R. 1981 d. 421	13 N.J.R. 777(b)
12:15-1.4	Correction: Operative date	13 N.J.R. 602(c)	R. 1981 d. 421	13 N.J.R. 894(b)
12:15-1.4	1983 wage base for unemployment contributions	14 N.J.R. 970(a)	R. 1982 d. 382	14 N.J.R. 1219(a)
12:15-1.5	Unemployment compensation contribution rates	13 N.J.R. 603(a)	R. 1981 d. 418	13 N.J.R. 777(c)
12:15-1.5	1983 contribution rates for government entities	14 N.J.R. 970(b)	R. 1982 d. 381	14 N.J.R. 1219(b)
12:17-10.3, 10.4	Repayment of unemployment benefits	15 N.J.R. 74(a)	R. 1983 d. 83	15 N.J.R. 447(a)
12:45	Vocational Rehabilitation Services: legal authority	14 N.J.R. 1438(b)	R. 1983 d. 82	15 N.J.R. 693(a)
12:46	Vocational Rehabilitation Services: Administration	14 N.J.R. 1438(b)	R. 1983 d. 82	15 N.J.R. 693(a)
12:47	Vocational Rehabilitation Services: advisory councils	14 N.J.R. 1438(b)	R. 1983 d. 82	15 N.J.R. 693(a)
12:48	Vocational Rehabilitation Services: potential, eligibility, economic need	14 N.J.R. 1438(b)	R. 1983 d. 82	15 N.J.R. 693(a)
12:49	Vocational Rehabilitation Services: appeals	14 N.J.R. 1438(b)	R. 1983 d. 82	15 N.J.R. 693(a)
12:50	Repealed: Disability Determinations Service	14 N.J.R. 1438(b)	R. 1983 d. 82	15 N.J.R. 693(a)
12:51	Vocational rehabilitation facilities	13 N.J.R. 230(a)	R. 1981 d. 289	13 N.J.R. 517(a)

12:56-3.2	Correction to Code: Exemptions from minimum wage rates	_____	_____	15 N.J.R. 43(b)
12:56-7.2	Wage and hour: "Administrative" defined	14 N.J.R. 1145(a)	R. 1982 d. 468	15 N.J.R. 36(a)
12:57	Wage orders for minors	13 N.J.R. 307(a)	R. 1981 d. 226	13 N.J.R. 441(c)
12:190	Safety standards for explosives	13 N.J.R. 517(b)	R. 1982 d. 229	14 N.J.R. 837(c)
12:191	Repealed	13 N.J.R. 517(b)	R. 1982 d. 229	14 N.J.R. 837(c)
12:192	Repealed	13 N.J.R. 517(b)	R. 1982 d. 229	14 N.J.R. 837(c)
12:193	Repealed	13 N.J.R. 517(b)	R. 1982 d. 229	14 N.J.R. 837(c)
12:195	Carnival-amusement rides	13 N.J.R. 441(d)	R. 1981 d. 321	13 N.J.R. 603(b)
12:235-1.5	Workers' compensation benefit rates	13 N.J.R. 604(a)	R. 1981 d. 420	13 N.J.R. 777(d)
12:235-1.5	1983 workers' compensation benefits	14 N.J.R. 971(a)	R. 1982 d. 380	14 N.J.R. 1219(c)

(Title 12, Transmittal 14 dated January 14, 1981)

LAW AND PUBLIC SAFETY—TITLE 13

13:2-7.10	ABC rules	13 N.J.R. 604(b)	R. 1981 d. 432	13 N.J.R. 777(e)
13:2-24.1, 24.4	ABC rules	13 N.J.R. 604(b)	R. 1981 d. 432	13 N.J.R. 777(e)
13:2-24.4	Correction: ABC debt regulation	13 N.J.R. 604(b)	R. 1981 d. 432	13 N.J.R. 846(e)
13:2-24.4	Amend various regulations	13 N.J.R. 37(b)	R. 1981 d. 71	13 N.J.R. 238(b)
13:2-38.1, 39.3	Amend various regulations	13 N.J.R. 37(b)	R. 1981 d. 71	13 N.J.R. 238(b)
13:2-41	Amend various regulations	13 N.J.R. 37(b)	R. 1981 d. 71	13 N.J.R. 238(b)
13:3-1.10, 1.14, 2.2, 3.9, 4.3	Amusement games licensing forms, fees	14 N.J.R. 1194(a)	R. 1982 d. 498	15 N.J.R. 93(a)
13:3-8.1-8.7	Repealed	14 N.J.R. 1194(a)	R. 1982 d. 498	15 N.J.R. 93(a)
13:19-5.1	Convulsive seizures	12 N.J.R. 606(a)	R. 1981 d. 18	13 N.J.R. 150(b)
13:19-6	Repealed: Delaware motor vehicle reciprocity rule	14 N.J.R. 87(a)	R. 1982 d. 94	14 N.J.R. 346(a)
13:20-7.3, 7.4	Readopted: Motor vehicle inspection	14 N.J.R. 918(a)	R. 1982 d. 364	14 N.J.R. 1162(e)
13:20-17.3	Attendance fee for driver improvement school	14 N.J.R. 1145(b)	R. 1982 d. 485	15 N.J.R. 93(b)
13:20-25.2	Approval of safety glazing material	12 N.J.R. 606(b)	R. 1981 d. 15	13 N.J.R. 149(d)
13:20-31.3	Fee for driver alcohol education program	14 N.J.R. 1195(a)	R. 1983 d. 19	15 N.J.R. 156(b)
13:20-32.6, 32.9, 32.11	Motor vehicle reinspection centers: Fees	14 N.J.R. 1196(a)	R. 1983 d. 20	15 N.J.R. 156(c)
13:20-33.53	Motorcycle handlebars and grips	12 N.J.R. 606(c)	R. 1981 d. 16	13 N.J.R. 149(e)
13:20-33.72	Repeal handheld devices	12 N.J.R. 607(a)	R. 1981 d. 17	13 N.J.R. 150(a)
13:20-36	Special National Guard plates	12 N.J.R. 427(a)	R. 1981 d. 31	13 N.J.R. 150(e)
13:21-3	Repeal rules on dealer's temporary certificates	12 N.J.R. 607(b)	R. 1981 d. 14	13 N.J.R. 149(c)
13:21-4.5	Repealed: "Title only" motor vehicle certification	14 N.J.R. 632(a)	R. 1982 d. 370	14 N.J.R. 1163(a)
13:21-7.2	Student permits	12 N.J.R. 490(a)	R. 1981 d. 66	13 N.J.R. 237(d)
13:21-8.17	Waiver of driving test	12 N.J.R. 666(f)	R. 1981 d. 65	13 N.J.R. 237(c)
13:21-8.18	Repealed: Nonresident driver legend	14 N.J.R. 88(a)	R. 1982 d. 95	14 N.J.R. 346(b)
13:21-9.3	Restoration fee for motor vehicle license	14 N.J.R. 1146(a)	R. 1982 d. 484	15 N.J.R. 94(a)
13:26-1.2, 3.11	Transportation of bulk commodities	12 N.J.R. 724(f)	R. 1981 d. 61	13 N.J.R. 237(b)
13:27-6	Division of responsibility in site planning	13 N.J.R. 231(a)	R. 1981 d. 320	13 N.J.R. 607(a)
13:27A	Price posting in barber shops	14 N.J.R. 749(a)	R. 1982 d. 387	14 N.J.R. 1219(d)
13:28-1.3	Toilet facilities in beauty shops	13 N.J.R. 102(b)	R. 1981 d. 109	13 N.J.R. 308(a)
13:28-2	Correction: Expiration date for N.J.A.C. 13:28-2	_____	_____	15 N.J.R. 347(a)
13:28-2.10, 2.14-2.16	Credit for Saturday beauty classes	13 N.J.R. 931(a)	R. 1982 d. 70	14 N.J.R. 283(a)
13:28-2.24	Beauty schools: "Seniors" and clinical work	13 N.J.R. 930(b)	R. 1982 d. 69	14 N.J.R. 283(b)
13:29-1.6	CPA qualifying requirements	14 N.J.R. 749(b)	R. 1982 d. 405	14 N.J.R. 1309(a)
13:29-2.2	Examination for registered municipal accountant	13 N.J.R. 39(a)	R. 1981 d. 67	13 N.J.R. 238(a)
13:29-3.1-3.9, 3.12-3.18	Board of Accountancy: Professional misconduct	14 N.J.R. 895(a)	R. 1982 d. 407	14 N.J.R. 1309(b)
13:30-2.5, 2.10-2.17	Dental hygienists and assistants	13 N.J.R. 231(b)	R. 1981 d. 264	13 N.J.R. 442(a)
13:30-2.18	Application fees for dental hygienists	13 N.J.R. 518(b)	R. 1981 d. 378	13 N.J.R. 707(c)
13:30-8.12	Dental insurance forms and professional misconduct	13 N.J.R. 102(c)	R. 1981 d. 175	13 N.J.R. 366(a)
13:31-1.3	Examinations	13 N.J.R. 664(a)	R. 1981 d. 491	13 N.J.R. 946(c)
13:31-1.8	Inspections of electrical work	13 N.J.R. 607(b)	R. 1982 d. 92	14 N.J.R. 346(c)
13:31-2.1	Repeal: Uniform penalty letter (electrical)	13 N.J.R. 442(b)	R. 1981 d. 372	13 N.J.R. 707(d)
13:32-1.8	Pressure seal on plumbing permit applications	14 N.J.R. 750(a)	R. 1982 d. 388	14 N.J.R. 1219(e)
13:33-1.1-1.7, 1.9-1.13, 1.15-1.19, 1.25, 1.34, 1.39, 1.42	Licensure of ophthalmic dispensers and technicians	14 N.J.R. 545(a)	R. 1983 d. 15	15 N.J.R. 157(a)
13:33-1.38	Minimum standards for eyeglass dispensing	14 N.J.R. 1085(a)	R. 1983 d. 81	15 N.J.R. 447(b)
13:33-1.41	Fee schedules	12 N.J.R. 546(a)	R. 1981 d. 148	13 N.J.R. 366(b)
13:35-1.5	Military service in lieu of internship (podiatry)	13 N.J.R. 366(c)	R. 1981 d. 346	13 N.J.R. 608(a)
13:35-2.7	Military service in lieu of internship	13 N.J.R. 367(a)	R. 1981 d. 348	13 N.J.R. 608(b)
13:35-6.2	Guidelines for externship programs	13 N.J.R. 148(a)	R. 1981 d. 149	13 N.J.R. 367(b)
13:35-6.5	Responsibility for pronouncement of death	14 N.J.R. 90(a)	R. 1982 d. 214	14 N.J.R. 767(a)
13:35-6.5	Correction: Responsibility for pronouncement of death	14 N.J.R. 767(a)	R. 1982 d. 214	14 N.J.R. 918(b)

**N.J.A.C.
CITATION**

**PROPOSAL NOTICE
(N.J.R. CITATION)**

**DOCUMENT
CITATION**

**ADOPTION NOTICE
(N.J.R. CITATION)**

13:35-6.19, 6.20	Excessive fees for professional services	13 N.J.R. 232(b)	R. 1981 d. 237	13 N.J.R. 443(a)
13:35-9	Certified Nurse-Midwife and lay midwife practice	14 N.J.R. 632(b)	R. 1982 d. 416	14 N.J.R. 1400(a)
13:35-9.3	Emergency amend certified nurse/midwife	Emergency	R. 1981 d. 21	13 N.J.R. 150(c)
13:35-9.3(c)	Operative date on certified nurse/midwife standards	Emergency	R. 1981 d. 24	13 N.J.R. 150(d)
13:35-11	In-State clinical training by foreign medical schools	15 N.J.R. 75(a)	R. 1983 d. 97	15 N.J.R. 550(b)
13:36-1.6	Mortuary board fees	13 N.J.R. 367(c)	R. 1982 d. 105	14 N.J.R. 346(d)
13:36-3.4	Mortuary science examination subjects	14 N.J.R. 897(a)	R. 1982 d. 409	14 N.J.R. 1309(c)
13:36-4.1	Mortuary science: License renewals	14 N.J.R. 751(a)	R. 1982 d. 333	14 N.J.R. 1110(a)
13:36-5.12	Advertising of funeral services	13 N.J.R. 368(a)	R. 1981 d. 349	13 N.J.R. 609(a)
13:36-5.12	Mortuary advertising requirements	14 N.J.R. 898(a)	R. 1982 d. 404	14 N.J.R. 1309(d)
13:36-9.1	Uniform penalty letter	13 N.J.R. 452(c)	R. 1981 d. 347	13 N.J.R. 609(b)
13:37-1.26	Board of Nursing rule	13 N.J.R. 149(a)	R. 1981 d. 174	13 N.J.R. 370(a)
13:37-9.2	Practical nursing licensure by examination	14 N.J.R. 701(a)	R. 1982 d. 406	14 N.J.R. 1309(e)
13:37-12.1	Board of Nursing: Licensure fees	14 N.J.R. 635(a)	R. 1982 d. 408	14 N.J.R. 1310(a)
13:38-1.9, 1.10	Optometric advertising	13 N.J.R. 233(a)	R. 1981 d. 295	13 N.J.R. 519(a)
13:39-6.4, 6.5, 6.7, 6.8, 9.13	Computerized recordkeeping in pharmacies	14 N.J.R. 1343(a)	R. 1983 d. 22	15 N.J.R. 157(b)
13:39-9.12	Outdated or sample drugs	13 N.J.R. 235(a)	R. 1981 d. 350	13 N.J.R. 609(c)
13:39-9.16	Board of Pharmacy examination fee	14 N.J.R. 1280(a)	R. 1983 d. 21	15 N.J.R. 157(c)
13:39-9.16	Board of Pharmacy fees	15 N.J.R. 78(a)	R. 1983 d. 95	15 N.J.R. 553(a)
13:39-9.17	Advertising and sale of prescription drugs	13 N.J.R. 445(a)	R. 1981 d. 377	13 N.J.R. 708(a)
13:40-1.1, 2.1	Engineers and surveyors: Sealing of documents	14 N.J.R. 1345(a)	R. 1983 d. 36	15 N.J.R. 157(d)
13:40-3.1	Engineers and land surveyors: Misconduct	14 N.J.R. 1196(b)	R. 1983 d. 16	15 N.J.R. 158(a)
13:40-6.1	Examination fees for engineers and surveyors	15 N.J.R. 78(b)	R. 1983 d. 148	15 N.J.R. 807(c)
13:40-6.1	Engineer and surveyor test fees	13 N.J.R. 446(a)	R. 1982 d. 142	14 N.J.R. 429(c)
13:40-7	Division of responsibility in site planning	13 N.J.R. 231(a)	R. 1981 d. 320	13 N.J.R. 607(a)
13:41-3.2	Professional planning examination fees	15 N.J.R. 79(a)	R. 1983 d. 114	15 N.J.R. 626(a)
13:41-4	Division of responsibility in site planning	13 N.J.R. 231(a)	R. 1981 d. 320	13 N.J.R. 607(a)
13:43-3.3	Certified Shorthand Reporter disclosure	15 N.J.R. 80(a)	R. 1983 d. 122	15 N.J.R. 626(b)
13:44-2.1	Veterinary prescriptions	13 N.J.R. 519(b)	R. 1981 d. 451	13 N.J.R. 847(a)
13:44-2.9	Veterinary board: Temporary permits	15 N.J.R. 130(a)	R. 1983 d. 113	15 N.J.R. 626(c)
13:44-2.12	Patient records	13 N.J.R. 520(a)	R. 1981 d. 450	13 N.J.R. 847(b)
13:44-3.1	Repeal: Uniform penalty letter (veterinary)	13 N.J.R. 371(a)	R. 1981 d. 371	13 N.J.R. 708(b)
13:44-4.1	Veterinary Medical Examiners fee schedule	14 N.J.R. 1281(a)	R. 1982 d. 502	15 N.J.R. 94(b)
13:44B	Compensation for State board members	13 N.J.R. 932(a)	R. 1982 d. 144	14 N.J.R. 429(d)
13:45A-15.1-15.4	Posting of retail refund policies	13 N.J.R. 665(a)	R. 1982 d. 29	14 N.J.R. 160(a)
13:45A-17	Sale of advertising in quasi-official journals	13 N.J.R. 235(b)	R. 1981 d. 294	13 N.J.R. 520(b)
13:45A-18.1	Fee for consumer contract review	14 N.J.R. 464(a)	R. 1982 d. 221	14 N.J.R. 767(b)
13:46-1.1	Boxing and wrestling programs: Definitions	14 N.J.R. 751(b)	R. 1982 d. 389	14 N.J.R. 1220(a)
13:46-1.2-1.4	Weights and classes: Recodified as subchapter 1A	14 N.J.R. 751(b)	R. 1982 d. 389	14 N.J.R. 1220(a)
13:46-4	Boxing and wrestling programs: Licenses and permits	14 N.J.R. 751(b)	R. 1982 d. 389	14 N.J.R. 1220(a)
13:46-15.15-15.18	Complimentary tickets for boxing and wrestling events	14 N.J.R. 971(b)	R. 1982 d. 398	14 N.J.R. 1220(b)
13:46-18.12, 18.18	Repealed	14 N.J.R. 635(b)	R. 1982 d. 271	14 N.J.R. 919(a)
13:46-18.15	Same day boxing programs	14 N.J.R. 635(b)	R. 1982 d. 271	14 N.J.R. 919(a)
13:47A-3.1	Securities industry: Nonduplication of fingerprinting	14 N.J.R. 550(a)	R. 1982 d. 304	14 N.J.R. 981(c)
13:47A-5.2	Broker-dealer registration	14 N.J.R. 551(a)	R. 1982 d. 265	14 N.J.R. 919(b)
13:47A-9.13	Repealed exemption restriction for private offering to sophisticated investors	14 N.J.R. 552(a)	R. 1982 d. 266	14 N.J.R. 919(c)
13:47B-1.1	Correction to Code: Liquid measuring devices			14 N.J.R. 1315(b)
13:47C-5	Repealed: Rules on precious metal sales	13 N.J.R. 818(a)	R. 1982 d. 96	14 N.J.R. 346(e)
13:47C-6	Bonding of transient buyers	13 N.J.R. 819(a)	R. 1982 d. 93	14 N.J.R. 346(f)
13:51	Certification for chemical breath testing	14 N.J.R. 376(a)	R. 1982 d. 187	14 N.J.R. 660(a)
13:70	Thoroughbred racing rules	14 N.J.R. 91(a)	R. 1982 d. 183	14 N.J.R. 661(a)
13:70-3.47	Thoroughbred rules	14 N.J.R. 1146(b)	R. 1983 d. 14	15 N.J.R. 158(b)
13:70-4.1	Thoroughbred racing: License fees	14 N.J.R. 1444(a)	R. 1983 d. 103	15 N.J.R. 553(b)
13:70-6.55, 6.56, 18.6	Thoroughbred rules	14 N.J.R. 1146(b)	R. 1983 d. 14	15 N.J.R. 158(b)
13:70-6.16	Racing: Eligibility of maidens	13 N.J.R. 520(c)	R. 1981 d. 489	13 N.J.R. 946(d)
13:70-29.48	Emergency amend daily double pool	Emergency	R. 1981 d. 32	13 N.J.R. 150(f)
13:70-29.48	Racing: Entries and daily double	13 N.J.R. 521(a)	R. 1981 d. 490	13 N.J.R. 947(a)
13:71	Harness racing regulation	13 N.J.R. 820(a)	R. 1982 d. 109	14 N.J.R. 347(a)
13:71-7.1	Harness racing: License fees	14 N.J.R. 1445(a)	R. 1983 d. 104	15 N.J.R. 554(a)
13:71-6.24, 11.9	Harness racing: Vaccination; respiratory bleeding	14 N.J.R. 1147(a)	R. 1983 d. 13	15 N.J.R. 158(c)
13:75-1.7	Violent crimes funeral compensation	13 N.J.R. 743(a)	R. 1982 d. 37	14 N.J.R. 208(c)

(Title 13, Transmittal 17 dated January 14, 1981)

PUBLIC UTILITIES—TITLE 14

(Title 14, Transmittal 16 dated June 21, 1982)

ENERGY—TITLE 14A

14A:3	Correction: Expiration date of N.J.A.C. 14A:3, Energy Conservation	_____	_____	15 N.J.R. 701(a)
14A:3-11.3, 11.5	Designation of used oil collection sites	13 N.J.R. 681(a)	R. 1982 d. 262	14 N.J.R. 919(d)
14A:3-15.8	Recycling grants and loans: Supplementary projects	14 N.J.R. 1346(a)	R. 1983 d. 119	15 N.J.R. 622(d)
14A:12-1	Computing cost savings in shared-savings contracts (Title 14A, Transmittal 8 dated June 21, 1982)	14 N.J.R. 820(a)	R. 1983 d. 10	15 N.J.R. 158(d)

STATE—TITLE 15

15:2	Commercial recording: Expedited information services	15 N.J.R. 14(a)	R. 1983 d. 6	15 N.J.R. 340(d)
15:15-8.1, 8.2	Repeal rules on Register and Code (Title 15, Transmittal 13 dated March 19, 1981)	14 N.J.R. 366(a)	R. 1982 d. 339	14 N.J.R. 1163(b)

PUBLIC ADVOCATE—TITLE 15A

(Title 15A, Transmittal 1 dated March 20, 1978)

TRANSPORTATION—TITLE 16

16:22-1.1, 1.2, 1.4	Transportation Rehabilitation and Improvement funds	14 N.J.R. 97(a)	R. 1982 d. 68	14 N.J.R. 284(a)
16:25-13	Railroad crossing and bridge cases	14 N.J.R. 1197(a)	R. 1983 d. 45	15 N.J.R. 341(a)
16:26-1.1	Traffic signal information	13 N.J.R. 152(b)	R. 1981 d. 164	13 N.J.R. 372(a)
16:27-1.4	Repeal traffic and parking on NJDOT property	13 N.J.R. 153(a)	R. 1981 d. 165	13 N.J.R. 372(b)
16:28-1.2	Speed limit on Route 1-80	13 N.J.R. 153(b)	R. 1981 d. 150	13 N.J.R. 372(c)
16:28-1.15	Speed limits along Route 13	13 N.J.R. 155(a)	R. 1981 d. 152	13 N.J.R. 372(d)
16:28-1.16	Speed rates on I-195	14 N.J.R. 323(a)	R. 1982 d. 172	14 N.J.R. 580(a)
16:28-1.17	Speed limits on Route 147	13 N.J.R. 239(a)	R. 1981 d. 196	13 N.J.R. 451(a)
16:28-1.23	Speed limits along Route 18	13 N.J.R. 744(b)	R. 1981 d. 484	13 N.J.R. 947(d)
16:28-1.23	School speed zone on Route 18 in Old Bridge	Emergency	R. 1982 d. 465	15 N.J.R. 41(a)
16:28-1.23	Speed rate on Route 18 in East Brunswick	14 N.J.R. 1446(a)	R. 1983 d. 51	15 N.J.R. 341(b)
16:28-1.23	Readoptd school zone on Route 18 in Old Bridge	15 N.J.R. 41(a)	R. 1983 d. 70	15 N.J.R. 448(a)
16:28-1.41	US 9 and 35 speed changes in Atlantic County	13 N.J.R. 838(a)	R. 1982 d. 11	14 N.J.R. 160(c)
16:28-1.49	Speed limits on Route 35	13 N.J.R. 451(b)	R. 1981 d. 333	13 N.J.R. 612(a)
16:28-1.56	Speed rates on US 40 and 322	14 N.J.R. 323(a)	R. 1982 d. 172	14 N.J.R. 580(a)
16:28-1.69	Speed rates on US 130	14 N.J.R. 323(a)	R. 1982 d. 172	14 N.J.R. 580(a)
16:28-1.69	Speed rates on US 130 in Gloucester County	14 N.J.R. 824(a)	R. 1982 d. 323	14 N.J.R. 1060(d)
16:28-1.69	Speed rates on US 130 in North Brunswick	14 N.J.R. 1197(b)	R. 1982 d. 499	15 N.J.R. 94(c)
16:28-1.72	Speed limits on US 206 and 130 in Bordentown	14 N.J.R. 324(a)	R. 1982 d. 168	14 N.J.R. 580(b)
16:28-1.111	Speed limits for Route 87	13 N.J.R. 452(a)	R. 1981 d. 334	13 N.J.R. 613(a)
16:28A-1.1, 1.2, 1.4, 1.7	Parking on Routes US1, 1 and 9, 4, US9	14 N.J.R. 637(a)	R. 1982 d. 283	14 N.J.R. 982(a)
16:28A-1.2	Parking on Routes 1 and 9	13 N.J.R. 239(b)	R. 1981 d. 195	13 N.J.R. 452(b)
16:28A-1.2	Parking on Route 1 and 9 in Newark	14 N.J.R. 1049(a)	R. 1982 d. 420	14 N.J.R. 1402(a)
16:28A-1.3, 1.5	Parking on Routes 3 and 5	14 N.J.R. 552(b)	R. 1982 d. 247	14 N.J.R. 919(e)
16:28A-1.4	Route 4 bus stops	14 N.J.R. 98(a)	R. 1982 d. 83	14 N.J.R. 347(b)
16:28A-1.4	Bus stops on Route 4 in Elmwood Park	14 N.J.R. 825(a)	R. 1982 d. 328	14 N.J.R. 1100(b)
16:28A-1.6	Restricted parking along Route 7	13 N.J.R. 522(a)	R. 1981 d. 383	13 N.J.R. 778(b)
16:28A-1.6	Restricted parking on Route 7	13 N.J.R. 745(a)	R. 1981 d. 483	13 N.J.R. 947(b)
16:28A-1.6	Parking on Route 7	14 N.J.R. 424(a)	R. 1982 d. 203	14 N.J.R. 710(a)
16:28A-1.7	Route US 9 parking	13 N.J.R. 154(a)	R. 1981 d. 151	13 N.J.R. 373(a)
16:28A-1.7	Route US 9 parking	13 N.J.R. 157(b)	R. 1981 d. 156	13 N.J.R. 373(b)
16:28A-1.7	US 9 parking	13 N.J.R. 239(b)	R. 1981 d. 195	13 N.J.R. 452(b)
16:28A-1.7	Parking on US 9	13 N.J.R. 240(a)	R. 1981 d. 191	13 N.J.R. 453(a)
16:28A-1.7	Restricted parking along Route US 9	13 N.J.R. 452(c)	R. 1981 d. 335	13 N.J.R. 613(b)
16:28A-1.7	Restricted parking on US 9	13 N.J.R. 745(b)	R. 1981 d. 487	13 N.J.R. 947(f)
16:28A-1.7	Parking on Routes US9 and 40	13 N.J.R. 932(b)	R. 1982 d. 44	14 N.J.R. 236(a)
16:28A-1.7	Parking on US9	14 N.J.R. 199(a)	R. 1982 d. 116	14 N.J.R. 391(b)
16:28A-1.8	Parking and bus stops on Route 10	14 N.J.R. 464(b)	R. 1982 d. 223	14 N.J.R. 838(a)
16:28A-1.9	Bus stops on Routes 17 and 166	13 N.J.R. 933(a)	R. 1982 d. 45	14 N.J.R. 236(b)
16:28A-1.9	Readopted: Route 17 parking in Mahwah	14 N.J.R. 429(e)	R. 1982 d. 201	14 N.J.R. 710(b)
16:28A-1.9, 1.10, 1.11, 1.13, 1.15	Parking on Routes 17, 20, 21, US22, 23	14 N.J.R. 637(a)	R. 1982 d. 283	14 N.J.R. 982(a)
16:28A-1.13	Parking on US22	14 N.J.R. 199(a)	R. 1982 d. 116	14 N.J.R. 391(b)
16:28A-1.13	Route US 22	13 N.J.R. 154(a)	R. 1981 d. 151	13 N.J.R. 373(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 753(a)	R. 1982 d. 313	14 N.J.R. 1061(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 1198(a)	R. 1982 d. 500	15 N.J.R. 94(d)
16:28A-1.14	Restricted parking along Route US 22 alternate	13 N.J.R. 453(b)	R. 1981 d. 336	13 N.J.R. 613(c)
16:28A-1.15	Route 23 parking	13 N.J.R. 154(a)	R. 1981 d. 151	13 N.J.R. 373(a)
16:28A-1.15	Parking on Route 23	13 N.J.R. 241(a)	R. 1981 d. 192	13 N.J.R. 454(b)
16:28A-1.15	Restricted parking along Route 23	13 N.J.R. 454(a)	R. 1981 d. 337	13 N.J.R. 613(d)

**N.J.A.C.
CITATION**

**PROPOSAL NOTICE
(N.J.R. CITATION)**

**DOCUMENT
CITATION**

**ADOPTION NOTICE
(N.J.R. CITATION)**

16:28A-1.15	Parking on Route 23 (Temporary)	14 N.J.R. 1199(a)	R.1982 d.501	15 N.J.R. 95(a)
16:28A-1.15	Parking on Route 23 in Sussex County	Emergency	R.1983 d.96	15 N.J.R. 555(a)
16:28A-1.16	Restricted parking along Route 24	13 N.J.R. 455(a)	R.1981 d.338	13 N.J.R. 613(e)
16:28A-1.16	Route 24 parking	14 N.J.R. 553(a)	R.1982 d.248	14 N.J.R. 919(f)
16:28A-1.18	Restricted parking along Route 27	13 N.J.R. 373(c)	R.1981 d.312	13 N.J.R. 613(f)
16:28A-1.18	Route 27 bus stops in Edison	13 N.J.R. 934(a)	R.1982 d.46	14 N.J.R. 236(c)
16:28A-1.18	Parking on Route 27	14 N.J.R. 554(a)	R.1982 d.249	14 N.J.R. 920(a)
16:28A-1.18	Route 27 parking in South Brunswick	15 N.J.R. 317(a)	R.1983 d.150	15 N.J.R. 807(d)
16:28A-1.18, 1.19	Parking on Routes 27, 28	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.19	Route 28 parking	13 N.J.R. 155(b)	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.19	Route 28 parking	13 N.J.R. 157(b)	R.1981 d.156	13 N.J.R. 373(b)
16:28A-1.19	Parking on Route 28	13 N.J.R. 242(a)	R.1981 d.193	13 N.J.R. 455(b)
16:28A-1.19	Parking on Route 28	13 N.J.R. 240(a)	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.19	Route 28 parking in Roselle Park	14 N.J.R. 138(a)	R.1982 d.111	14 N.J.R. 391(c)
16:28A-1.20, 1.21	Parking on Routes 29 and US 30	14 N.J.R. 554(b)	R.1982 d.250	14 N.J.R. 920(b)
16:28A-1.21	Parking on US30	14 N.J.R. 825(b)	R.1982 d.322	14 N.J.R. 1061(b)
16:28A-1.22	Parking on Route 31	14 N.J.R. 555(a)	R.1982 d.251	14 N.J.R. 920(c)
16:28A-1.23	Route 33 parking	13 N.J.R. 154(a)	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.23	Route 33 parking	13 N.J.R. 156(a)	R.1981 d.154	13 N.J.R. 374(a)
16:28A-1.23	Route 33 parking in Hopewell Township	13 N.J.R. 838(b)	R.1982 d.12	14 N.J.R. 161(a)
16:28A-1.23, 1.24, 1.25	Parking on Routes 33, 34, 35	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.23, 1.25	Restricted parking on Routes 33 and 35	13 N.J.R. 746(a)	R.1981 d.482	13 N.J.R. 947(c)
16:28A-1.25	Route 35 parking	13 N.J.R. 157(a)	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.25	Parking on Routes 35 and 439	14 N.J.R. 35(a)	R.1982 d.60	14 N.J.R. 284(b)
16:28A-1.25	Parking on Route 35	14 N.J.R. 324(b)	R.1982 d.173	14 N.J.R. 580(c)
16:28A-1.25	Route 35 parking	14 N.J.R. 1198(a)	R.1982 d.500	15 N.J.R. 94(d)
16:28A-1.25	Route 35 parking	14 N.J.R. 1199(a)	R.1982 d.501	15 N.J.R. 95(a)
16:28A-1.25	Route 35 parking in Dover Township	15 N.J.R. 318(a)	R.1983 d.151	15 N.J.R. 808(a)
16:28A-1.26	Parking on Route 36	13 N.J.R. 453(a)	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.26, 1.27, 1.28, 1.31, 1.32	Parking on Routes 36, 38, 40, 45, 46	14 N.J.R. 702(b)	R.1982 d.312	14 N.J.R. 1061(c)
16:28A-1.27	Parking on Route 38	14 N.J.R. 424(a)	R.1982 d.203	14 N.J.R. 710(a)
16:28A-1.27	Parking on Route 38	14 N.J.R. 753(a)	R.1982 d.313	14 N.J.R. 1061(a)
16:28A-1.28	Restricted parking on US 40 and Route 70	13 N.J.R. 747(a)	R.1981 d.481	13 N.J.R. 947(e)
16:28A-1.28	Parking on Routes US9 and 40	13 N.J.R. 932(b)	R.1982 d.44	14 N.J.R. 236(a)
16:28A-1.32	Parking on Route US 46	13 N.J.R. 241(a)	R.1981 d.192	13 N.J.R. 454(b)
16:28A-1.32	Parking on Route US 46	13 N.J.R. 242(b)	R.1981 d.194	13 N.J.R. 455(c)
16:28A-1.32	Restricted parking along Route US 46	13 N.J.R. 522(b)	R.1981 d.384	13 N.J.R. 779(a)
16:28A-1.32	Restricted parking on US 46	13 N.J.R. 747(b)	R.1981 d.480	13 N.J.R. 948(a)
16:28A-1.32	Parking on Routes US46 and 202 in Morris County	13 N.J.R. 935(a)	R.1982 d.47	14 N.J.R. 236(d)
16:28A-1.33, 1.36, 1.37, 1.38, 1.40, 1.41, 1.42, 1.45, 1.46	Parking on Routes 47, 57, 70, 71, 73, 77, 79, 94, US 130	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.34	Parking on Route 49	14 N.J.R. 554(a)	R.1982 d.249	14 N.J.R. 920(a)
16:28A-1.34	Parking on Route 49 in Millville	14 N.J.R. 1283(a)	R.1983 d.1	15 N.J.R. 162(a)
16:28A-1.36, 1.37	Parking on Routes 57 and 70	13 N.J.R. 242(b)	R.1981 d.194	13 N.J.R. 455(c)
16:28A-1.37	Restricted parking along Route 70	13 N.J.R. 456(a)	R.1981 d.339	13 N.J.R. 614(a)
16:28A-1.37	Route 70 parking	13 N.J.R. 747(a)	R.1981 d.481	13 N.J.R. 947(e)
16:28A-1.38	Parking on Route 71 in Belmar	14 N.J.R. 325(a)	R.1982 d.174	14 N.J.R. 580(d)
16:28A-1.41	Parking on Route 77	14 N.J.R. 324(b)	R.1982 d.173	14 N.J.R. 580(c)
16:28A-1.43	Restricted parking along Route 82	13 N.J.R. 522(b)	R.1981 d.384	13 N.J.R. 779(a)
16:28A-1.44	Route 88 parking	13 N.J.R. 155(b)	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.46	Parking on US 130	13 N.J.R. 746(a)	R.1981 d.482	13 N.J.R. 947(c)
16:28A-1.50	Bus stops on Routes 17 and 166	13 N.J.R. 933(a)	R.1982 d.45	14 N.J.R. 236(b)
16:28A-1.50, 1.51	Parking on Routes 166, 168	14 N.J.R. 702(b)	R.1982 d.312	14 N.J.R. 1061(c)
16:28A-1.51	Restricted parking along Route 168	13 N.J.R. 522(b)	R.1981 d.384	13 N.J.R. 779(a)
16:28A-1.52, 1.55, 1.57	Parking on Routes 173, US 202, US 206	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.55	Parking on Routes US46 and 202 in Morris County	13 N.J.R. 935(a)	R.1982 d.47	14 N.J.R. 236(d)
16:28A-1.55	Restricted parking on State highways	13 N.J.R. 455(a)	R.1981 d.338	13 N.J.R. 613(e)
16:28A-1.55	Parking on US 202 in Morris Township	15 N.J.R. 131(a)	R.1983 d.111	15 N.J.R. 626(d)
16:28A-1.56, 1.63	Parking on US 202-206 and 202-31	14 N.J.R. 556(a)	R.1982 d.252	14 N.J.R. 920(d)
16:28A-1.57	Route US 206 parking	13 N.J.R. 155(b)	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.57	Route US 206 parking	13 N.J.R. 156(a)	R.1981 d.154	13 N.J.R. 374(a)
16:28A-1.57	Parking along US 206	13 N.J.R. 453(b)	R.1981 d.336	13 N.J.R. 613(c)
16:28A-1.57	US206 parking in Hamilton Township	14 N.J.R. 139(a)	R.1982 d.112	14 N.J.R. 391(d)
16:28A-1.60	Restricted parking on Route US 322-47	13 N.J.R. 523(a)	R.1981 d.382	13 N.J.R. 779(b)

**N.J.A.C.
CITATION**

**PROPOSAL NOTICE
(N.J.R. CITATION)**

**DOCUMENT
CITATION**

**ADOPTION NOTICE
(N.J.R. CITATION)**

16:28A-1.61	Bus stops on US9W in Fort Lee	14 N.J.R. 139(b)	R. 1982 d. 113	14 N.J.R. 391(e)
16:28A-1.61	Bustops and parking on US 9W	14 N.J.R. 465(a)	R. 1982 d. 224	14 N.J.R. 838(b)
16:28A-1.64	Route 41 parking	13 N.J.R. 157(a)	R. 1981 d. 155	13 N.J.R. 374(b)
16:28A-1.64	Parking on Route 41	14 N.J.R. 425(a)	R. 1982 d. 202	14 N.J.R. 710(c)
16:28A-1.64	Parking on Route 41 in Cherry Hill	14 N.J.R. 1446(b)	R. 1983 d. 52	15 N.J.R. 342(a)
16:28A-1.65	Route 15 parking	13 N.J.R. 154(a)	R. 1981 d. 151	13 N.J.R. 373(a)
16:28A-1.65	Parking on Route 15	14 N.J.R. 466(a)	R. 1982 d. 226	14 N.J.R. 838(c)
16:28A-1.65	Route 15 Parking	14 N.J.R. 1198(a)	R. 1982 d. 500	15 N.J.R. 94(d)
16:28A-1.66	Parking on Route 18	13 N.J.R. 239(b)	R. 1981 d. 195	13 N.J.R. 452(b)
16:28A-1.67	Route 63 parking	13 N.J.R. 157(a)	R. 1981 d. 155	13 N.J.R. 374(b)
16:28A-1.67, 1.71	Parking on Routes 63, 67	14 N.J.R. 637(a)	R. 1982 d. 283	14 N.J.R. 982(a)
16:28A-1.68	Route 93 parking	13 N.J.R. 155(b)	R. 1981 d. 153	13 N.J.R. 373(d)
16:28A-1.68	Parking on Route 93	14 N.J.R. 199(a)	R. 1982 d. 116	14 N.J.R. 391(b)
16:28A-1.68, 1.70	Parking on Routes 93, 439	14 N.J.R. 702(b)	R. 1982 d. 312	14 N.J.R. 1061(c)
16:28A-1.69	Parking on Route 124	13 N.J.R. 240(a)	R. 1981 d. 191	13 N.J.R. 453(a)
16:28A-1.70	Parking on Routes 35 and 439	14 N.J.R. 35(a)	R. 1982 d. 60	14 N.J.R. 284(b)
16:28A-1.71	Bus stops on Route 67 in Fort Lee	14 N.J.R. 139(b)	R. 1982 d. 113	14 N.J.R. 391(e)
16:28A-1.72, 1.73	Parking on Routes 31-57 and 32	14 N.J.R. 555(a)	R. 1982 d. 251	14 N.J.R. 920(c)
16:28A-1.74-1.94	Parking on Routes 33-34, 35, 35-71, 37, US 40-50,, 53, 59, I-80, 87, US 130, 33, 153, 159, 161, 182, 62, 208, 280, I-280, 287, I-295, US322, US322-45	14 N.J.R. 637(a)	R. 1982 d. 283	14 N.J.R. 982(a)
16:28A-1.81	Parking along Route 87 in Atlantic City	15 N.J.R. 234(a)	R. 1983 d. 130	15 N.J.R. 694(a)
16:28A-1.95	Readopted: Parking on Rising Sun Square Road	14 N.J.R. 825(b)	R. 1982 d. 322	14 N.J.R. 1061(b)
16:29-1.3, 1.20, 1.24-1.28	No passing zone changes	14 N.J.R. 1283(b)	R. 1983 d. 2	15 N.J.R. 162(b)
16:30-2.5	Stop intersection on Route 71, Oceanport- Eatontown	15 N.J.R. 318(b)	R. 1983 d. 152	15 N.J.R. 808(b)
16:30-2.6	Readopted: Stop sign on Old Yorke Road	14 N.J.R. 990(a)	R. 1982 d. 414	14 N.J.R. 1402(b)
16:30-3.4	Readopted: US9 bus and HOV lane	14 N.J.R. 661(b)	R. 1982 d. 299	14 N.J.R. 982(c)
16:30-3.6	Readopt HOV lanes along Route 444	13 N.J.R. 456(b)	R. 1981 d. 323	14 N.J.R. 614(b)
16:30-3.6	Repealed: HOV lanes on Parkway	14 N.J.R. 662(a)	R. 1982 d. 294	14 N.J.R. 982(d)
16:30-9.1	Drawbridge use on Route 35 in Old Bridge-Sayerville	15 N.J.R. 132(a)	R. 1983 d. 106	15 N.J.R. 554(b)
16:31-1.3	Turns on Route 46 in Dover, Morris County	15 N.J.R. 319(a)	R. 1983 d. 153	15 N.J.R. 808(c)
16:31-1.10	Turns along Route US 30	13 N.J.R. 457(a)	R. 1981 d. 340	13 N.J.R. 614(c)
16:31-1.16	No left turn along Route 79	13 N.J.R. 614(d)	R. 1981 d. 460	13 N.J.R. 895(b)
16:31-1.17	Left turns on Route 73, Winslow Twp.	14 N.J.R. 466(b)	R. 1982 d. 225	14 N.J.R. 838(d)
16:31-1.18	Turns on Route 31 in Hunterdon County	14 N.J.R. 826(a)	R. 1982 d. 327	14 N.J.R. 1100(c)
16:31-1.19	Turns on Route 33 in Mercer County	14 N.J.R. 973(a)	R. 1982 d. 394	14 N.J.R. 1220(c)
16:31-1.20	Left turns on Route 28 in Somerset County	14 N.J.R. 1447(a)	R. 1983 d. 53	15 N.J.R. 342(b)
16:31-1.21	Turns on Route 15 in Morris County	15 N.J.R. 319(a)	R. 1983 d. 153	15 N.J.R. 808(c)
16:31A-1.4, 1.13, 1.17, 1.19, 1.23	Prohibited rights on red: Routes 4, 18, 24, 28, 33	13 N.J.R. 935(b)	R. 1982 d. 48	14 N.J.R. 236(e)
16:31A-1.25, 1.35, 1.37, 1.65	Prohibited rights on red: Routes 35, 49, US46, and 206	13 N.J.R. 936(a)	R. 1982 d. 49	14 N.J.R. 237(a)
16:31A-1.67	Route I-280 right-on-red prohibition in Orange	13 N.J.R. 937(a)	R. 1982 d. 50	14 N.J.R. 237(b)
16:31A-1.77	Route 181 right-on-red prohibition in Sparta	13 N.J.R. 937(b)	R. 1982 d. 51	14 N.J.R. 237(c)
16:32	Designated routes for special categories of trucks	Emergency	R. 1983 d. 124	15 N.J.R. 643(a)
16:41-8.1, 8.4, 8.5, 8.6	Outdoor advertising	13 N.J.R. 615(a)	R. 1981 d. 497	14 N.J.R. 46(d)
16:41A-7.1	Outdoor Advertising Tax Act	13 N.J.R. 616(a)	R. 1981 d. 496	14 N.J.R. 47(a)
16:51	Recodified as 16:73	13 N.J.R. 881(a)	R. 1982 d. 40	14 N.J.R. 209(a)
16:51-4	Repealed: Delegation of powers	13 N.J.R. 881(a)	R. 1982 d. 40	14 N.J.R. 209(a)
16:53-1.1-1.3, 1.6-1.9, 1.11, 1.19, 1.21-1.30, 2	Autobus specifications	14 N.J.R. 1347(a)	R. 1983 d. 110	15 N.J.R. 694(b)
16:53-2	Autobus specifications	13 N.J.R. 834(a)	R. 1982 d. 30	14 N.J.R. 160(b)
16:53-3.1-3.39, 4, 5.1, 6, 7, 8, 9.1, 9.2	Autobus specifications	14 N.J.R. 1347(a)	R. 1983 d. 110	15 N.J.R. 694(b)
16:54	Licensing of aeronautical facilities	12 N.J.R. 289(a)	R. 1981 d. 141	13 N.J.R. 374(c)
16:54-1.3	"Commercial purposes" and balloon operations	14 N.J.R. 326(a)	R. 1982 d. 175	14 N.J.R. 580(e)
16:56-3	Repeal aircraft registry logs	13 N.J.R. 457(b)	R. 1981 d. 341	13 N.J.R. 616(b)
16:58-2	Repealed: Sport parachuting license rules	14 N.J.R. 1289(b)	R. 1983 d. 8	15 N.J.R. 162(c)
16:65-9	Corporate reorganization of contractors	13 N.J.R. 524(a)	R. 1981 d. 399	13 N.J.R. 779(c)
16:72	N. J. Transit procurement policies and procedures	13 N.J.R. 158(a)	R. 1981 d. 176	13 N.J.R. 374(d)
16:73	Reduced Fare Transportation Program	13 N.J.R. 881(a)	R. 1982 d. 40	14 N.J.R. 209(a)

(Title 16, Transmittal 15 dated March 19, 1981)

TREASURY-GENERAL-TITLE 17

17:1-1.1	Administration and receipt of checks	13 N.J.R. 616(c)	R. 1981 d.427	13 N.J.R. 779(d)
17:1-1.3, 1.8, 1.18, 1.19	Transfer between retirement systems; hearings	14 N.J.R. 1290(a)	R. 1982 d.491	15 N.J.R. 95(b)
17:1-1.5	Pensions: Monthly transmittals and interest charges	15 N.J.R. 80(b)	R. 1983 d.77	15 N.J.R. 448(b)
17:1-1.10	Pensions: Audit differences and minimum adjustments	14 N.J.R. 1200(a)	R. 1982 d.470	15 N.J.R. 36(b)
17:1-1.14	Annual reports of salary changes	14 N.J.R. 200(a)	R. 1982 d.358	14 N.J.R. 1163(c)
17:1-1.15	Credit unions and direct deposit agreements	13 N.J.R. 883(a)	R. 1982 d.20	14 N.J.R. 161(b)
17:1-1.24	Pensioners' Health Plan: Coverage and termination	14 N.J.R. 35(b)	R. 1982 d.59	14 N.J.R. 237(d)
17:1-1.24	Pensioners' Group Health Insurance	14 N.J.R. 328(a)	R. 1982 d.346	14 N.J.R. 1163(d)
17:1-2.3	Alternate Benefit Program: Salary agreements and deductions	14 N.J.R. 1149(a)	R. 1982 d.438	14 N.J.R. 1464(a)
17:1-2.22, 2.23	Alternate Benefit Program: Life and disability insurance	14 N.J.R. 1200(b)	R. 1982 d.483	15 N.J.R. 95(c)
17:1-2.36	Alternate Benefit Program: Transfers and interest	14 N.J.R. 1201(a)	R. 1982 d.480	15 N.J.R. 96(a)
17:1-4.6, 4.25	Transfers and hearings	14 N.J.R. 1290(a)	R. 1982 d.491	15 N.J.R. 95(b)
17:1-4.11	Pension purchases and final payments	14 N.J.R. 328(b)	R. 1982 d.347	14 N.J.R. 1163(e)
17:1-4.13, 4.34	Pensions: Service credit; purchases	14 N.J.R. 1201(b)	R. 1982 d.469	15 N.J.R. 36(c)
17:1-4.33	Leaves of absence for maternity	13 N.J.R. 617(b)	R. 1981 d.428	13 N.J.R. 779(e)
17:1-5.-7	Hearing request; Adjustment Program	14 N.J.R. 1290(a)	R. 1982 d.491	15 N.J.R. 95(b)
17:1-8.12	Social Security: Employer penalties for late filings	14 N.J.R. 1202(a)	R. 1982 d.471	15 N.J.R. 37(a)
17:1-8.12	Social Security: Late filing penalties	15 N.J.R. 319(b)	R. 1983 d.132	15 N.J.R. 696(a)
17:1-12.1	Division of Pensions administrative priorities	14 N.J.R. 329(a)	R. 1982 d.350	14 N.J.R. 1164(a)
17:1-12.2	Loan information	14 N.J.R. 1201(b)	R. 1982 d.469	15 N.J.R. 36(c)
17:1-12.3	Retirement system loans	14 N.J.R. 1447(b)	R. 1983 d.39	15 N.J.R. 245(a)
17:2-2.3, 3.3 7.1, 7.2	PERS: Ineligibility; contributory insurance rates; interfund transfers	14 N.J.R. 1150(a)	R. 1983 d.7	15 N.J.R. 162(d)
17:2-3.3	PERS: Contributory insurance rate	14 N.J.R. 200(b)	R. 1982 d.343	14 N.J.R. 1164(b)
17:2-3.9	Repealed: PERS insurance liability for unenrolled members	15 N.J.R. 16(a)	R. 1983 d.76	15 N.J.R. 449(a)
17:2-3.12, -5	PERS: Beneficiary designation; purchases	14 N.J.R. 1151(a)	R. 1983 d.6	15 N.J.R. 163(a)
17:2-6.26	PERS: Critical disability claims	13 N.J.R. 748(a)	R. 1981 d.515	14 N.J.R. 105(a)
17:3-1.1	Teachers' Pension: Board meetings	14 N.J.R. 201(a)	R. 1982 d.344	14 N.J.R. 1164(c)
17:3-1.11, 3.12	Teachers' Pension and Annuity Fund	14 N.J.R. 1202(b)	R. 1983 d.78	15 N.J.R. 449(b)
17:3-5	Teachers' Pension: Purchase and eligible service	13 N.J.R. 618(b)	R. 1981 d.510	14 N.J.R. 105(b)
17:3-5.5, 6.2	Teachers' Pension	14 N.J.R. 1202(b)	R. 1983 d.78	15 N.J.R. 449(b)
17:3-6.4	Loan repayments to teachers' fund	13 N.J.R. 748(b)	R. 1982 d.14	14 N.J.R. 161(c)
17:3-6.15	Teachers' Pension: Compulsory retirement	13 N.J.R. 620(a)	R. 1981 d.509	14 N.J.R. 105(c)
17:3-6.25	Teacher's fund: Critical disability claims	13 N.J.R. 749(a)	R. 1982 d.15	14 N.J.R. 161(d)
17:3-7.1, 7.2	Teachers' Pension	14 N.J.R. 1202(b)	R. 1983 d.78	15 N.J.R. 449(b)
17:4-1.1	Police and firemen's pension board meetings	13 N.J.R. 938(a)	R. 1982 d.64	14 N.J.R. 284(c)
17:4-1.12	Police and Firemen's Retirement: Proof of age	14 N.J.R. 1204(a)	R. 1983 d.4	15 N.J.R. 163(b)
17:4-3.6	Police and Firemen's Retirement: Insurance liability	14 N.J.R. 1291(a)	R. 1983 d.47	15 N.J.R. 342(c)
17:4-5	Police and firemen's purchases and eligible service	13 N.J.R. 682(a)	R. 1982 d.4	14 N.J.R. 161(e)
17:4-5.1	Insurance purchases and retirement	13 N.J.R. 310(b)	R. 1982 d.292	13 N.J.R. 525(c)
17:4-5.3, 5.6	Police and Firemen's Retirement System changes	14 N.J.R. 1204(b)	R. 1983 d.3	15 N.J.R. 163(c)
17:4-5.5	Police and Firemen's Retirement: Reinstatement	15 N.J.R. 132(b)	R. 1983 d.127	15 N.J.R. 696(b)
17:4-6.2, 6.6	Insurance purchases and retirement	13 N.J.R. 310(b)	R. 1982 d.292	13 N.J.R. 525(c)
17:4-6.4	Police and Firemen's Retirement	14 N.J.R. 1204(b)	R. 1983 d.3	15 N.J.R. 163(c)
17:4-6.13	Police and firemen's critical disability claims	13 N.J.R. 684(a)	R. 1982 d.5	14 N.J.R. 162(a)
17:4-6.14	Insurance purchases and retirement	13 N.J.R. 310(b)	R. 1982 d.292	13 N.J.R. 525(c)
17:4-7.1, 7.2	Police and Firemen's Retirement	14 N.J.R. 1204(b)	R. 1983 d.3	15 N.J.R. 163(c)
17:5-1.9	State Police Retirement: Proof of age	14 N.J.R. 1205(a)	R. 1983 d.49	15 N.J.R. 342(d)
17:5-2.4	State Police Retirement System	14 N.J.R. 1448(a)	R. 1983 d.48	15 N.J.R. 342(e)
17:5-2.5	State Police pension coverage and unpaid leaves	13 N.J.R. 938(b)	R. 1982 d.65	14 N.J.R. 284(d)
17:5-4.1, 4.2 4.3	State Police pension purchases and eligible service	13 N.J.R. 939(a)	R. 1982 d.66	14 N.J.R. 284(e)
17:5-5.15	State Police: Critical disability claims	13 N.J.R. 939(a)	R. 1982 d.67	14 N.J.R. 285(a)
17:5-6.1, 6.2	State Police Retirement: Interfund transfers	14 N.J.R. 1292(a)	R. 1983 d.46	15 N.J.R. 343(a)
17:6-1.9	Consolidated Police and Firemen's: Interest charge	14 N.J.R. 1293(a)	R. 1983 d.35	15 N.J.R. 163(d)
17:6-3.9	Consolidated police and firemen's disability	13 N.J.R. 749(b)	R. 1982 d.349	14 N.J.R. 1164(d)
17:7-3.10	Prison officers' fund: Disability claims	13 N.J.R. 750(a)	R. 1982 d.89	14 N.J.R. 347(c)
17:8-2.6, 3.3	Supplemental Trust: Suspended deductions; withdrawal or retirement	15 N.J.R. 81(a)	R. 1983 d.128	15 N.J.R. 697(a)
17:8-4	Supplemental Annuity: Voluntary employee contributions	14 N.J.R. 556(b)	R. 1982 d.348	14 N.J.R. 1164(e)
17:9-1.4, 1.6, 2.1, 2.2, 2.3,	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R. 1983 d.44	15 N.J.R. 343(b)

**N.J.A.C.
CITATION**

**PROPOSAL NOTICE
(N.J.R. CITATION)**

**DOCUMENT
CITATION**

**ADOPTION NOTICE
(N.J.R. CITATION)**

2.6, 2.7, 2.11 17:9-2.10 17:9-4.6 17:9-5.3, 5.5, 5.6, 5.8, 5.10 17:9-5.11 17:9-6.1-6.6, 7.1, 7.2, 7.4 17:10-3.2 17:10-5.10 17:12-5.1 17:16-5.1-5.6 17:16-5.5 17:16-11.3, 12.2, 12.3 17:16-17.2, 17.3 17:16-27.1 17:16-28.3, 28.4, 29.3 17:16-31.9, 40.1 17:16-31.15 17:16-42.2, 42.4 17:16-42.3 17:16-43.1, 43.2 17:16-44 17:20-10 17:26-2	HMO options for employees who move State Health Benefits Program: "Local, full time" State Health Benefits Commission rules Health coverage and 10-month employees State Health Benefits Commission rules Judicial Retirement System: Maternity leave Judicial Retirement System: Disability Subscription fee for State contract information State Investment Council funds Classification of funds: Temporary reserve group Investment rules State Investment Council: Applicable funds; equity investments Collateralized certificates of deposit Investment rules Administrative expenses; collateralized securities Cash Management Fund: Statement correction Covered call options: Expanded trading Investment rules Mortgage-backed securities State Employees Deferred Compensation Plan Correction to Code: Lottery ticket rules Spill compensation tax and Federal Superfund	15 N.J.R. 81(b) 14 N.J.R. 1296(a) 14 N.J.R. 1293(b) 14 N.J.R. 36(a) 14 N.J.R. 1293(b) 14 N.J.R. 201(b) 14 N.J.R. 140(a) 14 N.J.R. 1085(b) 14 N.J.R. 329(b) 13 N.J.R. 620(c) 13 N.J.R. 526(b) 15 N.J.R. 133(a) 13 N.J.R. 528(a) 13 N.J.R. 526(b) 13 N.J.R. 528(a) 14 N.J.R. 899(a) 13 N.J.R. 750(b) 13 N.J.R. 526(b) 14 N.J.R. 652(a) 14 N.J.R. 900(a) 14 N.J.R. 36(b)	R. 1983 d.129 R. 1983 d.43 R. 1983 d.44 R. 1982 d.341 R. 1983 d.44 R. 1982 d.345 R. 1982 d.342 R. 1982 d.481 R. 1982 d.397 R. 1982 d.188 R. 1982 d.192 R. 1983 d.107 R. 1982 d.191 R. 1982 d.192 R. 1982 d.191 R. 1982 d.363 R. 1982 d.193 R. 1982 d.192 R. 1982 d.396 R. 1982 d.362 R. 1982 d.79	15 N.J.R. 697(b) 15 N.J.R. 343(c) 15 N.J.R. 343(b) 14 N.J.R. 1165(a) 15 N.J.R. 343(b) 14 N.J.R. 1165(b) 14 N.J.R. 1165(c) 15 N.J.R. 96(b) 14 N.J.R. 1220(d) 14 N.J.R. 663(a) 14 N.J.R. 663(b) 15 N.J.R. 627(a) 14 N.J.R. 663(c) 14 N.J.R. 663(b) 14 N.J.R. 663(c) 14 N.J.R. 1166(a) 14 N.J.R. 663(d) 14 N.J.R. 663(b) 14 N.J.R. 1221(a) 14 N.J.R. 1166(b) 15 N.J.R. 166(a) 14 N.J.R. 285(b)
--	--	---	---	--

(Title 17, Transmittal 16 dated September 15, 1981)

TREASURY-TAXATION-TITLE 18

18:3-1.2, 2.1 18:5-12.5 18:7-1.1 18:7-1.15 18:7-3 18:7-3.1, 3.3, 3.4 18:7-3.5 18:7-3.14 18:7-4.1, 4.10, 5.2, 8.5 18:7-11.12 18:7-11.12, 13.6, 14.2 18:12-6A.8 18:12-7.12 18:12-7.12 18:12-9 18:12A-1.6 18:12A-1.12 18:12A-1.20 18:14-1.1, 2.2, 2.3, 2.4, 2.7, 2.8, 2.10, 3.4, 3.6, 3.9, 3.10 18:18-3.6 18:19-1.1, 2.1, 2.2, 2.6, 2.10, 3.1, 3.3 18:19-2.2 18:19-2.7 18:24-2.3 18:24-2.15 18:24-5.7 18:24-7.19 18:24-12.4 18:24-24.2 18:24-27.1, 27.2 18:24-28	New Jersey wines Penalty for smuggling unstamped cigarettes Corporation Business Tax changes Investment company defined Installment payments for corporation tax Corporation Business Tax changes Corporation Business Tax and short table Correction: Installment payments for corporation tax Corporation Business Tax changes Emergency extension for filing corporate return Installment payments for corporation tax Multiple dwelling exemptions and tax list designations (joint adoption, see 5:22-2.6) Readopted: Homestead rebate filing extension Homestead Rebate: Extension of time to file Mobile homes tax moratorium (local property) Appeals to county tax boards Local property tax County boards of taxation Local property tax senior citizens deduction Distributors and gas jobbers bond ceiling Gallon and liter pricing of motor fuels Retail gasoline prices display Cash discounts: Motor fuel sales Sales and Use Tax Act Sales tax recordkeeping standards Capital improvement installations and sales tax Sales and Use Tax Act Sales Tax exemptions Underground gas tanks as real property Sales and Use Tax Act Taxation of purchase or use of race horses	13 N.J.R. 839(a) 14 N.J.R. 331(a) 14 N.J.R. 1206(a) 13 N.J.R. 684(b) 13 N.J.R. 688(a) 14 N.J.R. 1206(a) 14 N.J.R. 826(b) 13 N.J.R. 688(a) 14 N.J.R. 1206(a) Emergency 13 N.J.R. 688(a) 14 N.J.R. 72(b) 13 N.J.R. 948(b) Emergency 13 N.J.R. 162(b) 14 N.J.R. 231(a) 13 N.J.R. 621(a) 13 N.J.R. 44(d) 13 N.J.R. 462(d) 14 N.J.R. 202(a) 13 N.J.R. 855(a) 14 N.J.R. 331(b) 14 N.J.R. 705(a) 13 N.J.R. 163(a) 13 N.J.R. 751(a) 14 N.J.R. 140(b) 13 N.J.R. 163(b) 13 N.J.R. 111(a) 13 N.J.R. 883(b) 13 N.J.R. 164(a) 13 N.J.R. 622(a)	R. 1982 d.181 R. 1982 d.256 R. 1983 d.62 R. 1982 d.34 R. 1982 d.6 R. 1983 d.62 R. 1982 d.395 R. 1982 d.6 R. 1983 d.62 R. 1981 d.163 R. 1982 d.6 R. 1982 d.78 R. 1982 d.41 R. 1982 d.439 R. 1981 d.207 R. 1982 d.176 R. 1981 d.478 R. 1981 d.44 R. 1981 d.426 R. 1982 d.140 R. 1982 d.77 R. 1982 d.257 R. 1982 d.369 R. 1981 d.209 R. 1982 d.36 R. 1982 d.141 R. 1981 d.206 R. 1981 d.210 R. 1982 d.85 R. 1981 d.208 R. 1981 d.436	14 N.J.R. 664(a) 14 N.J.R. 920(e) 15 N.J.R. 343(d) 14 N.J.R. 209(b) 14 N.J.R. 105(d) 15 N.J.R. 343(d) 14 N.J.R. 1221(b) 14 N.J.R. 1065(a) 15 N.J.R. 343(d) 13 N.J.R. 377(a) 14 N.J.R. 105(d) 14 N.J.R. 278(b) 14 N.J.R. 212(a) 14 N.J.R. 1466(a) 13 N.J.R. 462(c) 14 N.J.R. 580(f) 13 N.J.R. 948(c) 13 N.J.R. 165(a) 13 N.J.R. 779(f) 14 N.J.R. 430(a) 14 N.J.R. 285(c) 14 N.J.R. 921(a) 14 N.J.R. 1166(c) 13 N.J.R. 465(a) 14 N.J.R. 212(b) 14 N.J.R. 430(b) 13 N.J.R. 465(b) 13 N.J.R. 465(c) 14 N.J.R. 348(a) 13 N.J.R. 465(d) 13 N.J.R. 847(c)
---	--	---	---	--

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
18:26-2.12, 5.9 5.17, 5.19, 6.16, 6.17, 8.6, 8.12	Transfer Inheritance Tax	13 N.J.R. 623(a)	R. 1981 d.477	13 N.J.R. 948(d)
18:26-8.7	Pre-audit payment of inheritance tax	14 N.J.R. 1153(a)	R. 1982 d.445	14 N.J.R. 1464(b)
18:35-1.15	Exclusions from taxable gross income	14 N.J.R. 271(a)	R. 1982 d.164	14 N.J.R. 581(a)
18:35-1.16	All-savers interest exclusion	14 N.J.R. 332(a)	R. 1982 d.258	14 N.J.R. 921(b)
18:35-2	Debt liability and tax refunds and rebates	13 N.J.R. 940(a)	R. 1982 d.161	14 N.J.R. 474(b)
18:35-2.3, 2.4, 2.5, 2.7	Gross income tax refunds and debt setoff	14 N.J.R. 705(b)	R. 1982 d.479	15 N.J.R. 37(b)

(Title 18, Transmittal 16 dated January 14, 1981)

TITLE 19 SUBTITLES A-L—OTHER AGENCIES (Except Casino Control Commission)

5:90	Repealed: Urban Loan Authority rules	14 N.J.R. 558(a)	R. 1982 d.288	14 N.J.R. 983(a)
19:1-1.6	Debarment and suspension from contracting	14 N.J.R. 1050(a)	R. 1982 d.413	14 N.J.R. 1310(b)
19:1-5	Home improvement loan program	13 N.J.R. 312(b)	R. 1981 d.268	13 N.J.R. 529(c)
19:4-3.2	Meadowlands zoning exemptions	14 N.J.R. 231(b)	R. 1982 d.163	14 N.J.R. 581(b)
19:4-4.142	Variances and appeals	13 N.J.R. 529(d)	R. 1981 d.446	13 N.J.R. 847(d)
19:4-5.17	Meadowlands variances	13 N.J.R. 694(a)	R. 1982 d.1	14 N.J.R. 162(b)
19:4-6.25	Variances and appeals	13 N.J.R. 529(d)	R. 1981 d.446	13 N.J.R. 847(d)
19:4-6.26	Meadowlands variances	13 N.J.R. 694(a)	R. 1982 d.1	14 N.J.R. 162(b)
19:4-6.28	District zoning; change in zoning map	13 N.J.R. 624(a)	R. 1981 d.467	13 N.J.R. 895(c)
19:4-6.28	Zoning change in Little Ferry	15 N.J.R. 133(b)	R. 1983 d.142	15 N.J.R. 697(c)
19:4A	Flood plain management	15 N.J.R. 18(a)	R. 1983 d.143	15 N.J.R. 697(d)
19:8-1.2	Speed limits on Garden State Parkway	14 N.J.R. 827(a)	R. 1982 d.325	14 N.J.R. 1101(a)
19:8-1.9	Autobus length allowable on Parkway	14 N.J.R. 333(a)	R. 1982 d.116	14 N.J.R. 581(c)
19:8-2.11	Garden State Arts Center	13 N.J.R. 247(e)	R. 1981 d.169	13 N.J.R. 378(a)
19:8-2.12	Emergency service	13 N.J.R. 165(b)	R. 1981 d.115	13 N.J.R. 315(a)
19:8-2.12	Emergency service fees on Garden State Parkway	15 N.J.R. 134(a)	R. 1983 d.99	15 N.J.R. 554(c)
19:8-3.1	Tolls on Garden State Parkway	13 N.J.R. 248(a)	R. 1981 d.170	13 N.J.R. 378(b)
19:8-7.3	State Police motor vehicle accident reports	13 N.J.R. 531(a)	R. 1981 d.387	13 N.J.R. 780(a)
19:8-9	Off-premise outdoor advertising along Parkway	14 N.J.R. 901(a)	R. 1982 d.361	14 N.J.R. 1166(d)
19:9-1.9	Out-of-service school buses	13 N.J.R. 751(b)	R. 1981 d.520	14 N.J.R. 106(a)
19:9-1.9	Bus length on Turnpike	14 N.J.R. 1087(a)	R. 1982 d.448	14 N.J.R. 1464(c)
19:9-2.1	Hearing officer in rejected bidder appeals	14 N.J.R. 974(a)	R. 1982 d.446	14 N.J.R. 1464(d)
19:9-3.1	Towing rates	13 N.J.R. 49(b)	R. 1981 d.37	13 N.J.R. 165(c)
19:9-4.2	Fees for photographs and slides	14 N.J.R. 974(b)	R. 1982 d.447	14 N.J.R. 1464(e)
19:12	PERC: Negotiations and impasse procedures	Organizational	R. 1981 d.357	13 N.J.R. 625(a)
19:16	Firemen and Police: Negotiations	Organizational	R. 1981 d.357	13 N.J.R. 625(a)
19:25-8	Financial disclosure by legislative agents	13 N.J.R. 695(a)	R. 1981 d.471	13 N.J.R. 895(d)
19:25-8	Interpretive statement on disclosure	13 N.J.R. 695(a)	R. 1981 d.471	14 N.J.R. 392(a)
19:25-15	Public Financing of General Election for Governor	13 N.J.R. 49(a)	R. 1981 d.54	13 N.J.R. 248(b)
19:25-15.38, 15.39	Correction: Political action committees	13 N.J.R. 49(a)	R. 1981 d.54	15 N.J.R. 96(c)
19:25-19.1	Severability	13 N.J.R. 49(a)	R. 1981 d.54	13 N.J.R. 248(b)
19:30-2.1-2.3	Economic Development Authority fees	13 N.J.R. 248(c)	R. 1981 d.245	13 N.J.R. 465(c)
19:30-4.2	Targeting of authority assistance	13 N.J.R. 625(b)	R. 1981 d.457	13 N.J.R. 898(a)
19:30-4.4	EDA: Targeting of Authority assistance	13 N.J.R. 165(d)	R. 1981 d.168	13 N.J.R. 378(c)
19:30-5	Debarment of applicants and contractors	12 N.J.R. 356(a)	R. 1981 d.167	13 N.J.R. 378(d)

(Title 19, Transmittal 16 dated January 14, 1981)

TITLE 19 SUBTITLE K—CASINO CONTROL COMMISSION

19:40-1.3	Conflicting terms and conditions	14 N.J.R. 558(b)	R. 1982 d.254	14 N.J.R. 841(a)
19:41-4.3	Employee residency qualifications	14 N.J.R. 37(a)	R. 1982 d.63	14 N.J.R. 285(d)
19:41-7.14	Personal History Disclosure Form 2A	14 N.J.R. 380(b)	R. 1982 d.190	14 N.J.R. 664(b)
19:41-9.1, 9.4	Casino assessments	13 N.J.R. 531(b)	R. 1981 d.367	13 N.J.R. 709(a)
19:41-9.7	Hotel alcoholic beverage license fees	14 N.J.R. 1364(a)	R. 1983 d.80	15 N.J.R. 449(c)
19:41-9.9A	Junkets: Readopted emergency rules	15 N.J.R. 257(a)	R. 1983 d.112	15 N.J.R. 627(b)
19:41-9.12, 9.13, 9.14, 9.16	Fixed fees and employee licensing	14 N.J.R. 38(a)	R. 1982 d.57	14 N.J.R. 237(c)
19:41-9.15	Hotel employee registration fee	14 N.J.R. 232(a)	R. 1982 d.162	14 N.J.R. 581(d)
19:41-9.19	Casino assessments	13 N.J.R. 531(b)	R. 1981 d.367	13 N.J.R. 709(a)
19:41-11.1, 11.2, 11.3	Casino licensee agreements	13 N.J.R. 626(a)	R. 1981 d.439	13 N.J.R. 847(c)
19:41-12.5	Casino assessments	13 N.J.R. 531(b)	R. 1981 d.367	13 N.J.R. 709(a)
19:42-4.1-4.5	Exclusion of persons: Hearings	14 N.J.R. 904(a)	R. 1982 d.359	14 N.J.R. 1167(a)
19:43-1.1, 1.2	Casino licensing requirements	13 N.J.R. 627(a)	R. 1981 d.440	13 N.J.R. 848(a)
19:43-1.3	Service industry applications	14 N.J.R. 827(b)	R. 1982 d.332	14 N.J.R. 1101(b)
19:43-1.8	Casino service industry licenses	12 N.J.R. 447(a)	R. 1981 d.273	13 N.J.R. 534(a)
19:43-1.8	Casino service industry licenses	12 N.J.R. 447(a)	R. 1981 d.273	13 N.J.R. 534(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
19:44-17.10	Gaming school exterior advertising	13 N.J.R. 841(a)	R. 1982 d. 21	14 N.J.R. 162(c)
19:45	Accounting and internal controls	13 N.J.R. 534(b)	R. 1981 d. 437	13 N.J.R. 848(b)
19:45	Readopted: Accounting and internal controls	15 N.J.R. 240(a)	R. 1983 d. 125	15 N.J.R. 699(a)
19:45-1.1, 1.8, 1.9	Junkets: Readopted emergency rules	15 N.J.R. 257(a)	R. 1983 d. 112	15 N.J.R. 627(b)
19:45-1.3, 1.7	Correction: Annual audit	13 N.J.R. 47(c)	R. 1981 d. 272	13 N.J.R. 628(a)
19:45-1.3, 1.8, 1.24, 1.44	Casino accounting and internal controls	13 N.J.R. 47(c)	R. 1981 d. 272	13 N.J.R. 541(a)
19:45-1.3, 1.24	Internal control; patrons' cash deposits	14 N.J.R. 381(a)	R. 1982 d. 189	14 N.J.R. 664(c)
19:45-1.12	Internal and gaming controls	13 N.J.R. 534(b)	R. 1982 d. 206	14 N.J.R. 710(d)
19:45-1.15	Gaming plaques	14 N.J.R. 708(a)	R. 1982 d. 329	14 N.J.R. 1101(c)
19:45-1.15, 1.34	Gaming control	13 N.J.R. 534(b)	R. 1982 d. 171	14 N.J.R. 582(a)
19:45-1.46	Patron coupon redemption programs	14 N.J.R. 203(a)	R. 1982 d. 170	14 N.J.R. 582(b)
19:45-1.46	Coupon redemption and complimentary cash programs	14 N.J.R. 559(a)	R. 1982 d. 293	14 N.J.R. 983(b)
19:46-1.2	Gaming plaques	14 N.J.R. 708(a)	R. 1982 d. 329	14 N.J.R. 1101(c)
19:46-1.3	Gaming chips	13 N.J.R. 534(b)	R. 1981 d. 408	13 N.J.R. 780(b)
19:46-1.11, 1.26	Craps table and slot machine rules	13 N.J.R. 534(b)	R. 1981 d. 388	13 N.J.R. 780(c)
19:46-1.33	Issuance and use of tokens	14 N.J.R. 569(a)	R. 1982 d. 330	14 N.J.R. 1101(d)
19:47-1.2, 1.4	Craps wagering	13 N.J.R. 534(b)	R. 1981 d. 388	13 N.J.R. 780(c)
19:47-1.6	"Double odds" option in craps	14 N.J.R. 382(a)	R. 1982 d. 230	14 N.J.R. 838(e)
19:47-2	Blackjack play and wagering	14 N.J.R. 559(b)	R. 1982 d. 255	14 N.J.R. 841(b)
19:47-2.5	Blackjack shuffle and cut of cards	14 N.J.R. 567	R. 1982 d. 305	14 N.J.R. 991(a)
19:47-2.6	Correction: Blackjack dealing	14 N.J.R. 566	R. 1982 d. 255	14 N.J.R. 983(c)
19:47-2.6, 2.8	Readopt Blackjack wagering changes	13 N.J.R. 534(b)	R. 1981 d. 368	13 N.J.R. 709(b)
19:47-2.12	Blackjack play	13 N.J.R. 534(b)	R. 1981 d. 388	13 N.J.R. 780(c)
19:47-2.13	Readopt Blackjack wagering	13 N.J.R. 534(b)	R. 1981 d. 368	13 N.J.R. 709(b)
19:47-5.2	Roulette payout odds	13 N.J.R. 534(b)	R. 1981 d. 388	13 N.J.R. 780(c)
19:47-5.7	Minimum and maximum wagering	13 N.J.R. 534(b)	R. 1981 d. 368	13 N.J.R. 709(b)
19:47-5.7	Blackjack wagering	14 N.J.R. 559(b)	R. 1982 d. 255	14 N.J.R. 841(b)
19:48-1.1, 1.4, 1.5, 1.8	Exclusion of persons: Hearings	14 N.J.R. 904(a)	R. 1982 d. 359	14 N.J.R. 1167(a)
19:49	Junkets: Readopted emergency rules	15 N.J.R. 257(a)	R. 1983 d. 112	15 N.J.R. 627(b)
19:50-1.6	Alcoholic beverage control	13 N.J.R. 541(b)	R. 1981 d. 438	13 N.J.R. 849(a)
19:51-1.1-1.4	Advertising	13 N.J.R. 542(a)	R. 1981 d. 409	13 N.J.R. 780(d)
19:52-1.3	Nightly entertainment	13 N.J.R. 543(a)	R. 1981 d. 369	13 N.J.R. 709(c)
19:52-1.4	Casino room entertainment	15 N.J.R. 139(a)	R. 1983 d. 123	15 N.J.R. 628(a)
19:54	Readopted: Gross Revenue Tax rules	15 N.J.R. 328(b)	R. 1983 d. 131	15 N.J.R. 699(b)

(Title 19 Subtitle K, Transmittal 3 dated January 14, 1981)



NEW JERSEY

YOUR BASIC RULE RESEARCH STARTS WITH THE 31-VOLUME NEW JERSEY ADMINISTRATIVE CODE

A subscription to New Jersey Administrative Code (31 loose-leaf volumes) includes one year of updated replacement pages, plus 24 issues of the twice-monthly New Jersey Register – the official interim supplement to the Code.

ADMINISTRATIVE CODE TITLES Prices

Full Set (includes all Titles below) \$500
Individual Titles (prices include one year of updated replacement pages)*

1. Uniform Administrative Procedure	\$35
2. Agriculture	\$35
3. Banking	\$35
4. Civil Service	\$35
5. Community Affairs (two volumes)	\$70
6. Education (two volumes)	\$70
7. Environmental Protection (two volumes)	\$70
8. Health (three volumes)	\$105
9. Higher Education	\$35
10. Human Services (three volumes)	\$105
10A. Corrections	\$35
11. Insurance	\$35
12. Labor and Industry (two volumes)	\$70
13. Law and Public Safety (three volumes)	\$105
14A. Energy (includes 14–Public Utilities)	\$35
15. State	\$35
15A. Public Advocate	\$35
16. Transportation	\$35
17. Treasury–General	\$35
18. Treasury–Taxation (two volumes)	\$70
19. Other Agencies (Mortgage Finance Agency, Expressway Authority, Hackensack Meadowlands Develop- ment Commission, Highway Authority, Turnpike Author- ity, Public Employment Relations Commission, Sports and Exposition Authority, Election Law Enforcement Commis- sion, Economic Development Authority, Public Broadcast- ing Authority)	\$35
19K. Casino Control Commission	\$35

*Individual Title Subscribers, add on a full year of the New Jersey Register (24 issues delivered by second class mail) for just \$30 – a \$10 saving over the regular annual rate. A full year by First Class Mail is just \$65 – also a \$10 saving over the normal rate.

Full Set Subscribers, get the Register by First Class Mail for only an additional \$35 (regular delivery is by second class mail).

ADMINISTRATIVE CODE ORDER FORM

Full Set, \$500 []
With First Class delivery of Register, \$535 []

Individual Titles (specify Title number and name, and number of copies):

(See price list) \$ _____

With Register add-on (\$30 or \$65) _____

Total \$ _____

New Jersey Register only (one year)

By second class mail, \$40 []

By first class mail, \$75 []

Prepayment is required. Please make check payable to Administrative Publications, CN301, Trenton, New Jersey 08625.

Name and Delivery Address:

CONTENTS

(Continued From Front Cover)

OTHER AGENCIES	
TURNPIKE AUTHORITY	
Readopt Turnpike Authority rules	886(a)
RULE ADOPTIONS	
AGRICULTURE	
Repealed: Agricultural Preserve Demonstration Program	889(a)
BANKING	
License fees for credit sales and loan businesses	889(b)
Readopted: Action upon Detection of Crime	889(c)
CIVIL SERVICE	
Inclement weather emergency policy (State)	889(d)
Granting of increments after denial	890(a)
EDUCATION	
County library reorganization	890(b)
Library Construction Incentive Act rules	890(c)
ENVIRONMENTAL PROTECTION	
Consolidated Rate Schedule: D&R Canal and Spruce Run-Round Valley	891(a)
Floodway delineations in Monmouth County	893(a)
Flood delineations in Ocean-Monmouth counties	894(a)
Field trials and horseback riding permits	894(b)
Sanitary landfill closure and post-closure	894(c)
Correction: Interdistrict and Intradistrict Solid Waste Flow	900(a)
State Pesticide Control Code	915(a)
HEALTH	
Psittacosis testing of quarantined birds	918(a)
Readopted: Youth Camp Safety rules	918(b)
SHARE Manual: relief from overspending challenge ..	918(c)
Hospital rate setting: patient care cost finding	919(a)
Hospital rate setting: economic factor; periodic adjustments	920(a)
Hospital rate setting: capital facilities; reconciliation .	920(b)
Batching cycle for long-term care facilities	920(c)
Long-term care: expansion and new construction	921(a)
Repealed: interim rules for abortion facilities	922(a)
Residential care facilities: personal needs allowance ...	923(a)
Early detection of biochemical disorders in newborn infants	923(b)
Medical day care: admission physical; social workers .	923(c)
Prescriptions for controlled substances: time limits ...	923(d)
Loperamide removed from Controlled Substances	924(a)
HIGHER EDUCATION	
Educational Opportunity Fund financial aid rules	924(b)
HUMAN SERVICES	
Public comments and petitions regarding department rules	924(c)
Readopted: Billing Procedures in long-term care	925(a)
Medicaid Only: exclusion of burial spaces and funds .	925(b)
Child care centers for ages 2 1/2-5	926(a)
INSURANCE	
Nonrenewal of automobile policies	927(a)
TRANSPORTATION	
Parking on Route 70 in Lakehurst	929(a)
U turns on US206 in Bordentown	930(a)
TREASURY-GENERAL	
Readopted: General Administration pension rules	930(b)
Readopted: Teachers' Pension and Annuity Fund rules .	930(c)
Readopted: Prison Officers' Pension Fund rules	930(d)
Readopted: Health Benefits Program rules	930(e)
Readopted: Judicial Retirement System rules	931(a)
OTHER AGENCIES	
Readopted: rules on Applications	931(b)
Readopted: rules on Hearings	931(c)
Readopted: Gaming Equipment rules; Rules of the Games	

.....	932(a)
Readopted: Casino Hotel Alcoholic Beverage Control .	932(b)
Readopted: Equal Employment Opportunity rules	932(c)

EMERGENCY ADOPTIONS

HUMAN SERVICES

PAM: readopted AFDC application and eligibility rules .	933(a)
ASH: readopted rules on AFDC eligible units, monthly grants, resources	935(a)
Readopted portions of General Assistance Manual	938(a)
Medicaid Only: readopted nonfinancial eligibility criteria	949(a)

MISCELLANEOUS NOTICES

ENVIRONMENTAL PROTECTION

Annual review: fee schedule for water supply allocation	950(a)
---	--------

INDEX OF ADOPTED RULES	951
-------------------------------------	------------

Filing Deadlines

July 5 issue:

Proposals	June 9
Adoptions	June 20