

# NEW JERSEY



# REGISTER

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# RULE PROPOSALS

## EDUCATION

### (a)

#### STATE BOARD OF EDUCATION

##### Pupil Transportation Transportation to Related Activities

##### Proposed New Rules: N.J.A.C. 6:21-10.4

Authorized By: New Jersey State Board of Education,  
Fred G. Burke, Secretary.  
Authority: N.J.S.A. 18A:4-15, 18A:39-20.1 and 18A:39-21.

The agency proposal follows:

##### Summary

This new rule is being proposed pursuant to N.J.S.A. 18A:39-20.1, which allows the transportation of pupils to school related activities in private cars. Many pupils are denied the opportunity to participate in academic athletic or social school related activities due to a lack of public transportation. Implementation of this proposal would more fully guarantee that pupils could participate in a wider range of experiences previously denied them.

##### Social Impact

Those districts voluntarily involved in this action would help to widen the interest levels beneficial experiences of each participating pupil.

##### Economic Impact

N.J.S.A. 18A:39-20.1 makes no mention of any cost assessment. Any attendant administrative costs for participation in this program would be borne by the district board of education.

Full text of the proposed new rule follows.

##### 6:21-10.4 Transportation to related activities

District boards of education may authorize the use of private vehicles for the transportation of public school pupils to and from related school activities, in accordance with policy and regulations adopted by the district board of education. The policy should clearly stipulate the procedures under which such transportation shall take place, including provision for appropriate insurance coverage and approval of activities and drivers.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Lorraine L. Colavita  
Executive Assistant for Administrative  
Practice and Procedure  
Department of Education  
225 West State Street  
Trenton, New Jersey 08625

The State Board of Education 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 1981-354.

### (b)

#### STATE BOARD OF EDUCATION

##### Health, Safety and Physical Education Testing for Tuberculosis Infection

##### Proposed Amendments: N.J.A.C. 6:29-4.2

Authorized By: New Jersey State Board of Education,  
Fred G. Burke, Secretary.  
Authority: N.J.S.A. 18A:4-15, 18A:16-2 and 18A:40-16.

The agency proposal follows:

## NEW JERSEY REGISTER

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### Summary

The proposed amendments would require that the Mantoux intradermal tuberculin test be the only skin test used to detect evidence of tuberculosis infection in pupils and employees.

The proposed changes require only those pupils to be tested who are in grades and schools specified by the State Department of Health based upon the high incidence of tuberculosis or reactor rates in the communities or population groups concerned. The Mantoux intradermal tuberculin test using five tuberculin units of stabilized PPD tuberculin will be the only skin test used to detect evidence of tuberculosis infection in pupils and employees. The test will be conducted in the schools by the school physicians, and school nurses in cooperation with the Tuberculosis Control Program.

### Social Impact

The intent is to eliminate the testing of pupils annually in districts that have reported a low incidence of tuberculosis and positive reactors. This process of identification would decrease the number of pupils required to be tested annually. The Mantoux test is widely used and found to be most sensitive. It is generally preferred, as it is considered the most accurate test available to provide optimum initial screening for tuberculosis.

### Economic Impact

This proposal will not necessitate any additional cost; in fact, the end result will be a financial saving for district boards of education. The necessary materials for the administration of the Mantoux tuberculin test cost \$0.15 per pupil, compared to the materials for the multiple puncture method which cost \$0.30 or more per pupil.

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

#### 6:29-4.2 Testing for tuberculosis infection

(a) The following are rules of the State Department of Education concerning testing for tuberculosis infection by [school] district[s] **boards of education** for implementation of N.J.S.A. 18A:16-2 and 40-16.

1. [An intradermal tuberculin test shall be the sole basis for initial screening for] **The Mantoux intradermal tuberculin test using five T.U. (Tuberculin Units) of PPD tuberculin shall be the only skin test used to detect** evidence of tuberculosis infection in pupils and employees.

2. [An intradermal tuberculin test shall be given to the following pupils enrolled in elementary and secondary schools, including the New Jersey School for the Deaf. (These are minimum requirements.)

- i. All pupils in the eighth grade;
- ii. All pupils in special classes who are 13 years of age;
- iii. All newly-enrolled pupils entering at or above the eighth grade, or who are 13 years of age or older, with no valid record of a previous intradermal tuberculin test;
- iv. Any additional grades of classes recommended by the State Department of Health because of special risk.] **The only pupils who shall be tested are those in grades and schools identified and/or under circumstances specified by the State Department of Health based upon the high incidence of tuberculosis or reactor rates in the communities or population groups concerned.**

3. [An] **In every school district a Mantoux intradermal tuberculin test shall be given to all employees (full-time and part-time), all [practice] student teachers, and other [personnel] persons who have contact with pupils. If the Mantoux intradermal tuberculin test shows less than 10 mm. of induration [is negative], the above persons shall be retested with [an] a Mantoux intradermal tuberculin test every three years.**

4. Any pupil or employee shall be exempt from these requirements upon presentation of documentation of a prior **significant** [positive] reaction [as] evidenced by vesiculation following the administration of a multiple puncture tuberculin test or a **significant** [positive] reaction (that is, 10 mm. or more of induration) following a Man-

tox **intradermal tuberculin** test with five tuberculin units of stabilized PPD tuberculin. Any other exemption from these requirements shall be because of medical contraindications subject to review by the medical inspector.

**5. All tuberculin reactors as defined in (a) 4 above shall be referred to the family physician and appropriate official health agency for necessary follow-up.** The following [rules] shall constitute standards for referral:

i. **If there is documentation showing that vesiculation resulted from a previous multiple puncture test [results in vesiculation],** the individual shall be recorded as a [positive] tuberculin reactor, and no further tuberculin testing is required;

ii. [All doubtful reactions to a multiple puncture tuberculin test (i.e., those showing two or more mm. of induration in the absence of vesiculation) shall be followed with an intradermal Mantoux test, using five tuberculin units of stabilized PPD tuberculin.] **If the reaction to the Mantoux intradermal tuberculin test shows [is doubtful (] five to nine mm. of induration[)], it shall be repeated at a different site on the forearm. If the result of the second Mantoux intradermal tuberculin test is also five to nine mm. of induration [doubtful],** The individual shall be recorded as tuberculin negative[.]. [iii.] **If the result of the Mantoux test shows [is positive (]10 or more mm. of induration[)],** the individual shall be recorded as a [positive] tuberculin reactor, and no further tuberculin testing is required[.].

[iv. All positive tuberculin reactors shall be referred to the family physician and appropriate official health agency for necessary follow-up.

6. A chest X-ray shall be administered to:]

i. **A] all pupils, employees and other personnel who [are positive reactors to an] have a significant reaction to a Mantoux intradermal tuberculin test as defined in [paragraph 5i and iii] (a)4 above.**

7. All pupils, employees and other personnel required to have a chest X-ray shall be referred to their family physician or other medical facility for the necessary medical evaluation, including a chest X-ray. If the physician's report is not received by the school physician within four weeks, or if the school physician is unwilling to accept the findings, the pupil, employee or other [school personnel] **persons who have contact with pupils** shall have a chest X-ray examination in the manner prescribed by the [school] district **board of education.**

8. If the chest X-ray of a [positive] tuberculin reactor is negative for evidence of tuberculosis, chemoprophylaxis or preventive therapy, with one year of isoniazid (INH) is strongly recommended.

9. A [positive] tuberculin reactor who is certified in writing by a licensed physician to have completed one year of preventive treatment (chemoprophylaxis) with isoniazid (INH) shall not be required to undergo any further testing for tuberculosis.

10. Employees and pupils who have a [positive] **significant** reaction to the **Mantoux intradermal tuberculin test** and an initial chest X-ray that was negative, or who present a medical certificate[s] showing a [positive] **significant** tuberculin reaction and a subsequent negative chest X-ray, shall require no further testing for tuberculosis infection.

11. The reporting of the testing for evidence of tuberculosis infection [in] by each [school] district **board of education** shall be as follows:

i. The name and address, grade (of pupils), age and school of all newly discovered [positive] tuberculin reactors, chest X-ray results and prescription of preventive therapy are to be reported immediately upon discovery to the New Jersey State Department of Health, and to the local health department of local tuberculosis control center, on a special form provided for this purpose so that the appropriate tuberculosis control measures can be instituted;

ii. At the end of the annual tuberculosis testing program **for staff and in [each] grades and schools [district] as specified by the New Jersey State Department of Health,** the following information shall be reported to the [county superintendent of schools, the New Jersey State Department of Education,] New Jersey State Depart-

ment of Health, and the local health department of tuberculosis control center, with one copy to be retained by the [local school] district board of education:

(1) The number [and type] of Mantoux tuberculin tests performed by grade and school, on pupils [and], employees and other persons who have contact with pupils;

(2) X-ray findings;

(3) Number of pupils and employees for whom isoniazid prophylaxis was prescribed;

(4) The name, address, date of birth, school and grade of each case of tuberculosis found as a result of the Mantoux intradermal tuberculin testing program.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Lorraine L. Colavita  
Executive Assistant for Administrative  
Practice and Procedure  
Department of Education  
225 West State Street  
Trenton, New Jersey 08625

The State Board of Education 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 1981-353.

## ENVIRONMENTAL PROTECTION

### (a)

#### DIVISION OF WATER RESOURCES

#### Storm Water Management

#### Proposed New Rules: N.J.A.C. 7:8

Public Hearing: January 18, 19 and 21, 1982.

Authorized By: Jerry Fitzgerald English, Commissioner,  
Department of Environmental Protection.

Authority: N.J.S.A. 40:55D-4, 6 and 93-99 (see P.L.  
1981 c.32), and 13:1D-33.

DEP Docket No.: 059-81-11

The agency proposal follows:

#### Summary

The proposed rule was made necessary by the recent passage of the New Jersey Storm Water Management Act, P.L. 1981, c. 32, which amends and supplements the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. The most feasible programs of storm water management so far developed are preventative in nature and must be applied during the site plan review process necessary to obtain a permit for development. The Storm Water Management Regulations will provide requirements and controls designed to reflect these policy objectives.

These rules apply to the development of all storm water management plans and ordinances in the State of New Jersey. Municipalities are required to develop such plans and ordinances provided that a grant for the preparation of such a plan has been made for 90 percent of the costs incurred. Funds for 90 percent grants have not been appropriated. However, the department is

exploring other funding avenues. Appropriate agencies are encouraged to develop such plans and ordinances in accordance with these standards.

The Storm Water Management Act provides that a municipality receiving a grant shall prepare a storm water management plan within one year from the promulgation of these regulations, or by the next reexamination of the municipality's master plan whichever is later, as required by the Municipal Land Use Law, N.J.S.A. 40:55D-89. Planning for storm water management shall be divided into two phases: Phase I provides such general planning as is necessary to prepare a storm water management control ordinance, and Phase II provides for long term comprehensive planning of alternative preventive and remedial storm water management measures and programs. Each municipality shall also prepare a storm water management control ordinance which implements the plan. Both storm water management plans and ordinances must be submitted to the designated county planning agency or county/water resources association, as appropriate, for approval. The implementing ordinance shall not take effect without county approval, although their failure to approve or disapprove the ordinance within (60) days will be deemed an approval.

#### Social Impact

The proposed rule will have a positive effect upon those persons living in areas under an adopted storm water management plan and approved implementing ordinance, particularly in non-rural areas. Where development occurs, flooding and excess storm water runoff may pose a threat to public health, life and property. These standards have been designed to: (1) offset potential flooding and non-point pollution problems; (2) encourage water recharge; (3) protect the integrity of stream channels for their biological functions as well as for drainage; (4) reduce soil erosion from any new area of construction; and (5) to protect the adequacy of bridges and culverts. Additionally, these rules will assure the adequacy of flood plain management protections under conditions of increased development in the future.

#### Economic Impact

The proposed rule will have only a minor economic impact on municipalities since the development of storm water management plans and ordinances are contingent upon a 90 percent state grant for their preparation. Municipalities will only have to contribute 10 percent of the total cost of preparation of the plan and ordinance. Other agencies preparing plans will have to meet various funding requirements depending on available state funds.

Compliance with approved storm water management ordinances may result indirectly in slightly higher costs for future development. However, the end result is expected to be a reduction in losses from flood damages that will far exceed this cost.

Full text of the proposed new rule follows.

#### CHAPTER 8 STORM WATER MANAGEMENT REGULATIONS

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 7:8-1.1 Purpose and authority

This chapter shall implement the provisions of the New Jersey Storm Water Management Act, P.L. 1981, c. 32, which amends and supplements the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. These Storm Water Management Regulations establish minimum requirements and controls to compensate for the differences in the hydrologic response of the watershed from the undeveloped to the developed condition. The Storm Water Management Act further creates a State grant program for these purposes, however, no funds have been appropriated for this purpose as of this time. Nothing in this chapter shall change the assigned duties of counties and municipalities responsible for approval of storm water manage-

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ment provisions, submitted as part of site plans, as established by the Municipal Land Use Law.

### 7:8-1.2 Construction

(a) This chapter shall be liberally construed to permit the Department to discharge its statutory function under the New Jersey Storm Water Management Act, P.L. 1981, c.32.

(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.

### 7:8-1.3 Definitions

"Act" means the New Jersey Storm Water Management Act, P.L. 1981, c.32.

"Commissioner" means the Commissioner of the Department of Environmental Protection, or his appointed designee.

"Department" means the Department of Environmental Protection.

"Impervious surface" means any natural or man-made surface which does not permit infiltration of water and causes surface runoff.

"Major development" means, in addition to the definition of development in the Municipal Land Use Law N.J.S.A. 40:55D-4:

1. Any residential construction of 10 or more housing units;
2. Any construction project that will cover one or more acres of land with additional impervious surfaces;
3. Any construction of one or more of the following uses:
  - i. Confined feeding and holding areas that provide for more than 150 head of cattle or 1,000 head of poultry;
  - ii. Pipelines, storage, or distribution systems for petroleum products or chemicals;
  - iii. Storage, distribution or treatment facilities (excluding individual home septic systems) for liquid waste;
  - iv. Solid waste storage, disposition, incineration or landfill;
  - v. Quarries, mines or borrow pits;
  - vi. Land application of sludge or effluents;
  - vii. Storage, distribution or treatment facilities for radioactive waste.

"MLUL" means the Municipal Land Use Law N.J.S.A. 40:55D-1 et seq.

"Non-point source pollution" means pollution from any source other than from any discernible, confined and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvacultural, mining, construction, subsurface disposal and urban runoff sources.

"Non-rural area" means any area not defined as a rural area.

"Ordinance" means the same as "development regulation" under the MLUL.

"Recharge" means the replenishment of underground water reserves.

"Rural area" means any area where the total area occupied by residential, commercial, industrial and transportation developments is less than 10 percent of the total area of the municipality. The total area of such development includes not only the area occupied by the facilities themselves, but the total area of the site for which development has been approved by the planning board.

"Storm water runoff" means flow on the surface of the ground, resulting from precipitation.

### 7:8-1.4 Applicability

(a) Any storm water management plans or ordinances hereafter adopted in New Jersey shall comply with this chapter.

(b) They shall also apply to the development of all storm water management plans and ordinances in the State of New Jersey provided that a grant for the preparation of a storm water management plan has been made available pursuant to Section 6 of the Act. All other municipalities and counties are encouraged to develop their own storm water management plans pursuant to this chapter.

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### 7:8-1.5 Program information

Unless otherwise specified, any questions concerning the requirements of this chapter shall be directed to the Water Supply and Watershed Management Administration, Division of Water Resources, New Jersey Department of Environmental Protection, P.O. Box CN-029, Trenton, New Jersey, 08625.

### 7:8-1.6 Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this chapter.

## SUBCHAPTER 2. PROCEDURES FOR PREPARATION OF PLANS AND ORDINANCES

### 7:8-2.1 Objectives

(a) A storm water management plan and its implementing ordinance or ordinances shall be designed:

1. To reduce flood damage to public health, life, and property;
2. To minimize increased storm water runoff from any new land development;
3. To maintain the adequacy of existing and proposed culverts and bridges;
4. To induce water recharge into the ground where practical;
5. To prevent, to the greatest extent feasible, an increase in non-point source pollution;
6. To maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;
7. To reduce the impact of development upon stream erosion in areas where this would be detrimental; and
8. To reduce erosion from any development or construction project.
9. To minimize the increases in runoff pollution due to land development, which otherwise would degrade the quality of water and may render it both unfit for human consumption and detrimental to biological life;
10. To preserve and protect water supply facilities and water resources by means of controlling harmful flood discharges, stream erosion, and runoff pollution.

### 7:8-2.2 Schedule for completion and submission of plans and ordinances

(a) The storm water management plan shall be completed by the municipality within one year from the date of promulgation of storm water management regulations by the Commissioner, or by the next reexamination of the municipality's master plan required pursuant to section 89 of the MLUL whichever is later. This requirement is contingent upon a grant for 90 percent of the costs for the preparation of the plan being provided by the Department pursuant to section 6 of the Act. The storm water management plan shall be an integral part of each municipal master plan as provided by section 28 of the MLUL. Each storm water control ordinance or ordinances prepared under such a grant shall be adopted by the municipality within one year of the completion of the storm water management plan and shall be revised thereafter as needed.

(b) Any storm water management plan or control ordinance prepared by counties or designated regional agencies shall be prepared in accordance with this chapter.

(c) Each municipality shall submit its storm water management plan and implementing ordinance adopted pursuant to this Act to the designated county planning agency or county water resources association, as appropriate, for approval. The implementing ordinance shall not take effect without county approval.

### 7:8-2.3 County review process

(a) Every municipality that adopts a storm water management plan and implementing ordinance pursuant to the Act shall submit it to

the county planning agency, or to a county water resources association if such association shall have been formally delegated authority for storm water management on behalf of the county.

(b) The agency or association shall approve, conditionally approve, or disapprove said plan and/or ordinance. It shall review its compatibility with applicable municipal, county, regional or State storm water management and flood control plans. No storm water management plan or ordinance shall be approved which fails to meet the State storm water management standards, established by this chapter. The agency or association shall set forth in writing its reasons for disapproval of any plan or ordinance, or in the case of the issuance of a conditional approval, the agency or association shall specify the necessary amendments to the plan or ordinance to the municipality. Once conditions, if any, are met by the municipality the plan and/or ordinance shall be deemed approved.

#### 7:8-2.4 Failure of county to act

Where the agency or association fails to approve, conditionally approve, or disapprove a plan or ordinance within 60 days of receipt of the plan or ordinance, the plan or ordinance shall be considered approved.

#### 7:8-2.5 Notification to the State

Upon receipt of each completed municipal storm water management plan and ordinance, the designated county agency shall notify the Department of its receipt and keep an up-to-date accounting of its standing in the approval process. The county agency shall submit copies of the approved plans and ordinances to the Department and shall provide access to all other relevant records to Department personnel.

#### 7:8-2.6 Exceptions

The Commissioner may upon application by any appropriate agency grant an exception from any of the objectives listed in N.J.A.C. 7:8-2.1(a)1-8, as provided for in Sections 3 and 4 of the Act provided that the Commissioner shall determine that such exception will not materially increase flood damage or non-point source pollution.

#### 7:8-2.7 Enforcement

No building permit shall be issued in violation of an adopted ordinance. Any such issuance shall be in violation of the MLUL and subject to the enforcement provisions thereunder.

#### 7:8-2.8 Periodic reexamination

In accordance with the MLUL, storm water management plans and storm water control ordinances shall be included in the reexamination of the master plan and development regulations.

#### 7:8-2.9 Technical assistance

Counties, county planning agencies and county water resources associations are authorized and encouraged to provide technical assistance and planning grants to municipalities to assist in the preparation and revision of municipal storm water management plans and implementing ordinances.

### SUBCHAPTER 3. ELEMENTS OF PLAN AND ORDINANCE

#### 7:8-3.1 Planning phases

(a) Planning for storm water management is designed in two phases. The Phase I plan is targeted at preventive measures to be applied to the site plan review process. It shall identify existing control requirements and establish plans and ordinances in order to meet the standards in this chapter for at least the short term. The Phase II plan shall provide for the long term comprehensive planning of alternative preventive and remedial storm water management measures and programs.

##### 1. Phase I:

i. A Phase I storm water management plan shall consist of the following elements:

(1) An articulation of the guiding principles for achieving the objectives of the "Act" and this chapter. This element shall also discuss the water quantity/quality standards contained in this chapter and any additional measures necessary to implement the intent of the Act, or that are needed for special circumstances.

(2) A delineation of jurisdictional authority and responsibility in the Phase I plan area. This may include a fee schedule for implementation.

(3) An inventory of existing county and local storm water management plans and ordinances. This inventory shall examine the consistency of the existing ordinances with regard to the water quantity/quality objectives and minimum standards discussed in this chapter.

(4) An evaluation of needs. This evaluation shall consist of two parts:

(A) A general assessment of those items necessary for the county and/or local ordinances to achieve full compliance with this chapter; and

(B) An estimate of the technical (personnel and physical resources) and institutional needs necessary to undertake implementation of the Phase I plan.

(5) Develop a recommended storm water management ordinance.

ii. Following the completion of the Phase I plan, municipalities should proceed to develop and adopt ordinances, which are to be consistent with the policies and principles of the Phase I plan. These ordinances shall be amended, as required, following the adoption of the Phase II plan. Such ordinances must be adopted if the Department provides a grant pursuant to Section 6 of the Act.

##### 2. Phase II:

i. A Phase II storm water management plan will be based upon a detailed analysis of alternative storm water management approaches on an integrated or regional basis. The plan will consist of a system of structural and/or non-structural storm water control programs to mitigate flooding and nonpoint source pollution. The need for master detention basins to supplement or replace individual detention basins otherwise required at each site of development shall be considered. Plans shall also be developed to address appropriate remedial storm water control measures. A survey of any institutional issues involved and of the social, environmental and economic implications of the proposed actions shall be included.

#### 7:8-3.2 Flexibility of approach

Each storm water management plan shall be cognizant of the unique character and limitation of the environment in the planning area. A main purpose is to distinguish those special conditions where an exception to the standards detailed in this document may be required to best manage storm water runoff. Unless circumstances justify exception or variance, the standards will be applicable to all development as specified in the remaining sections of this chapter.

#### 7:8-3.3 Plan conformity

(a) Each municipality shall coordinate storm water management plans prepared under this chapter with soil and water conservation plans and regulations under the New Jersey Soil Conservation Act of 1937 as amended, N.J.S.A. 4:24-1 et seq., and with the appropriate soil conservation districts. Storm water management plans shall refer to and be in compliance with Soil Conservation District requirements for control of soil erosion. Additionally, such plans shall be consistent with any storm water management plans prepared by any other municipality in their basin, and in full compliance with the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and with any areawide plans for water quality relating to the river basins in the municipality. The storm water management plan and the storm water control ordinance or ordinances shall also be consistent with relevant Federal and State statutes, rules and regulations concerning storm water management, dam safety and flood control, and with the Water Supply Management Act, P.L. 1981,

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c. 262, and the County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq.

(b) Municipalities should be prepared so as to avoid propagation of insects, particularly mosquitoes.

**7:8-3.4 General standards**

(a) The following standards are specified for general use as minimums. Local plans and ordinances which require a greater degree of control or require retention for a greater period of time, or apply to classes of developments in addition to those specified herein, will be acceptable as long as the objectives are met. Plans and ordinances expressed in different terms but which are considered by the Department to achieve substantially the same objectives will also be acceptable.

1. Non-rural areas: All areas not defined as rural areas in N.J.A.C. 7:8-3.4(a)2 shall be considered as non-rural areas under this section. In non-rural areas, storm water controls will be applied to all major developments, including housing developments of 10 or more housing units, and all governmental, commercial or industrial developments which add one or more acres of impervious surface.

2. Rural areas: In largely undeveloped or agricultural areas, where the total area occupied by residential, commercial, industrial and transportation developments is less than 10 percent of the total area of the municipality, storm water controls need not be applied to housing developments of less than 25 housing units, or to governmental road construction developments which add less than 10 acres of impervious surface. The total area of such development includes not only the area occupied by the facilities themselves, but the total area of the site for which development has been approved by the planning board.

3. Flood and erosion control: The flood and erosion control standard for detention will require that volumes and rates be controlled so that after development the site will generate no greater peak runoff from the site than prior to development, for a two-year, 10-year, and 100-year storm considered individually. Such storms may be computed either as a Type II 24-hour storm under U.S. Soil Conservation Service procedures, (U.S. Soil Conservation Service, "Urban Hydrology for Small Watersheds," Technical Release No. 55, January, 1975.) or as the estimated maximum rainfall for the estimated time of concentration of runoff at the site. Tabulations of estimated maximum rainfall are available from the Department.

**4. Water quality control:**

i. The water quality requirement for detention will require prolonged retention of a small design storm which shall be either a one year frequency Type II storm or a storm of 1 1/4 inches of rainfall in two hours. Provisions shall be made for it to be retained and released so as to evacuate 90 percent in approximately 18 hours in the case of residential developments and 36 hours in the case of other developments. This is usually accomplished by a small outlet at the lowest level of detention storage, with a larger outlet or outlets above the level sufficient to control the small design storm. If the above requirement would result in a pipe smaller than three inches in diameter, the period of retention shall be waived so that three inches will be the minimum pipe size used.

ii. Where soils have sufficient permeability, the production of zero runoff from the site will be considered sufficient to meet the water quality requirement for residential developments, provided that the groundwater does not rise to within two feet of the bottom of the detention basin. For other than residential developments, approvals will be on a case-by-case basis after technical review by the designated authority. The object of this review will be to avoid pollution of groundwater.

**5. Flood plains:**

i. There will be no detention basins in the floodway.  
 ii. New development, including construction of detention basins, should be avoided in flood plains; but where this is unavoidable, the plan and the ordinance must require a special examination to determine adequacy of proposed detention measures during the 100-year flood. One acceptable method is to apply the 100-year design

storm to both the site and to the entire watershed contributing to the flood plain, assuming that the two peak simultaneously at the point in question. The time of concentration assumed for the entire watershed should be that appropriate to the larger area, rather than the shorter period applicable to the site.

iii. In addition such development must be in compliance with all applicable regulations under the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.

iv. In default of an analysis such as described above, detention storage provided by construction of dikes or embankments below the elevation of the 100-year flood (either specially calculated or taken from an official flood plain delineation map) will be credited as effective storage at a reduced proportion as indicated in the table below:

**TABLE 1**

Allowable proportion of storage to be assumed useable in detention basins below the level of the 100-year flood, in drainage basins of various sizes.

Elevation of storage provide below 100-year flood level	DRAINAGE BASIN AREA AT SITE		
	Less than 5 Sq. Mi.	5-100 Sq. Mi.	OVER 100 Sq. Mi.
Less than 2 ft.	40 percent	65 percent	90 percent
2-4 ft.	25 percent	50 percent	75 percent
Over 4 ft.	10 percent	25 percent	50 percent

v. This effective detention storage plus any other supplementary measures, will be required to provide for storm water detention, in accordance with established standards. However, the gross storage considered for this evaluation will not exceed that which would be filled by runoff of a 100-year storm at the site.

vi. In making computations under the method described above, the volume of net fill added to the flood hazard area portion of the project site will be subtracted from the capacity of effective detention storage provided. Net fill is defined as the total amount of fill created by the project less the amount of material excavated during the construction of the project, both measured below the elevation of the 100-year flood but above the elevation of low water in the stream. Therefore, storage provided by excavation in the flood plain will be credited 100 percent towards effective detention storage.

**6. Alternatives to detention basins:**

i. It is not necessary that basic requirements be satisfied by means of detention basins. Rooftop storage, tanks, infiltration pits, dry wells, or gravel layers underneath paving, may be used for the purpose, with appropriate consideration for length of life and feasibility of continued maintenance. Vacuum street sweeping may be substituted for the water quality requirement, in cases in which continuity of the service can be assured, and where the pollution in question originates on the pavement.

ii. Non-structural management practices, such as cluster land use development, open space acquisition, stream encroachment and flood hazard controls should be coordinated with detention requirements. Changes in land use can often reduce the scope and cost of detention provisions required by means of appropriate changes in runoff coefficients.

**7. Maintenance and repair:**

i. Maintenance of detention basins and infiltration means, or of other alternatives, is a very important aspect of a storm water management program. Control measures shall be designed so as to provide for mechanical maintenance operations. Whenever responsibility for continuing maintenance is not to be assumed by a public body, it shall be the responsibility of the owner of the developed property. In all cases where lots or parcels of a development are to be sold, the ordinance shall require as a condition of approval the creation of a homeowners association or equivalent body to assure continued maintenance. Arrangements shall be made by deed restriction or covenant, passing with the land to subsequent owners,

with provision for collecting funds for these such purposes.

ii. A schedule of maintenance inspections shall be incorporated into the local ordinance. Ordinances shall also provide that in cases where maintenance or repair is neglected, the municipality or the county has the authority to perform the work and to back-charge the owner.

8. Control measures: Ordinances and plans shall be designed to allow for flexibility in the development or control measures. In Phase II planning, the use of regional basin or watershed systems and the consideration of economies of scale shall be investigated wherever practical. In addition, non-structural measures (i.e. changes in land use, densities, site configuration, and use of natural topography) should be considered. Combinations or remedial measures for existing systems and preventive measures for new developments shall also be investigated.

7:8-3.5 Variance from the standards

If a municipality grants a variance as provided for in the MLUL from the standards set forth in their storm water management control ordinance, written report shall be made to the county detailing the nature of the variance, the change(s) requested, and an explanation of the decision. A variance granted by the county shall be reported in the same fashion to the Administrator, Water Supply and Watershed Management Administration, Division of Water Resources, Division of Water Resources, Department of Environmental Protection.

7:8-3.6 Storm water control ordinance

The storm water control ordinance is required to be adopted by the municipality within one year of the completion of a storm water management plan funded pursuant to Section 6 of this Act. It is an implementation document for the plan. The ordinance shall conform with all requirements of this chapter. Upon adoption of this chapter, the Department will supply each municipality with a Model Storm Water Control Ordinance as a guide for municipalities to prepare their own ordinances.

Three public hearings concerning this rule will be held as follows:

- January 18, 1982 - 7:00 P.M.  
Municipal Building  
Waterford Township, New Jersey
- January 19, 1982 - 10:00 A.M.  
Labor Education Center, Rutgers University  
New Brunswick, New Jersey
- January 21, 1982 - 7:00 P.M.  
Municipal Building  
Hackettstown, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 8, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

William Whipple, Administrator  
Water Supply and Watershed Management Adm.  
Division of Water Resources  
1474 Prospect Street  
Post Office Box CN-029  
Trenton, New Jersey 08625

The Department 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 1981-366.

(a)

DIVISION OF WATER RESOURCES

Flood Plain Management  
Flood Hazard Area Delineations Along the  
Woodbridge and Rahway Rivers

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

Public Hearing: January 12, 1982.

Authorized By: Jerry Fitzgerald English, Commissioner,  
Department of Environmental Protection.  
Authority: N.J.S.A. 13:1D33 and 58:16A-50.

DEP Docket No.: 060-81-11

The agency proposal follows:

Summary

This proposal provides for the application of rules and regulations concerning the development and use of land in designated floodways to portions of the Woodbridge and Rahway Rivers and some of its Tributaries, as described below. Regulations of delineated floor hazard areas are designed to preserve flood carrying capacity and to minimize the threat to the public safety, health and general welfare.

Social Impact

This proposed delineation applies flood protection to the following areas within the Woodbridge and Rahway Rivers Basins: Woodbridge Township and the City of Perth Amboy, Middlesex County; the Cities of Linden and Rahway, the Townships of Clark, Cranford, Garwood, Springfield, Winfield, Union, the Boroughs of Kenilworth, and Town of Westfield all within Union County.

Economic Impact

This proposal will have only a minor economic impact. The proposed delineation would more clearly define the flood hazard area thus resulting in less requirements for flood insurance. Minor reductions of property value could result by restricting future development in the floodway and requiring elevated construction designs in flood fringes areas. However, minor property value diminution would be offset by the savings to governmental bodies and private homeowners due to little or no future rehabilitation and rescue expenditures from flood damage in the delineated area.

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

7:13-1.11 Delineated Floodways

(a)-(c) (No change.)

(d) A list of delineated streams in the Passaic-Hackensack Basin and a list of delineated streams in the Raritan Basin follow:

**The floodway and flood hazard area of the Rahway River from the downstream Woodbridge Township boundary to the upstream Springfield Township boundary in Woodbridge Township and the Townships of Clark, Cranford, Springfield, Kenilworth, Union and the Cities of Rahway and Linden all in Union County; South Branch Rahway River from its confluence with the Rahway River to the upstream Woodbridge Township boundary in the City of Rahway, Union County and Woodbridge Township, Middlesex County; Orchard Creek from its confluence with the South Branch Rahway River to the upstream Woodbridge Township boundary in the City of Rah-**

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way, Union County; Parkway Branch from its confluence with the South Branch Raritan River upstream to the Garden State Parkway in Woodbridge Township, Middlesex County; Robinson's Branch from its confluence with the Rahway River to the upstream boundary of Clark Township in the Townships of Clark, Scotch Plains and the City of Rahway all in Union County; Pumpkin Patch Brook from its confluence with Robinson's Branch upstream to Inwood Ave. in Clark Township and Woodbridge Township, Middlesex County; Orchard St. Branch from its confluence with the Rahway River upstream to the Cranford Township-Garwood Borough municipal boundary in Cranford Township, Union County; Gallows Hill Road Branch from its confluence with the Rahway River to the upstream limits of the Brookside Road Retention Basin in Cranford Township and the Town of Westfield all in Union County; College Branch from its confluence with the Rahway River upstream to Springfield Ave. in Cranford Township, Union County; Drainage Ditch, adjacent to Lenape Park dike, from its confluence with the Rahway River to its confluence with Black Brook in Springfield Township, Union County; Branch 10-30 from its confluence with the Drainage Ditch (adjacent to Lenape Park dike) to 50 ft. upstream of Wiltshire Drive in Springfield Township, Union County; Branch 10-30-1 from its confluence with the Drainage Ditch (adjacent to Lenape Park dike, Springfield Township, Union County) upstream to 4th St. in Kenilworth Borough, Union County; Black Brook from its confluence with the Rahway River to 720 feet upstream of Springfield Rd. in Springfield Township and Kenilworth Borough, Union County; Van Winkles Brook from its confluence with the Rahway River to the upstream boundary of Springfield Township in Springfield Township, Union County; Bryant Brook Branch from its confluence with Bryant Brook upstream to Route 78 in Springfield Township, Union County; Woodbridge River from its confluence with the Arthur Kill upstream to Omar Ave. in Woodbridge Township, Middlesex County; Spa Spring from the confluence of the Woodbridge River upstream to Convert Blvd. in Woodbridge Township, Middlesex County; Heards Brook from its confluence with the Woodbridge River upstream to Route 9 in Woodbridge Township, Middlesex County.

(e)-(f) (No change.)

OFFICE OF ADMINISTRATIVE LAW NOTE: Maps delineating the flood hazard areas which form the subject of this notice and which represent the "full text" of the rule, were also submitted to OAL by the Department of Environmental Protection as part of their notice of proposed rule. These maps are not reproduced in the New Jersey Administrative Code.

A public hearing concerning this rule will be held on January 12, 1981 at 10:00 A.M. at:

Rahway City Hall  
1470 Campbell Street  
Rahway, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clark Gilman  
Bureau of Flood Plain Management  
Division of Water Resources  
1911 Princeton Avenue  
CN-029  
Trenton, New Jersey 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 1981-365.

(a)

DIVISION OF WATER RESOURCES

Flood Hazard Area Delineations  
Flood Delineations Along the Tuckahoe River

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

Public Hearing: January 13, 1981.

Authorized By: Jerry Fitzgerald English, Commissioner,  
Department of Environmental Protection.  
Authority: N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:16A-50 et seq.

The agency proposal follows:

Summary

This proposed amendment provides for the application of rules and regulations concerning the development and use of land in designated floodways to portions of the Tuckahoe River. Regulations of delineated flood hazard areas are designed to preserve flood carrying capacity and to minimize the threat to the public safety, health and general welfare.

Social Impact

This proposed delineation applies added flood protection to the following areas within the Tuckahoe River Basin: Townships of Estell Manor and Weymouth, both within Atlantic County; Township of Maurice River, Cumberland County; and Upper Township, Cape May County.

Economic Impact

This proposed amendment will have only a minor economic impact. The area subject to this proposed flood hazard area delineation is relatively undeveloped. Few existing structures will be affected by this amendment. The proposed delineation would more clearly define the flood hazard area thus resulting in less requirements for flood insurance. Minor reductions of property value could result by restricting future development in the floodway and requiring elevated construction designs in flood fringe areas. However, minor property value diminution would be offset by the savings to governmental bodies and private homeowners due to little or no future rehabilitation and rescue expenditures from flood damage in the delineated area.

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

7:13-1.11 Delineated floodways

(a) (No change.)

(b) A list of delineated systems in the Atlantic Basin follows:

.....

**The Tuckahoe River from State Route No. 49 near Head of River upstream to the Weymouth-Buena Vista Township Boundary, an approximate distance of 9.9 miles within the Townships of Estell Manor and Weymouth, Atlantic County; Township of Maurice River, Cumberland County; and Upper Township, Cape May County.**

(c)-(f) (No change.)

A public hearing concerning this rule will be held on January 13, 1981 at 10:00 A.M. at:

Estell Manor City Municipal Building  
Cumberland Avenue  
Estell Manor, New Jersey

OFFICE OF ADMINISTRATIVE LAW NOTE: Maps

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delineating the flood hazard areas which form the subject of this notice and which represent the "full text" of the rule, were also submitted to OAL by the Department of Environmental Protection as part of their notice of proposed rule. These maps are not reproduced in this notice and will be referenced but not reproduced in the New Jersey Administrative Code.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clark Gilman  
Bureau of Flood Plain Management  
Division of Water Resources  
CN 029, 1911 Princeton Avenue  
Trenton, New Jersey 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 1981-367.

(a)

### THE COMMISSIONER

#### NJPDES Permit Fee Schedule:

#### Petition for Rulemaking: N.J.A.C. 7:14A-1.9

Petitioner: Authorities Association of New Jersey, P.O.  
Box 98, Hopewell, New Jersey

Authority: N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-3.6.

Take notice that on November 13, 1981, the Authorities Association of New Jersey petitioned the Department of Environmental Protection to initiate a rule making proceeding to amend the 1981 NJPDES Fee Schedule to conform with, meet and be in compliance with the limitations of such Schedule as mandated by N.J.S.A. 58:10A-9. It is anticipated that such rulemaking will include the amendment, review and development of the fee assessment methodology set forth in N.J.A.C. 7:14A-1.9.

This request is based upon the factors noted below.

1. The department NJPDES fee formula bears no relationship to the limited statutory purpose authorizing the charge in the first place.

2. The department's cost estimates were not subject to a public hearing and may not serve as the basis for a department regulation.

3. The department should establish a procedure whereby a permittee may have the opportunity to object to any particular, individual fee charged to such permittee under N.J.S.A. 58:10A-9.

Full text of the petition can be obtained from:  
Office of Administrative Law  
Administrative Filings  
CN 301  
Trenton, N. J. 08625

or

Dr. Marwan Sadat  
Division of Water Resources  
CN 402  
Trenton, N. J. 08625

## HEALTH

(b)

### HEALTH FACILITIES

#### Renal Disease Services Standards and General Criteria for the Planning and Certification of Need for Regional End-Stage Renal Disease Services

#### Proposed Amendments: N.J.A.C. 8:33F-1.1, 1.2, 1.3, 1.4, 1.6 and 1.7

Authorized By: Joanne E. Finley, M.D., M.P.H.,  
Commissioner, Department of Health (with the approval  
of the Health Care Administrative Board).  
Authority: N.J.S.A. 26:2H-5 and 26:2H-8.

The agency proposal follows:

#### Summary

Current Department of Health rules are periodically updated based upon the changing requirements for quality hospital and related health care services throughout the State.

In reviewing current rules for planning and certification of need of regional end-stage renal disease services, the commissioner obtained the recommendations of the statewide health coordinating council and an ad hoc technical advisory committee.

Current Department of Health policy, standards, and criteria, as reflected in existing rules, are proposed for retention with the following changes:

1. Adjustment of the proposed utilization standard for the first year operation of a transplantation center, referenced in N.J.A.C. 8:33F-1.2(a)1i, from a rate of seven to 14 transplants, as currently stated, to a proposed minimum of seven transplants.

2. Deletion of the reference in N.J.A.C. 8:33F-1.6(b) to a moratorium on the processing of certificate of need or designation applications for ESRD services.

3. Addition of language to N.J.A.C. 8:33-1.2(a)2v and N.J.A.C. 8:33-1.2(a)3v which would permit consideration of applications for new hospital ESRD dialysis services and new ESRD dialysis facilities upon the recommendation of a health systems agency documenting the presence of unique circumstances.

4. Change in the time-frame for reviewing and making recommendations for changes in these rules, referenced in N.J.A.C. 8:33F-1.7(a)8, from two to three years from the date of adoption of these proposed amendments.

5. Deletion of Appendix A, identified as "Network No. 32 Goals for 1979" and replacement with a new goals statement identified as "1981 Goals: Network 32" (Fed. Reg. Vol. 41, pp. 22502-522).

#### Social Impact

N.J.S.A. 26:2H-1 (as amended) recognizes as "public policy of the State that hospitals and related health care services of the highest quality, of demonstrated need, efficiently provided and properly utilized at a reasonable cost are of vital concern to the public health. In order to provide for the protection and promotion of the health of inhabitants of the State, promote the financial solvency of hospitals and similar health care facilities and contain the rising cost of health care services, the State Department of Health . . . shall have the central, comprehensive responsibility for the development and administration of the State's policy with respect to health planning, hospital and health care services, and health facility cost containment programs. . . ."

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The New Jersey State Health Plan recognizes the underutilization of inpatient beds, specialty services, and expensive equipment as an important factor contributing to the rapidly escalating costs of health care. Regionalization of specialty services and equipment is viewed as an important mechanism for promoting health by improving the capabilities of services and quality of care offered, by improving the solvency of hospitals offering these expensive services, and by containing the rising costs of health care services.

The proposed rules remove the current moratorium on ESRD services while maintaining standards to insure that high quality services are provided in an efficient manner and with minimum risk to patients.

#### Economic Impact

Federal expenditures for the payment of end stage renal services for the approximately 50,000 Federally qualified patients nationally currently exceed \$1 billion per year. Some estimates suggest that by 1985 Federal expenditures could exceed \$3 billion annually to provide services to approximately 90,000 renal patients. These figures, however, do not include costs which are incurred by State government and private insurers.

The State of New Jersey established the Renal Disease Program in the State Department of Health in 1969. State appropriations and private insurance primarily cover the three month period before a patient can qualify for the Federal (Medicare) program and the 20 percent of long term care costs not paid by Medicare.

In 1977 it was estimated that the total bill for New Jersey's 1,457 patients amounted to approximately \$33,000,000 or about \$22,649 per patient. By 1980 the total bill had increased to an estimated \$58,963,000 to provide services to the 1821 New Jersey patients registered in Federal Renal Network 32 or approximately \$32,379 per patient. This estimate is based on a Medicare expenditure (P.L. 92-603) of \$54,630,000, a State appropriation of \$520,000 and payments by private insurance in the amount of \$2,813,000.

Some savings can be achieved by encouraging the availability of home dialysis and self-dialysis for patients who can be appropriately served through these modalities. Self-dialysis in the patient's home can achieve as much as a 50 percent savings on the costs of providing care in this, rather than an outpatient setting after the first year. Both the State program and Federal Renal Network encourages the development of home and self-dialysis modalities by assisting with the acquisition of home machines and by covering the costs of supplies and medications. These rules reflect a commitment to the development of those alternatives, where appropriate.

Since the proposed amendments do not change Department of Health standards, as reflected in current rules, the changes are not expected to add any new administrative or service costs.

Any decreased level of commitment on the part of the Federal government to the provision of renal services, however, could present serious fiscal problems to State government in its efforts to provide this essential service.

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

#### 8:33F-1.1 Adoption of Federal regulations by reference

(a) The Federal government published final regulations for "Renal Disease: Implementation of Coverage of Suppliers of End Stage Services" in the Federal Register for June 3, 1976 (Vol. 41, pp. 22502-522). These regulations became effective on September 1, 1976. In addition, the End-Stage Renal Disease Amendments of 1978, Public Law 95-292 were enacted on June 13, 1978. Final regulations implementing Public Law 95-292 are divided into several parts and have been published in the Federal Register with different effective dates. Those published regulations adopted by the State of New Jersey are: "Requirements for Self-Dialysis Units and Self-Dialysis Services" (Vol. 43, pp. 48948-953), "Coverage of Dialysis Supplies, Equipment, and Support Services" (Vol. 43, pp. 49720-723), "Reimbursement for Organ Procurement and His-

toppatibility Testing and for Home Dialysis Equipment" (Vol. 43, pp 58370-76), and any other appropriate Federal regulations published pursuant to Public Law 95-292 including "Kidney Transplant Centers" (Vol. 43, pp. 35698-699) and "Schedule of Target Reimbursement Rules for Institutions Furnishing Home Dialysis Supplies, Equipment and Support Services" (Vol. 44, pp. 60287-290 and 60412-414 and Vol. 46, pp. 3985-989).

(b) The State of New Jersey adopts these rules and the definitions contained therein for purposes of planning and certificate of need reviews for end stage renal disease (ESRD) services with the additions defined herein.

#### 8:33F-1.2 Utilization standards

(a) The following minimum utilization rates shall apply for the initiation of new ESRD services.

##### 1. Renal transplantation center:

i. Each application for a certificate of need for a renal transplantation center must provide written evidence of a minimum proposed utilization rate of seven [to 14] transplants performed [annually] during the first year of its operation and at least 20 transplants performed annually by the end of the second year of operation.

ii. (No change.)

iii. Each plan must contain[.] minimally:

(1)-(2) (No change.)

iv. (No change.)

##### 2. [Inpatient dialysis:] Hospital ESRD dialysis center:

i.-ii. (No change.)

iii. Each plan must contain[.] minimally:

(1)-(3) (No change.)

iv. (No change.)

v. Any certificate of need application for a new hospital ESRD dialysis service which is within 60 minutes traveling time by automobile from an existing service will be [denied] **recommended for denial** unless it can be demonstrated that it is physically impossible for surrounding approved facilities to expand their services either by increasing to at least three patient shifts per day for six days weekly or by adding dialysis stations. No new stations on an inpatient basis will be [approved] **recommended for approval** unless existing stations are truly saturated. However, consideration will be given if it can be demonstrated that the average one way driving time by automobile to the nearest dialysis facility with available capacity is one hour or greater for at least 50 percent of the patients who would use the proposed service[.] **or where, upon the recommendation of a health systems agency, the presence of unique circumstances are demonstrated.**

##### 3. ESRD dialysis facility:

i.-iv. (No change.)

v. Any certificate of need application for a new ESRD dialysis service which is within 60 minutes traveling time by automobile from an existing service will be [denied] **recommended for denial** unless it can be demonstrated that it is physically impossible for surrounding approved facilities to expand their services either by increasing to at least three patient shifts per day for six days weekly or by adding dialysis stations. No new stations on an outpatient basis will be [approved] **recommended for approval** unless existing stations are truly saturated[.] **or where, upon the recommendation of a health systems agency, the presence of unique circumstances are demonstrated.**

4.-6. (No change.)

##### 7. "Back-up" dialysis for ESRD chronic patients:

i. [Non-ESRD approved facilities providing acute hemodialysis services only are not intended to serve patients with chronic renal failure or those patients requiring maintenance and comprehensive dialysis care. In these instances, hemodialysis should be rendered only through facilities approved to provide a complete program for service. A similar situation exists in regard to those facilities which propose to furnish "back-up" service for ESRD patients during inpatient stays and yet provide only a small amount of or no outpatient dialysis. "Back-up" dialysis as developed in the Federal ESRD reg-

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ulations was meant to provide such services in areas where patients could not gain adequate access to approved chronic dialysis facilities. Therefore, for the purpose of service delivery, "back-up" dialysis is to be considered a component of an approved hospital ESRD dialysis center.] **Facilities which provide only acute hemodialysis services are not intended to serve ESRD patients with irreversible renal failure. These patients should receive hemodialysis services only through approved ESRD facilities. Similarly, "back-up" dialysis provided for ESRD patients during inpatient stays are considered a component of an approved ESRD dialysis center which provides both acute and chronic hemodialysis.**

8. (No change.)  
 (b) (No change.)

## 8:33F-1.3 Personnel standards

Each applicant for a certificate of need to provide ESRD services must demonstrate that the proposed service(s) will be staffed in accordance with the conditions, standards, and responsibilities delineated in the final regulations published in the Federal Register, June 3, 1976, and the final regulations implementing Public Law 95-292, as well as any subsequent requirements for personnel established by **Federal Law and/or regulation or by the Licensing, Certification and Standards Program in the State Department of Health.**

## 8:33F-1.4 Acute hemodialysis standards

- (a) (No change.)  
 (b) Applications for certificate of need from non-ESRD approved facilities proposing to offer only acute hemodialysis services will be considered only under the following conditions[.]:  
 1.-2. (No change.)  
 3. The applicant must [demonstrate availability of qualified staff, to include:] **have on staff the following:**  
 1.-ii. (No change.)  
 4. (No change.)

## 8:33F-1.6 Planning standards

[(a) Each Health Systems Agency shall develop a systemwide plan for the regionalization of end-stage renal disease services within its Health Service Area. The Plan shall include all those existing facilities which are currently approved by the New Jersey State Department of Health and shall be developed with input from the New Jersey Renal Disease Network. The systemwide plan shall be developed on the basis of the standards and criteria contained in this document, as well as the New Jersey Renal Disease Network goals, the Federal regulations published pursuant to June 3, 1976, and those Federal regulations published pursuant to Public Law 95-292 (1978).] **The New Jersey Department of Health shall develop a statewide end-stage renal disease plan, which emphasizes the prevention of kidney disease. The plan shall be developed on the basis of standards and criteria contained in this chapter, ESRD Network No. 32 goals, and appropriate Federal regulations, and shall include input from the state's health systems agencies, the New Jersey Renal Disease Network, and providers.**

[(b) No certificate of need or designation application for an ESRD service shall be processed by the New Jersey State Department of Health until such time as the Health Systems Agency in which the applicant is located has adopted and submitted to the Department an ESRD services plan for its Health Services Area, and an approved statewide plan based on this regulation and the HSA plans has been adopted, both of which should give appropriate attention to the prevention of kidney disease.]

## 8:33F-1.7 General criteria

- (a) As part of the application for provision of regional end-stage renal disease services, each applicant must meet each of the following minimum general criteria[.]:  
 1.-3. (No change.)  
 [4. Provide documentation, where applicable, that the applicant's

dialysis cost center, as computed in accordance with Standard Hospital Accounting and Rate Evaluation (SHARE), Section G-8, is not more than 50 per cent above the median for that hospital's peer group.]

Renumber 5. as 4.

[6.] **5.** Provide written assurances of reasonable access to the unit by patients referred by physicians and hospitals not ordinarily having access to the applicant's facilities. [Special consideration shall be given to the needs of medical education. The review of applications for a new service or for additional units shall include consideration of views offered by the major medical education institutions in the State.] Documentation should take the form of correspondence to other hospitals and written assurance that the applicant will accept referrals from physicians not on its staff.

**6. Provide assurance that special consideration shall be given to the needs of medical education.**

7. (No change.)

8. Commissioner's Advisory Committee: The Commissioner of Health will call together an advisory committee to review this regulation. The advisory committee will make its recommendations to the commissioner within [two] **three** years of adoption of the regulation **and amendments thereto.**

**9. Provide written assurances that facilities will follow the patient's rights policy as adopted by the New Jersey Renal Disease Network and guarantee that it will obtain the informed consent of patients subjected to medical experiments. Patients, proposed to be the subject of medical experimentation, who do not give informed consent, may not be refused treatment or continued care if the facility has the medical capacity to perform such care or treatment.**

**10. Provide formal transfer agreements with other dialysis units in the area.**

Delete Appendix A identified as "Network No. 32 Goals for 1979" and reproduced in the New Jersey Administrative Code, and replace with new text as follows:

## APPENDIX A

## 1981 Goals: ESRD Network No. 32\*

## Goal I: QUALITY PATIENT CARE

- A. Monitor appropriateness of treatment selection procedures.  
 1. 20 percent in self-care at end of 1980; 20-25 percent at end of 1981.  
 2. Follow-up on vascular access audit (1980).  
 3. Conduct dietary compliance audit.  
 4. Develop new patient survey on appropriateness of care.  
 5. Executive revised facility agreements.  
 6. On-site assessment visits to determine compliance with accepted medical care.  
 7. Develop criteria sharing procedures with PSROs.  
 8. Monitor continuous ambulatory peritoneal dialysis morbidity and mortality.  
 B. Maximize self-determination and independence.  
 1. Encourage use of self-care and peritoneal dialysis where applicable.  
 2. Develop formal agreement with the Division of Vocational Rehabilitation informational material.  
 3. Develop model patient education process.  
 C. Promote transplantation.  
 1. Promote use of transplant audiovisuals, transplant coordinator visits to community hospitals.  
 2. Publicize organ need to public via Tel-Med.  
 3. Monitor facility performance in transplant pool registrations, if under 25 percent monitor physician performance.  
 4. Monitor graft and patient survival.  
 D. Maintain continuity of care.  
 1. Develop recommendations on centralized/simplified medical recordkeeping.

## Goal II: COST CONTAINMENT

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- A. Assess duplicative recordkeeping practices.
1. Sample practices, requirements, usage in 2 facilities.
  2. Develop alternative strategies within regulatory and accreditation requirements.
  3. Develop systematic approach to patient care plans.
  4. Hold educational sessions to promote use of systematic recordkeeping practices.
  5. Work with Title XIX and area transport systems to lower cost, maintain service.

### GOAL III: NETWORK EFFICIENCY

- A. Provide valid, reliable data to all users.
1. Provide timely submission of management information system (MIS) forms to the Health Care Financing Authority.
  2. Develop procedures to monitor facility submission of MIS forms.
- B. Review Committee activity levels.
1. Consolidate functions of less active Committees.
  2. Review/revise By-Laws as appropriate.

†This document may be obtained upon written request to:  
New Jersey Renal Network Council, Inc.  
330 Milltown Road  
East Brunswick, New Jersey 08816

OFFICE OF ADMINISTRATIVE LAW NOTE: A copy of patient's rights policy as adopted by the New Jersey Renal Disease Network was also submitted to the OAL by the Department of Health as part of this notice of proposed rule (see N.J.A.C. 8:33F-1.7(a)9). Copies of this document may be obtained from the person and address immediately below or from:

The New Jersey Renal Network Council, Inc.  
330 Milltown Road  
East Brunswick, New Jersey 08816

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

John C. Scoli, Coordinator  
New Jersey Department of Health  
Health Planning Services  
Room 403  
CN 360  
Trenton, New Jersey 08625

The Commissioner of Health, with the approval of the Health Care Administrative Board in 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 1981-364.

## HUMAN SERVICES

### (a)

### DIVISION OF PUBLIC WELFARE

#### Public Assistance Manual RSDI Lump Sum Death Benefit

#### Proposed Amendments: N.J.A.C. 10:81-7.26, 8.4

Authorized By: Timothy Carden, Commissioner,  
Department of Human Services.  
Authority: N.J.S.A. 44:7-6 and 44:10-3.

The agency proposal follows:

#### Summary

The proposed changes revise now obsolete manual material regarding individuals who are eligible to receive Social Security Lump Sum Death Benefits under Title II of the Social Security Act.

#### Social Impact

This proposal is not a change in public assistance regulation as such. Rather, it conveys information about a change in the Social Security program. The social impact relates to the availability of current information to local agencies so as to allow appropriate interaction among the programs.

#### Economic Impact

Since there are no changes in the flow of public assistance funds as a result of this change, the only fiscal impact which might arise is the small administrative cost saving which may result on the basis of current information at hand.

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

10:81-7.26 Payment of claims

(a)-(e) (No change.)

(f) [The material in this subsection is not comprehensive or complete, and is intended only to provide the information necessary for the routine processing of burial and funeral payments when a lump-sum death benefit is involved. The local district office of the Social Security Administration should be consulted whenever the circumstances of a particular case warrant such action.

1. General explanation:

i. If an insured wage-earner or self-employed person dies, even though not yet receiving benefits, a lump-sum death benefit is payable which may be as much as three times the primary insurance benefit but not more than \$255.00;

ii. This may be obtained by filing Form SSA-1610 immediately upon death of the recipient.

2. Persons who may file claim:

i. A surviving spouse, if living with the beneficiary at time of death, is entitled to receive the lump-sum benefit regardless of whether or not she or he has assumed responsibility for burial expenses;

ii. If there is no surviving spouse living in the same household as the recipient when he/she dies, or the spouse dies before the claim can be paid, then the claim may be filed by the person who arranges for the burial and funeral, or any State or local government agency which assumes some responsibility in regard to the funeral and burial arrangements.

3. Method of filing claim:

i. A form entitled "Application for Lump-Sum Death Payment" (Federal Form OA-C8) is obtained from and filed with the appropriate district office of the Social Security Administration by whomever is the claimant. Persons other than a surviving spouse may authorize RSDI to pay the lump-sum benefit directly to the funeral director by completing item 20 of Form OA-C8.

ii. Any authorized official of a State or local government agency may file a claim on its behalf. A statement by the official on the application under "Remarks" that he/she is authorized to file is acceptable evidence of that individual's authority.

iii. In any situation in which a Social Security lump-sum benefit is (or may be) a resource toward payment of burial and funeral expenses, the responsibility for collection of the benefit lies with the funeral director. The CWA will provide prompt authorization to the SSA to make the payment to the funeral director whenever such authorization may be necessary.] **Entitlement to RSDI lump sum death benefit: A lump sum death benefit of \$255.00 will be paid**

by the SSA to a person eligible to receive it. In the absence of an eligible recipient, no payment will be made.

**1. Eligible persons in order of priority are:**

- i. Surviving widow(er) who lived in the same household;
- ii. Surviving widow(er) who is (or would have been upon application) eligible in the month of death to receive benefits based on the wage record of the deceased;
- iii. Surviving children who are (or would have been upon application) eligible in the month of death to receive benefits based on the wage record of the deceased.

**2. The lump sum, if paid or payable by the SSA, is a resource of the decedent for purposes of CWA computations of funeral or burial payments.**

(g) (No change.)

10:81-8.4 [Lump-sum death benefits] (Reserved)

(a) A lump-sum death payment may be made on the Social Security account of a worker who dies either fully or currently insured. The lump-sum payment may be as much as three times the worker's primary insurance amount, but in no case can it be more than \$255.00.

(b) Application for the lump-sum death payment must be filed within the two year period ending ordinarily with the second anniversary of the insured person's death. This filing period may be extended under specified conditions.

(c) For additional information and procedures in respect to RSDI lump-sum death benefits see N.J.A.C. 10:81- 7.21.]

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director  
 Division of Public Welfare  
 CN 716  
 Trenton, New Jersey 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 1981-345.

**(a)**

**DIVISION OF PUBLIC WELFARE**

**General Assistance Manual  
 Strikers; Lump Sum Payment**

**Proposed Amendments: N.J.A.C. 10:85-3.1,  
 3.3, and 3.4**

Authorized By: Timothy Carden, Commissioner,  
 Department of Human Services.  
 Authority: N.J.S.A. 44:8-111(d).

The agency proposal follows:

**Summary**

Persons found ineligible for AFDC because of participation in a strike and persons found ineligible for AFDC because of receipt of a lump-sum payment are by these charges made ineligible for General Assistance.

**Social Impact**

These changes will, of themselves, have little or no social impact. Those barred from GA eligibility hereby were previously barred because of eligibility for the other program.

**Economic Impact**

Because these changes are of a preventive nature, there will be little or no economic impact. A heavy (but incalculable) impact could occur without them.

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

10:85-3.1 Persons eligible for [g]General [a]Assistance

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

(c) Rules concerning persons found ineligible by CW[B]A are as follows:

1. Families:

i.-iii. (No change.)

**iv. Persons found ineligible for AFDC because of the participation of an individual in a strike are not eligible for General Assistance.**

2. (No change.)

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

10:85-3.3 Financial eligibility

(a) (No change.)

(b) Rules concerning countable income are as follows:

1. (No change.)

2. Definition: Income is countable when it is in cash or in some other form readily available **or deemed to be available** to meet the needs of the eligible unit.

i. (No change.)

ii. Income which is not readily available is considered a resource and will be counted only when it actually becomes available [.] **or when it is deemed to be available.** See N.J.A.C. 10:85-3.4 for regulations regarding resources.

3. Availability of income: For purposes of determining [immediate] need [either at the time of initial application or at any time prior to completion of verification], monies which may have been received in the past, even though recently, and which [the applicant has] **have already been spent** cannot be counted as available so long as [he/she provides] **there is a reasonable explanation or evidence of such expenditures unless the monies are deemed available.** (See N.J.A.C. 10:85-3.4(g).)

i. (No change.)

4. (No change.)

(c)-(g) (No change.)

10:85-3.4 Resources

(a) **Definition:** For purposes of this manual, resources are defined as real or personal property which is within the control of one or more of the individuals applying for General Assistance or to which he/she (they) may have a valid claim; **certain other monies deemed to be available;** and certain other benefits and contributions of support which may become available.

1. Resources must be reported in full to the agency and a determination made as to status as [either] **deemed**, exempt or potential.

i.-ii. (No change.)

2. (No change.)

(b)-(f) (No change.)

**(g) Deemed resources: Deemed resources are monies which are considered to be available to an applicant or eligible unit whether such monies are actually available or not.**

**1. Lump sum payments received by recipients of AFDC and the deeming of which was the basis for denial or termination of AFDC benefits are deemed available for purposes of General Assistance.**

Interested persons may submit in writing, data, views or argu-

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ments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director  
Division of Public Welfare  
CN 716  
Trenton, New Jersey 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 1981-342.

**(a)**

**DIVISION OF PUBLIC WELFARE**

**General Assistance Manual  
Household Size and Eligibility**

**Proposed Amendments: N.J.A.C. 10:85-3.1**

Authorized By: Timothy Carden, Commissioner,  
Department of Human Services.

Authority: N.J.S.A. 44:8-111(d).

The agency proposal follows:

**Summary**

This proposed amendment removes the technical distinctions of common cooking facilities and common food purchase in determining the membership of a household. The change recognizes the economy of scale gained by the sharing of living quarters. Membership in the household is not the same as membership in the assistance unit. The latter is not changed.

**Social Impact**

The proposed amendment will allow more realistic determinations for purposes of establishing assistance allowances applicable to individual cases. It will affect only those clients claiming separate household status due to the purchasing and/or cooking of food separately.

**Economic Impact**

The proposed amendment will have no influence on persons who do, in fact, live alone. Nor will it have influence on those who live in groups but to whom the technical distinctions have not applied. Because common living quarters has implicitly included common cooking facilities, that deletion will influence few, if any, cases. The influence will be felt by those who have claimed status as separate households because their food is purchased separately. These persons, their numbers uncertain but probably not large, will have assistance grants reduced in recognition of their shelter savings. For those people, the reduction is expected to be offset in whole or part because a reduction in income may trigger an increase in food stamps. The reductions in grants will be reflected as savings to the State and to the municipalities in a ratio of three to one.

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

8:85-3.1 Persons eligible for [g]General [a]Assistance

(a) (No change.)

(b) (No change.)

1. (No change.)

2. Household size: The number of persons living together [as a family unit.] **without regard to relationship by blood or marriage or to eligibility for other public assistance programs.** [Such persons shall be recognized as a household when they comprise an economic unit which shares cooking facilities and for which food is customarily purchased in common.]

i. Roomers, table-boarders, and roomer-boarders are not counted in the household size. (See [section 3 of this subchapter] **N.J.A.C. 10:85-3.3(e)2** regarding income received from such persons.) **The household sizes of roomers, table-boarders, and roomer-boarders, when they, themselves, are applicants/recipients are separately determined. (See N.J.A.C. 10:85-3.3(f)4.)**

ii.-iii. (No change.)

3. (No change.)

(c)-(f) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before February 3, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director  
Division of Public Welfare  
CN 716  
Trenton, New Jersey 08625

The Department of Public Welfare 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 1981-368.

**(b)**

**DIVISION OF PUBLIC WELFARE**

**General Assistance Manual  
Exemptions From Work Requirement**

**Proposed Amendment: N.J.A.C. 10:85-3.2**

Authorized By: Timothy Carden, Commissioner,  
Department of Human Services.

Authority: N.J.S.A. 44:8-111(d).

The agency proposal follows:

**Summary**

This regulation restates the definition of "unemployable" in the General Assistance Program. It is intended to clarify, not to change the definition. The consultant role of the Bureau of Medical Affairs in the Division of Public Welfare of the Department is emphasized and that Bureau is accorded decision making authority in some cases, largely for the longer term cases and/or for those requiring critical medical/social decisions.

**Social Impact**

On the average no social impact is intended. To the extent that unemployability is more uniformly determined, which is the purpose of the revision, some individuals will be differently categorized and their cases more appropriately processed with attendant benefits to client and community.

**Economic Impact**

Reductions in grant will occur for some recipients; increases for others. Similarly, some municipalities can expect reductions in assistance costs; others may show increases. Because few, if any, persons will actually be added to or deleted from the rolls, the change in cost to any one municipality is not likely to be large. Changes in the flow of State funds are expected to be offsetting with no difference in the total. No Federal funds are involved.

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

10:85-3.2 Application process

(a)-(f) (No change.)

(g) (No change.)

1.-2. (No change.)

3. Exemptions from work requirement: An individual shall be exempt from the work requirement if any to the following exist:

i. (No change.)

ii. The individual is determined by the MWD to be unemployable. Unemployability is established when any of the following exist:

(1) The individual is over age 65.

(2) The individual is receiving Social Security, SSI or Railroad Retirement benefits as an aged, retired, or disabled person or would receive such benefits but for failure of the paying agency to deliver benefits or a discontinuance of benefits on account of a previous overpayment.

(3) The individual's presence is required at home to care for one or more children under age seven or for ill family member(s). No more than one person in a household may be exempt for this reason without written authorization from DPW/BLO.

(4) The individual has a physical or mental condition which has been verified by an examining physician with written certification that the condition renders the individual unable to work.

(5) An obvious disability or impairment makes employment unrealistic; or

(6) The director of welfare determines that the individual's history of unemployment and lack of vocational training and/or education negates all possible employment. (Facts leading to such determination must be recorded in the case file.)

iii. Pregnancy: Pregnancy, in and of itself, is not a reason for exemption from the work requirement. Determinations will be made on an individual basis, with primary consideration given to the physician's statement regarding the individual's current capacity to work.

iv. The individual is applying for or is receiving medical benefits only without maintenance payments.

v. The individual is under age 16 or is under age 18 and is a full time student.]

ii. **The individual is under age 16 or is under age 18 and is a full-time student; or**

iii. **The individual is applying for or is receiving medical benefits only without maintenance payments; or**

iv. **The individual is receiving inpatient hospital care and treatment; or**

v. **The individual is unemployable: For purposes of General Assistance, unavailability of employment cannot be the basis of a determination of unemployability. Only persons included in any of the following groups are unemployable:**

(1) **Persons age 65 or over;**

(2) **Persons whose presence is required at home to care for one or more children under age six or for disabled family member(s). No more than one person in a household may be exempt for this reason without written authorization from DPW/BLO;**

(3) **Persons receiving inpatient hospital care and treatment who were or would have been classified as unemployable prior to entering the hospital (persons who were or would have been listed employable shall retain such status until hospital discharge);**

(4) **Patients in long term care facilities;**

(5) **Persons normally eligible to receive RSDI (Title II benefits), SSI or Railroad Retirement benefits on the basis of disability, but due to recovery of overpayments or administrative delays, payments are being withheld;**

(6) **Persons who have been determined to be legally blind by the New Jersey Commission for the Blind and Visually Impaired;**

(7) **Pregnant persons when examining physician certifies that employment poses a threat to the mother or the fetus;**

(8) **Persons in the third trimester of pregnancy when an examining physician certifies to both the pregnancy and its term;**

(9) **Persons determined by the MWD to be unemployable when such determination is supported by any of the following:**

(A) **Written certification by an examining physician that the individual is, by reason of an identified physical or mental defect, disease, or impairment, unable to engage in any useful occupation for which he/she has competence. Any time period or termination date included in the written certification shall be observed. A time period of "indefinite" shall be construed to mean three months unless renewed by the examining physician or extended under (g)3v(9)(D) below. When no date or time period is indicated, the certification shall be renewed monthly or such longer period as may be specified under (g)3v(9)(D) below.**

(B) **An obvious disability or impairment which makes employment unrealistic. A determination on this basis shall be valid for up to three months or such longer period as may be specified under (g)3v(9)(D) below.**

(C) **The individual's history of unemployment and lack of vocational training and/or education which negates all possible employment. Facts leading to such determination must be recorded in the case file. A determination on this basis shall be valid for three months or such longer period as may be specified under (g)3v(9)(D) below.**

(D) **Written Record of Action (Form GA-38) from DPW/BMA. Such may be applied for by MWD submission of such documentary material as the MWD finds appropriate. This may include medical or hospital reports and the MWD's own statement of specific observations and recommendations with reasons. Form PA-5 may be used. Social information submitted should include as a minimum the client's age, education, experience, and general description of applicant, especially as it may relate to employment. The BMA/DPW will consider the individual's age, experience, education, vocational training, and work history as well as physical or mental defects, diseases or impairments in determining whether an individual is able to engage in any useful occupation for which he has competence or ability to engage in retraining.**

4.-8. (No change.)

(h)-(i) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director  
Division of Public Welfare  
CN 716  
Trenton, New Jersey 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 1981-343.

(a)

**DIVISION OF PUBLIC WELFARE**

**General Assistance Manual  
Compliance with Work Requirements**

**Proposed Amendments: N.J.A.C. 10:85-3.2,  
10.3 and 10.6**

**Proposed Repeal: N.J.A.C. 10:85-10.8**

Authorized By: Timothy Carden, Commissioner,  
Department of Human Services.  
Authority: N.J.S.A. 44:8-111(d).

The agency proposal follows:

**Summary**

These regulations require as a condition of eligibility for General Assistance that "workfare" participants cooperate in drug or alcohol abuse programs when such are assigned by the Municipal Welfare Director or the Employment Service. They require as a condition of eligibility that "workfare" participants cooperate in training or occupational preparedness courses such as GED when such are assigned by the Employment Service. Also included in a penalty of 90 days of ineligibility for assistance (including medical payments) for work related infractions without good cause.

**Social Impact**

The wider latitude allowed in worksite assignments will allow closer tailoring of services to needs, thereby improving the lot of some recipients and allowing them to become self-supporting sooner.

The tightening of cooperation requirements improves the incentive to cooperate in those programs and services designed to foster self support.

**Economic Impact**

In the short term, no significant impact is foreseen, except perhaps a reduction in assistance expenditures for those who do not wish to participate in programs designed to help them. No calculation of such is possible. In the long term, the increase in job-readiness which results from improved cooperation should produce a reduction in tenure of cases and a reduction in returns to the rolls of those moving into the work force. Again, no calculation is possible.

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

10:85-3.2 Application process

- (a)-(f) (No change.)
- (g) (No change.)
- 1.-6. (No change.)
- 7. Failure to comply: Persons who are not exempt ([paragraph 3 of this subsection] **see (g)3 above**) and who fail or refuse without good cause ([paragraph 6 of this subsection] **see (g)6 above**) to comply with applicable parts of this work requirement subsection are considered to be unwilling to work and are subject to penalty as indicated in [subparagraph iii of this paragraph] **(g)7ii below**.
  - i. (No change.)
  - ii. The penalty shall be removed when the person meets the criteria for reinstatement (see N.J.A.C. 10:85-10.8)
  - iii. ii. Penalties:
    - (1) Any [recipient of assistance] **person** who fails or refuses without good cause to comply with any part of [subparagraphs 2i through vi of this subsection] **(g)2i-vi above** or any person who voluntarily ceases employment without good cause **or any person who has been involuntarily terminated from employment for reasons attributable to his/her own negligence** [during a period

of non-receipt of assistance] shall be considered unwilling to work for the 90 day period immediately following such failure, refusal or [voluntary] termination. The MWD will deny or terminate (with notice) all assistance to or for such person for the 90 day period or the remainder of it [or until the penalty is removed in accordance with subparagraph ii. of this paragraph].

- 8. (No change.)
- (h)-(i) (No change.)

10:85-10.3 Location of worksite activity

- (a) (No change.)
- (b) Worksite assignments may be established by the Employment Service in the performance of work for county or State agencies as well as municipal agencies, non-profit agencies and institutions. **Assignment by the Employment Service to a General Educational Development (high school equivalency) course or any other training or occupational preparedness program will be considered a worksite assignment.**
- (c)-(d) (No change.)

10:85-10.6 Compliance

- (a) **Failure to perform:** Any recipient who fails or refuses without good cause to perform satisfactorily in any worksite assignment made in accordance with the provisions of this chapter shall be ineligible for assistance for **90 days. Attendance at and participation in a drug or alcohol abuse program assigned or designated by the MWD or the Employment Service are essentials of satisfactory performance. Attendance at and participation in the sessions and activities involved in a training or occupational preparedness program assigned by the Employment Service are essentials of satisfactory performance.** The MWD shall discontinue **all** assistance [except for medical payments.] subject to the provision of 10 day notice of adverse action, upon a determination of the absence of good cause. (See N.J.A.C. 10:85-7.2 regarding timely notice and N.J.A.C. 10:85-7.3 regarding fair hearings and continued assistance.)
- 1. (No change.)

10:85-10.8 [Reinstatement] **(Reserved)**

[Any person who has incurred a penalty of ineligibility as above may request reinstatement. Such a person shall be reinstated and grant payments resumed upon a demonstration of willingness to resume project work. The demonstration may be accomplished by actual performance in employment or in project activity if either is still available. If neither is available, the person's signed credible statement will suffice until one or the other becomes available.]

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director  
Division of Public Welfare  
CN 716  
Trenton, New Jersey 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 1981-341.

(a)

DIVISION OF PUBLIC WELFARE

General Assistance Manual  
Hospital Services: Shelter Continuity

Proposed Amendment: N.J.A.C. 10:85-3.3

Authorized By: Timothy Carden, Commissioner,  
Department of Human Services.  
Authority: N.J.S.A. 44:8-111(d).

The agency proposal follows:

Summary

This amendment institutes a 90 day time limit for continuation of payments for retention of shelter for General Assistance clients who are hospitalized. It also establishes a uniform deduction for those variable costs (such as food) for which a hospital patient is not responsible.

Social Impact

The average length of stay for hospitalized General Assistance recipients is eight days. For one who lives alone and who requires hospitalization for more than 90 days, alternative planning is probably in order anyway. The uniform deduction will help to assure similar treatment for those similarly situated. Thus, minimal adverse impact is expected because few people are affected. Those who are affected will be singled out for the individual case attention which will probably be needed.

Economic Impact

There may be some reductions or discontinuances for a small number of people. This will produce a small saving to State and municipal treasuries. But savings are likely to be offset, at least in part, by the added cost of providing extra care for those who are recuperating after a long hospital stay. Thus, the net fiscal impact is expected to approach zero.

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

10:85-3.3 Financial eligibility

- (a)-(d) (No change.)
- (e) Rules concerning unearned income are:
  - 1.-3. (No change.)
  - 4. Income-in-kind:
    - i. (No change.)
    - ii. **Hospital services: When grants are being continued under the provisions for shelter continuity (see N.J.A.C. 10:85-3.3(f)5), an in-kind income item for hospital services shall be used in grant computations to accommodate for the absence of the individual from his/her home. The amount for employable persons is \$17.00 monthly; for unemployable persons, \$25.00 monthly.**
    - [ii.] iii. (No Change in text.)
    - 5. (No change)
  - (f) (No change.)
  - 1.-4. (No change.)

**5. Shelter continuity: When a person who had been living alone and is otherwise eligible for General Assistance is hospitalized for more than 30 days, grants of assistance may be continued for up to 60 additional days for the purpose of retaining shelter to which the person can return. See N.J.A.C. 10:87-3.3(e)4ii for appropriate deduction for in-kind income.**

- (g) (No change.)

Interested persons may submit in writing, data, views or argu-

ments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director  
Division of Public Welfare  
CN 716  
Trenton, New Jersey 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 1981-346.

LAW AND PUBLIC SAFETY

(b)

BOARD OF BEAUTY CULTURE CONTROL

Beauty Culture Schools  
Beauty School Saturday Classes

Proposed Amendments: N.J.A.C. 13:28-2.10,  
2.14, 2.15 and 2.16

Authorized By: Board of Beauty Culture Control, Marie Nowiak, Chairman .  
Authority: N.J.S.A. 45:4A-13.

The agency proposal follows:

Summary

The proposed amendments permit both beauty schools and students greater flexibility in curriculum planning. While N.J.A.C. 28:2.32(e) allows clinical training to be given on Saturdays, N.J.A.C. 13:28-2.14, at present, does not allow credit to be granted for such training. The proposed amendment to N.J.A.C. 13:28-2.14 would permit part-time students to attend and receive credit for Saturday instruction. The proposed amendment to N.J.A.C. 13:28-2.15 would eliminate the present restriction which prohibits students who attend classes in the evening from attending any additional classes in the daytime. The distinction between day and night-time student is to be replaced by the definitions of full and part-time students. Students who attend fewer than 20 hours during the weekdays, will be permitted to enroll for up to eight hours of instruction on a Saturday. Students who attend more than 20 hours of classes during the weekdays, though not permitted to enroll for Saturday classes, will be permitted to make up and receive credit for missed sessions on Saturday with the approval of the school director.

Under the proposed amendment to N.J.A.C. 13:28-2.10, schools will be required to designate the individual class schedule of each enrolling student and to report any changes in that student's assigned class schedule. A school will also be required to obtain approval for its curriculum schedules. All programs submitted for approval must contain periods of instruction of at least three hours duration. Nothing in the proposed amendment however would preclude a student who leaves school for whatever reason during a class session from obtaining credit for the hours of training already received.

Social Impact

The proposed amendments will allow part-time students to com-

plete the school program more quickly. Individuals who are unable to maintain a full-time student schedule may be better able to undertake beauty culture training. Additionally, full-time students will be able to make up missed sessions.

**Economic Impact**

These proposed amendments will involve no significant economic impact on the public or the State. The schools, however, may derive some economic benefit if they can attract more part-time students.

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

13:28-2.10 Student registration cards

(a) A request shall be submitted by the school to the board for a student registration card:

1. This request shall be submitted on application forms to be provided by the board. **The application shall contain a declaration of the student's assigned class schedule as approved by the school director. Any change of the student's assigned class schedule shall be reported to the board in writing.**

2.-3. (No change.)

(b)-(d) (No change.)

13:28-2.14 School credits by hours

School hour credits shall not be granted for any time spent in excess of eight hours in any one day [or in excess of four hours in any one evening] nor [for]more than 40 hours in any one week from Monday to [Friday] **Saturday** inclusive.

13:28-2.15 [Day and night training] **Training schedules**

(a) [A student registered for a day course must train during the day] **Definitions:**

**1. The following words and terms, when used in this subchapter, shall have the following meanings (unless the context clearly indicates otherwise).**

**"Full-time student" means a student who regularly attends classes more than 20 hours a week, Monday through Friday inclusive.**

**"Part-time student" means a student who regularly attends classes 20 hours or less per week, Monday through Friday inclusive.**

(b) [A student registered for a night course must train at night] **Any part time student may attend classes on Saturday upon approval by the school director.**

(c) [The training may not be staggered] **Any student who is absent from regularly scheduled class may attend make-up classes on the following Saturday upon approval by the school director.**

(d) [Where the student and school proves to the satisfaction of the board that continuance for a full term will cause a hardship or otherwise be impractical, and that the continuance in either the day course or the night course, or in both, for the full term will not interfere with the proper training and schooling of the student, permission may be given by the board to adjust the student's school schedule.] **No full-time student may attend classes on Saturday except as permitted in (c) above.**

13:28-2.16 School schedules

(a) The school shall submit a schedule of proposed classes including hours of instruction to be taught during the school year. This schedule must be approved by the board prior to implementation. **Board approval will not be granted for school class sessions of less than three hours daily.** A copy of said approved schedule of proposed classes shall be kept on the school premises at all times.

(b) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Richard G. Griswold  
Executive Secretary  
Board of Beauty Culture Control  
1100 Raymond Boulevard, Room 311  
Newark, New Jersey 07102

The Board of Beauty Culture Control 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 1981-351.

(a)

**BOARD OF BEAUTY CULTURE CONTROL**

**Beauty Culture Schools Student Standards and Requirements**

**Proposed Amendment: N.J.A.C. 13:28-2.24**

Authorized By: Board of Beauty Culture Control, Marie Nowiak, Chairman.  
Authority: N.J.S.A. 45:4A-13.

The agency proposal follows:

**Summary**

The proposed amendment to N.J.S.A. 13:28-2.24 redefines "senior student" to include only those who have completed at least 600 hours of clinical training. Under the proposal, all "senior students" may take advantage of the clinical opportunities provided by N.J.S.A. 45:4A-11. Previously those students with only 500 hours of credit were considered to be senior students but were nevertheless foreclosed from participating in clinics by operation of the statute. The amendment thus promotes consistency and uniformity in the regulatory scheme.

**Social Impact**

The proposed amendment will have no social impact on the public since by statute students with fewer than 600 hours of training may not now perform clinical work.

**Economic Impact**

This amendment will have no significant economic impact on either the public or the state since the schools were previously not permitted to offer clinical instruction to those with between 500 and 600 hours of training.

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

13:28-2.24 Student standards and requirements

(a)-(c) (No change.)

(d) Junior and senior students are distinguished as follows:

1. Junior students: those who have not completed the first [500]600 hours of their courses in beauty culture.

2. Senior students: those who are beyond [500] 600 hours of their courses in beauty culture.

(e)-(r) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These

submissions, and any inquiries about submissions and responses, should be addressed to:

Richard G. Griswold  
Executive Secretary  
Board of Beauty Culture Control  
1100 Raymond Boulevard, Room 311  
Newark, New Jersey 07102

The Board of Beauty Culture Control 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 1981-352.

**(a)**

**DIVISION OF CONSUMER AFFAIRS**

**Per Diem Compensation for Members of Professional and Occupational Licensing Boards**

**Proposed New Rules: N.J.A.C. 13:44B**

Authorized By: James R. Zazzali, Attorney General of New Jersey.

Authority: P.L. 1981 c.91 (N.J.S.A. 45:1-2.5).

The agency proposal follows:

**Summary**

The rule exercises authority conferred by P.L. 1981, c.91 and establishes per diem rates for compensation for members of the professional and occupational licensing boards located within the Division of Consumer Affairs, the New Jersey Real Estate Commission, and the X-ray Technician Board of Examiners. The rates proposed in general are \$50.00 for the attendance and participation in each Board meeting lasting greater than five hours and \$25.00 for each meeting lasting less than five hours. Payments are contemplated to be paid from April 1, 1981.

**Social Impact**

The rule implements a legislative policy determination which recognizes that the contributions of lay and professional board members in administering professional and occupational licensing merit compensation.

**Economic Impact**

An annual cost of \$194,000 would be incurred in implementing a \$50.00 per diem payment to all members of the 19 professional and occupational licensing boards. This figure is predicated upon two monthly meetings per board. All such fees and the modest cost of implementing the rule are to be paid from license fees received from Board licensees.

Full text of the proposed new rule follows.

CHAPTER 44B  
PER DIEM COMPENSATION FOR MEMBERS OF  
PROFESSIONAL AND OCCUPATIONAL  
LICENSING BOARDS

SUBCHAPTER 1. PER DIEM PAYMENTS

13:44B-1.1 Per diem rates for members and officers of a board or commission designated in N.J.S.A. 45:1-2.1

(a) With respect to each member and officer of a board or commission designated in section of P.L. 1971, c.60 (N.J.S.A. 45:1-2.1), the following per diem payments shall be made.

- 1. For a full day of services: \$50.00;
- 2. For less than a full day of services: \$25.00.

(b) For the purpose of (a) above, a full day of services shall constitute not less than five working hours. Payments shall be made for services rendered on and after April 1, 1981.

13:44B-1.2 Required per diem payments

(a) Per diem payments shall be made for the following:

- 1. Recorded attendance at meetings of the Board covered by the provisions of the Open Public Meetings Law;
- 2. Recorded attendance at special or board committee meetings authorized by prior board action;
- 3. Recorded attendance while conducting clinical examinations required for licensure:
  - i. The payments allowed in (a)3 of this section shall include payment for preparation and grading of such examinations where such preparation and grading occurs within the official offices of the board or within any other public office designated by the board.
- 4. Recorded attendance at meetings called by the Attorney General or the Director of the Division of Consumer Affairs.

13:44B-1.3 Disallowed per diem payments

(a) Per diem payments shall not be made for the following:

- 1. Travel and attendance at conferences, conventions and seminars, including those of professional associations;
- 2. Visiting examination sites to observe non-clinical examinations conducted by staff members or other authorities;
- 3. Speaking engagements including invitations extended to the Board;
- 4. Visits to the Board or State offices for any reason whatsoever other than for attendance at meetings or conducting clinical examinations (e.g. interviews, signing certificates or vouchers, picking up or delivering items, etc.)

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

James R. Zazzali  
Attorney General of New Jersey  
Office of the Attorney General  
State House Annex  
Trenton, New Jersey 08625

The Department of Law and Public Safety 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 1981-355.

**TRANSPORTATION**

**(b)**

**TRANSPORTATION OPERATIONS**

**Restricted Parking and Stopping  
Route US 9 and US 40**

**Proposed Amendments: N.J.A.C. 16:28A-1.7  
and 1.28**

Authorized By: David W. Gwynn, Chief Engineer,  
Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-199.

The agency proposal follows:

**Summary**

These proposed amendments will revise and establish "no parking" zones along Routes US 9 and US 40 in Lacey Township, Ocean County and Pilesgrove, Salem County respectively, causing appropriate signs to be erected advising the motoring public.

The proposed changes in N.J.A.C. 16:28A-1.7 will designate "no parking" zones along Route US 9 in Dover, Ocean and Marlboro Townships Ocean to Monmouth Counties respectively. Additionally it establishes bus stops and cause appropriate signs to be erected advising the motoring public.

**Social Impact**

These rules will restrict parking along the areas designated and enhance safety within Ocean and Salem Counties.

The proposed changes in N.J.A.C. 16:28A-1.7 will restrict parking along the areas designated as bus stops for the safe and efficient on/off loading of passengers, thus, enhancing the safety and well being of the populace.

**Economic Impact**

These amendments will cause signs to be erected advising the motoring public. Additionally, it will involve direct and indirect costs for the Departments' workforce and is dependent upon personnel, mileage and equipment to be utilized.

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

16:28A-1.7 Route US 9

(a) The certain parts of State highway Route US 9 described [herein below] in **(a) of this section** shall be and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-1.39.

1.-7. (No change.)

8. No stopping or standing along both sides: in Lacey Township and Ocean Township in Ocean County:

[i. From the northerly curb line of Bay Parkway in Ocean Township, to a point in Lacey Township, 380 feet north of the centerline of the bridge over Oyster Creek.]

[ii. From a point 380 feet south of the center line of the bridge over the South Branch of the Forked River, to a point 370 feet north of the centerline of the South Branch of Forked River.]

**i. Along both sides for the entire length within the Township of Lacey and Ocean Township in Ocean County.**

(b) The certain parts of State highway Route US 9 described in (b) of this section shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1.-13. (No change.)

**14. Along the easterly (northbound) side in Dover Townships, Ocean County:**

**i. Far side bus stop:**

**(1) Church Road (180 feet);**

**ii. Near side bus stop:**

**(1) Indian Head Road (100 feet).**

**15. Along the westerly (southbound) side in Dover Township, Ocean County:**

**i. Near side bus stop:**

**(1) Indian Head Road (105 feet).**

**ii. Mid-block bus stop:**

**(1) Beginning at a point 100 feet north of the prolongation of the northerly curb line of Church Road and extending 160 feet northerly therefrom.**

**16. Along the westerly (southbound) side in Ocean Township, Ocean County:**

16:28A-1.28 Route US 40

(a) The certain parts of State highway Route US 40 described [herein below] in **(a) of this section** shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-3. (No change.)

**4. No stopping or standing in Pilesgrove, Salem County:**

**i. Along both sides between Jill Road and Sharptown-Auburn Road.**

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Charles L. Meyers  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, New Jersey 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 1981-363.

**(a)**

**TRANSPORTATION OPERATIONS**

**Restricted Parking and Stopping  
Routes 17 and 166**

**Proposed Amendments: N.J.A.C. 16:28A-1.9  
and 1.50**

Authorized By: David W. Gwynn, Chief Engineer,  
Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-199.

The agency proposal follows:

**Summary**

These proposed amendments will establish "no parking" zones at bus stops along Routes 17 North Arlington Borough, Bergen County, 166 Dover Township, Ocean County, and cause appropriate signs to be erected advising the motoring public.

**Social Impact**

These rules will restrict parking along the areas designated as bus stops for the safe and efficient on/off loading of passengers, thus, enhancing the safety and well being of the populace.

**Economic Impact**

These proposed amendments will cause signs to be erected advising the motoring public. Additionally, it will involve direct and indirect costs for the Department's workforce, and is dependent upon mileage, personnel and equipment to be utilized.

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

16:28A-1.9 Route 17

(a) (No change.)

1.-2. (No change.)

(b) The certain parts of State Highway Route 17 described in (b) of this section shall be, and hereby are designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provision of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. Along the easterly (northbound) side in North Arlington Borough, Bergen County:

i. Near side bus stops:

- (1) Harding Avenue (105 feet);
- (2) Inman Place (105 feet);
- (3) Church Place (105 feet);
- (4) Astor Place (105 feet);
- (5) Noel Drive (105 feet);
- (6) Canterbury Avenue (124 feet).

ii. Mid block bus stops:

(1) Arlington Boulevard from a point 70 feet south of the prolongation of the southerly curb line of Arlington Boulevard and extending 135 feet southerly therefrom;

(2) Crystal Street from a point 70 feet south of the prolongation of the southerly curb line of Crystal Street and extending 135 feet southerly therefrom.

iii. Far side bus stops:

- (1) Eagle Street (100 feet);
- (2) Bergen Avenue (100 feet).

2. Along the westerly (southbound) side in North Arlington Borough, Bergen County:

i. Near side bus stops:

- (1) Jauncey Avenue (105 feet);
- (2) Ridge Park Drive (105 feet);
- (3) Astor Street (105 feet);
- (4) Albert Street (105 feet);
- (5) Crystal Street (105 feet);
- (6) Eagle Street (105 feet);
- (7) Arlington Boulevard (105 feet);
- (8) Belmont Avenue (105 feet);
- (9) Ilford Avenue (105 feet);
- (10) Melrose Avenue (114 feet);
- (11) Garden Terrace (105 feet);
- (12) Belleville Turnpike (105 feet).

3. All bus stops are measured from the curb line of the intersecting street or the prolongation of the curb line of the street which intersects where bus stop is established.

16:28A-1.50 Route 166

(a) (No change.)

(b) The certain parts of State Highway Route 166 described [herein below] in (b) of this section shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times. [and in] In accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. Along the southbound side of Route 166:

i.-iii. (No change.)

iv. Mid-block bus stop: Beginning at a point 100 feet south of the southerly curb line of South Dakota Avenue and extending 135 feet southerly therefrom.

2. Along the northbound side of Route 166:

i.-iii. (No change.)

iv. Far side bus stop:

- (1) Fernwood Drive (120 feet).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Charles L. Meyers  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, New Jersey 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 1981-356.

(a)

## TRANSPORTATION OPERATIONS

### Restricted Parking and Stopping Route 27

#### Proposed Amendments: N.J.A.C. 16:28A-1.18

Authorized By: David W. Gwynn, Chief Engineer,  
Department of Transportation.  
Authority: N.J.S.A. 27:1A-5, 39:4-183.1 and 39:4-1.99.

The agency proposal follows:

#### Summary

These proposed amendments will designate "no parking" zones along Route 27 in Edison Township, Middlesex County and establish bus stops, causing appropriate signs to be erected advising the motoring public.

#### Social Impact

These rules will restrict parking along the areas designated as bus stops for the safe and efficient on/off loading of passengers, thus, enhancing the safety and well being of the populace.

#### Economic Impact

These proposed amendments will cause signs to be erected advising the motoring public. Additionally, it will involve direct and indirect costs for the Department's workforce and is dependent upon mileage, personnel and equipment to be utilized.

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

16:28A-1.18 Route 27

(a) (No change.)

(b) The certain parts of State Highway Route 27 described in (b) of this subsection, shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times. [and in] In accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1.-9. (No change.)

10. Along the **westerly** (southbound) side [of Route 27] (Lincoln Highway) in Edison [:] **Township, Middlesex County**:

i. (No change.)

11. Along the **easterly** (northbound) side [of Route 27] (Lincoln Highway) in Edison [:] **Township, Middlesex County**:

i. (No change.)

ii. **Far side bus stop:**

- (1) **Municipal Boulevard (120 feet).**

Interested persons may submit in writing, data, views or argu-

ments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Charles L. Meyers  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, New Jersey 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 1981-357.

**(a)**

**TRANSPORTATION OPERATIONS**

**Restricted Parking and Stopping  
Routes US 46 and 202**

**Proposed Amendments: N.J.A.C. 16:28A-1.32  
and 1.55**

Authorized By: David W. Gwynn, Chief Engineer,  
Department of Transportation.  
Authority: N.J.S.A. 27:1A-5, 39:4-138.1 and 39:4-1.39.

The agency proposal follows:

**Summary**

These proposed amendments will establish "no parking" zones along Routes US 46 and 202, in Mountain Lake Borough and Morristown in Morris County, respectively. It will cause signs to be erected advising the motoring public.

**Social Impact**

These rules will restrict parking along the areas designated and enhance safety within Morris County.

**Economic Impact**

These proposed amendments will cause signs to be erected and will involve direct and indirect costs for the Department's workforce and is dependent upon personnel, mileage and equipment to be utilized.

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

16:28A-1.32 Route US 46

(a) The certain parts of State Highway Route US 46 described in (a) of this subsection shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-7. (No change.)

**8. No stopping or standing in Mountain Lakes Borough, Morris County along both sides from the Boulevard to the Borough of Mountain Lakes - Denville Township corporate line.**

(b) (No change.)

16:28A-1.55 Route US 202

(a) (No change.)

1. No stopping or standing in Morristown:

i. Along the west side of Route 202 (Speedwell Avenue);

(1) (No change.)

**(2) from a point 100 feet north of the northerly curb line of Cutler Street to a point 100 feet south of the southerly curb line of Cutler Street.**

Renumber (2) through (3) as (3) through (4).

**(5) From Park Place north to a point 325 feet north of the northerly curb line of High Street.**

ii.-ix. (No change.)

x. Along the east side of Route US 202 (Speedwell Avenue):

[(1) From a point 25 feet south of the prolongation of the southerly curb line of High Street to a point 40 feet north of the prolongation of the northerly curb line of High;

(2) From a point 75 feet south of the prolongation of the southerly curb line of Clinton Place to the southerly curb line of Nail Place;]

**(1) From Park Place north to a point 100 feet north of Nail Place;**

[(3)](2) From the northerly curb line of Thompson Street to the Town of Morristown, Morris Township Corporate line.

2. (No change.)

3. No stopping or standing, 7:00 A.M., Monday through Friday:

i. (No change.)

**ii. Including all ramps and connections under the jurisdiction of the Commissioner of Transportation.**

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Charles L. Meyers  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, New Jersey 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 1981-358.

**(b)**

**TRANSPORTATION OPERATIONS**

**Prohibited Right Turns on Red  
Routes 4, 18, 24, 28 and 33**

**Proposed Amendments: N.J.A.C. 16:31A-1.4,  
1.13, 1.17, 1.19 and 1.23**

Authorized By: David W. Gwynn, Chief Engineer,  
Department of Transportation.  
Authority: N.J.S.A. 27:1A-5 and 39:4-183.27.

The agency proposal follows:

**Summary**

These amendments will prohibit right turns on red signal on the Routes indicated causing signs to be erected advising the motoring public.

**Social Impact**

These rules will prohibit right turns on red signal and enhancing the safety and well being of motorists and pedestrians.

**Economic Impact**

These amendments will cause signs to be erected and will involve direct and indirect costs for the Departments' workforce. Costs are dependent upon mileage, equipment and personnel to be utilized.

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

16:31A-1.4 Route 4  
 (a) (No change.)  
 1. (No change.)  
**2. Boulevard: Orange Avenue (Elmwood Park Borough): On all approaches to and from Boulevard: Orange Avenue.**

16:31A-1.13 Route 18  
 (a) (No change.)  
 1.-4. (No change.)  
**5. Deal Road (Ocean Township): From north on Route 18 (Ramp AD) to east on Deal Road.**

16:31A-1.17 Route 24  
 (a) (No change.)  
 1.-7. (No change.)  
 [8. Green Village Road (Madison Borough):  
 i. From north Green Village Road to east on Route 24;  
 ii. From east on Route 24 to south on Green Village Road.]

16:31A-1.19 Route 28  
 (a) (No change.)  
 1.-20. (No change.)  
 21. Vosseller Avenue (Bound Brook Borough):  
 i.-ii. (No change.)  
**iii. From east on Route 28 to south on Vosseller Avenue.**  
 22. (No change.)  
 i.-ii. (No change.)  
**iii. From north on Mountain Avenue to east on Route 28.**  
 23.-29. (No change.)  
**30. Tea Street (Bound Brook Borough):**  
**i. From south on Tea Street to west on Route 28.**

16:31A-1.23 Route 33  
 (a) (No change.)  
 1.-11. (No change.)  
 [12. Jumping Brook Road (Neptune Township):  
 i. From east on Route 33 to south on Jumping Brook Road.  
 ii. From both approaches of Jumping Brook Road to Route 33;  
 Renumber 13 and 14 as 12 and 13.]

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Charles L. Meyers  
 Administrative Practice Officer  
 Department of Transportation  
 1035 Parkway Avenue  
 Trenton, New Jersey 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 1981-359.

**(a)**

**TRANSPORTATION OPERATIONS**

**Prohibited Right Turns on Red Routes 35, 49, US 46 and 206**

**Proposed Amendments: N.J.A.C. 16:31A-1.25, 1.35, 1.37 and 1.65**

Authorized By: David W. Gwynn, Chief Engineer,  
 Department of Transportation.  
 Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-199 and 39:4-183.27.

The agency proposal follows:

**Summary**

This rule will prohibit right turns on red signal on Routes 35, 49, US 46 and 206 and cause appropriate signs to be erected advising the motoring public.

**Social Impact**

This rule will prohibit right turns on red signal at the areas designated and enhance the safety and well being of the motorists and pedestrians.

**Economic Impact**

This rule will cause signs to be erected advising the motoring public. Additionally, it will involve direct and indirect costs for the Departments' workforce and is dependent upon equipment, mileage personnel to be utilized.

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

16:31A-1.25 Route 35  
 (a) (No change.)  
 1.-13. (No change.)  
 [14. Maple Avenue - May Street (Keyport Borough): From west on Maple Avenue to south on the Route 35 overpass.]  
 Renumber 15.-36 as 14.-35.  
 [37.] **36.** Route 33 (Neptune Township): From both approaches of Route 33 to Route 35;  
**i. From east on Route 33 to north on Route 35.**  
 Renumber 38. as 37.  
 [39. West Lake Avenue (Neptune Township); From both approaches of West Lake Avenue to Route 35.]  
 [40.] **38.** 6th Avenue (Neptune City Borough): [On all approaches to and from 6th Avenue;]  
**i. From east on Sixth Avenue to south Route 35.**  
 Renumber 41.-65. as 39.-63.

16:31A-1.35 Route US 46  
 (a) (No change.)  
 1.-19. (No change.)  
**20. Mount Hope Avenue (Dover Township):**  
**i. From south on Mount Hope Avenue to west on Route 46;**  
**21. Sand Shore Road - Naughton Road (Mount Olive Township):**  
**i. From south on Sand Shore Road to west on Route US 46.**

16:31A-1.37 Route 49  
 (a) (No change.)  
 1. (No change.)  
 2. Wm. Penn Avenue-1st Avenue-River Drive (Pennsville Township):  
 i.-ii. (No change.)  
**iii. From west on Route 49 to north on Wm. Penn Avenue.**

16:31A-1.65 Route US 206  
 (a) (No change.)  
 1.-7. (No change.)  
 [8. Cherry Hill Road (Princeton Township): From east on Cherry Hill Road to south on Route 206.]  
 Renumber 9.-16. as 8.-15.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

PROPOSALS

TRANSPORTATION

Mr. Charles L. Meyers  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, New Jersey 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 1981-360.

(a)

TRANSPORTATION OPERATIONS

Prohibited Right Turns on Red  
Route I-280

Proposed Amendments: N.J.A.C. 16:31A-1.67

Authorized By: David W. Gwynn, Chief Engineer,  
Department of Transportation.  
Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-183.27.

The agency proposal follows:

Summary

This rule will prohibit right turns on red signal on Route I-280 and cause appropriate signs to be erected advising the motoring public.

Social Impact

This rule will prohibit right turns on red signal at the areas designated and enhance the safety and well being of the motorists and pedestrians.

Economic Impact

This rule will cause signs to be erected advising the motoring public. Additionally, it will involve direct and indirect costs for the Department's workforce and is dependent upon equipment, mileage and personnel to be utilized.

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

16:31A-1.67 Route I-280

(a) (No change.)

1.-11. (No change.)

12. Eastbound Collector Distributor Road and South Center Street (Orange City):

i. From north on South Center Street to east on the Eastbound Collector Distributor Road (Capuchin Way).

ii. From east on the Eastbound Collector Distributor Road (Capuchin Way) to south on South Center Street.

13. Collector Distributor Road and South Essex Avenue (Orange City):

i. From west on Freeway Drive West to north on South Essex Avenue;

ii. From south on South Essex Avenue to west on Freeway Drive West;

iii. From east on Freeway Drive East (Capuchin Way) to south on South Essex Avenue;

iv. From north on South Essex Avenue to east on Freeway Drive East (Capuchin Way).

14. Collector Distributor Road and South Day Street (Orange City):

i. From west on Freeway Drive West to north on South Day Street;

ii. From south on South Day Street to west on Freeway Drive West;

iii. From east on Freeway Drive East (Capuchin Way) to south on South Day Street;

iv. From north on South Day Street to east on Freeway Drive East (Capuchin Way).

15. Eastbound Collector Distributor Road and South Center Street (Orange City):

i. From east on Freeway Drive East (Capuchin Way) to south on South Center Street;

ii. From north on South Center Street to east on Freeway Drive (Capuchin Way).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Charles L. Meyers  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, New Jersey 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 1981-361.

(b)

TRANSPORTATION OPERATIONS

Prohibited Right Turns on Red  
Route 181

Proposed New Rules: N.J.A.C. 16:31A-1.77

Authorized By: David W. Gwynn, Chief Engineer,  
Department of Transportation.  
Authority: N.J.S.A. 27:1A-5, 39:4-183.27 and 39:4-1.99.

The agency proposal follows:

Summary

This rule will prohibit right turns on Route 181 in Sparta Township and cause signs to be erected advising the motoring public.

Social Impact

This rule will prohibit right turns on red signal at the areas designated and enhance the safety and well being of the motorists and pedestrians.

Economic Impact

This rule will cause signs to be erected advising the motoring public. Additionally, it will involve direct and indirect costs for the Department's workforce and is dependent upon equipment, mileage and personnel to be utilized.

Full text of the proposed new rule follows.

16:31A-1.77 Route 181

(a) Right turns on red signal are hereby prohibited to and from Route 181 as follows:

1. Sparta Avenue (Sparta Township):

i. From west on Route 181 to north on Sparta Avenue from 10:00 A.M. to 7:00 P.M.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Charles L. Meyers  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
Trenton, New Jersey 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 1981-362.

## TREASURY-GENERAL

(a)

### POLICE AND FIREMEN'S RETIREMENT SYSTEM

#### Administration

#### Dates of Board's Meetings

#### Proposed Amendment: N.J.A.C. 17:4-1.1

Authorized By: Board of Trustees of the Police and Firemen's Retirement System, Anthony P. Ferrazza, Secretary.

Authority: N.J.S.A. 43:16A-13(7).

The agency proposal follows:

#### Summary

This proposal concerns the changing of the date of the monthly meetings of the Board of Trustees of the Police and Firemen's Pension Fund from the third Monday of each month to the fourth Monday of each month. This proposal is intended to become effective for the monthly meetings during the calendar year 1982.

#### Social Impact

This proposal will have no discernible effect upon the public or members of the retirement system. It is merely a scheduling change to improve the efficiency of the administration of all the retirement systems.

#### Economic Impact

This proposal has no economic impact upon the public or members of the retirement system since it is merely a scheduling change that does not incur any additional costs.

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

#### 17:4-1.1 Board meetings

The Board of Trustees shall meet on the [third] **fourth** Monday of each month, unless a change is declared in order by the chairman at an appropriate time.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. 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 Street  
Trenton, New Jersey 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 1981-350.

(b)

### STATE POLICE RETIREMENT SYSTEM

#### Leave for Illness and Insurance

#### Proposed New Rule: N.J.A.C. 17:5-2.5

Authorized By: Board of Trustees of the State Police Retirement System, Anthony Ferrazza, Secretary.  
Authority: N.J.S.A. 53:5A-30h.

The agency proposal follows:

#### Summary

The purpose of this rule is to clarify the effect which certain leaves of absence have upon a member's continued insurance coverage. This is a clarification of provisions in the statutes governing this subject.

#### Social Impact

Current and future members of the State Police Retirement System may be affected by this proposal if they take certain leaves of absence for extended periods of time.

#### Economic Impact

State Police Retirement System members, who are on extended leaves of absence for reasons other than personal illness, may face the possible loss of insurance coverage in such instances.

**Full text** of the proposed new rule follows.

#### 17:5-2.5 Leave for illness

Coverage during a leave of absence without pay due to illness shall apply only to the personal illness of the member. A leave of absence on account of another person's illness will not entitle the member to continued insurance coverage.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Anthony Ferrazza  
Secretary, State Police Retirement System  
Division of Pensions  
20 West Front Street  
Trenton, New Jersey 08625

The Board of Trustees of the State Police 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 1981-349.

**(a)**

**STATE POLICE RETIREMENT SYSTEM**

**Purchases and Eligible Service**

**Proposed Amendment: N.J.A.C. 17:5-4.1**  
**Proposed New Rules: N.J.A.C. 17:5-4.2 and 4.3**

Authorized By: Board of Trustees of the State Police Retirement System, Anthony Ferrazza, Secretary.  
 Authority: N.J.S.A. 53:5A-30h.

The agency proposal follows:

**Summary**

The proposed amendment deletes the current text of N.J.A.C. 17:5-4 and adopts new text therein concerning purchases and eligible service regarding pensions. The new rules attempt to standardize purchases and eligible service rules throughout all of the retirement system.

**Social Impact**

Current and future members of the State Police Retirement System plus the State, as employer of such members, may be affected by this proposal in the sense that a member's retirement benefits may be increased upon retirement and the member's and his employer's contributions may also be increased while the member is employed.

**Economic Impact**

The member's and employer's contributions to the retirement system may be increased in certain cases where the member is purchasing eligible past service. However, with such purchases, the member's retirement benefits may be increased upon retirement.

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

**SUBCHAPTER 4. PURCHASES AND ELIGIBLE SERVICE**

17:5-4.1 [Previous State service or former membership; inter-fund transfers] **Eligibility for purchase**

[(a) The purchase of service credit will be based upon cost formulas supplied by the actuary of the System:

1. Service previously covered by another retirement system supported in whole or in part by the State or service previously rendered to the State of New Jersey, may be purchased by a member. Such credit shall be included in the computation of a retirement allowance at the rate of one percent of final compensation for each year of such service credit purchased. Such service credit cannot be used to satisfy the statutory requirements of sections 8 and 27 which refer to a minimum number of years credit accrued in the service of the State Police.

2. Service covered by a former membership in this system may be purchased and will be included in the computation of retirement benefits in the same manner and value as current service.]

**Only active contributory members of the system shall be eligible to make application for purchase of credit.**

**17:5-4.2 Optional purchases of eligible service**

**(a) The types of purchases indicated below will be calculated on the basis of the actuarial factor established for the member's age at the time of the purchase times his current salary:**

**1. Former State Police Retirement System membership credit; Service covered by former membership in this system will be included in the computation of retirement benefits in the same manner and value as current service. All the service from a former membership must be included in the purchase of such service.**

2. Former membership service established in another State supported retirement system: Such service cannot be used to qualify former members of the State Police Retirement and Benevolent Fund for retirement under the minimum service requirements of 20 years at age 50 or "Special Retirement." All the service from a former membership must be included in the purchase of such service.

3. Leaves of absence:

- i. All of the period of the leave for personal reasons which does not exceed two months;
- ii. All of the period of the leave up to two years for personal illness or maternity.

**17:5-4.3 Methods of repayment**

(a) Methods of repayment include:

1. Lump sum;

(a) Methods of repayment include:

- 1. Lump sum;
- 2. Partial lump sum of \$250.00 or more; balance by extra payroll deductions;
- 3. Extra deductions equal to at least one-half of the full regular pension deduction for a maximum period of 10 years. Compulsory and temporary service purchases must be liquidated by age 55; if such member has attained the age of 55 or more at the time of purchase, two years will be specified;
- 4. Extra payroll deductions will include regular interest for the term of the installment.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Anthony Ferrazza  
 Secretary, State Police Retirement System  
 Division of Pensions  
 20 West Front Street  
 Trenton, New Jersey 08625

The Board of Trustees of the State Police 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 1981-347.

**(b)**

**STATE POLICE RETIREMENT SYSTEM**

**Retirement**  
**"Imminent Death" situations**

**Proposed Amendment: N.J.A.C. 17:5-5.15**

Authorized By: Board of Trustees of the State Police Retirement System, Anthony Ferrazza, Secretary.  
 Authority: N.J.S.A. 53:5A-30h.

The agency proposal follows:

**Summary**

This proposal clarifies the procedures to be followed to expedite certain disability claims where the physician and medical records indicate that the member involved is facing an "imminent death" situation.

**Social Impact**

A disabled member facing a probable imminent death situation, the examining physicians and hospitals who have examined or treated such member and the division of Pensions and appropriate boards or commissions of the retirement systems may be affected by this proposal.

**Economic Impact**

This proposal may increase expenditures of the Division of Pensions in order to expedite such claims. It may have no adverse economic effect upon the disabled member but may allow such members to receive eligible benefits earlier.

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

17:5-5.15 Medical examinations; physicians

Where the statute prescribes that a physician be designated by the fund to perform a medical examination, such physician shall be selected from the current membership directory of the Medical Society of New Jersey and the New Jersey Association of Osteopathic Physicians and Surgeons; however, [in order to expedite the processing of what appears to be terminal cases, the retirement system may accept hospital records, or other medical reports in lieu of an examination by a physician designated by the fund.] **in the cases of those members whose personal physician has identified them as having a probable abbreviated life expectancy, such "imminent death" cases may be processed without the necessity of an examination by a physician designated by the fund if corroborating medical evidence of the diagnosis can be obtained.**

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. These submissions, and any inquiries about submissions and responses, should be addressed to:

Anthony Ferrazza, Secretary  
State Police Retirement System  
Division of Pensions  
20 West Front Street  
Trenton, New Jersey 08625

The Board of Trustees of the State Police 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 1981-348.

**TREASURY-TAXATION**

**(a)**

**DIVISION OF TAXATION**

**New Jersey Gross Income Tax  
Setoff of Individual Liability**

**Proposed New Rules: N.J.A.C. 18:35-2.1 to  
2.13**

Authorized By: Sidney Glaser, Director of the Division of Taxation.

Authority: N.J.S.A. 54:A:9-8.1-8.3 (P.L. 1981 c.239) and 54A:9-17(a).

The agency proposal follows:

**Summary**

The proposed rules, pursuant to P.L. 1981, c. 239 provide for

a system whereby any claimant agency or institution of the State of New Jersey in conjunction with the Division of Taxation shall cooperate in identifying debtors who owe money to the State through its various agencies or institutions and who shall be entitled to any refund of gross income taxes or to a homestead rebate from the Division of Taxation. Procedures are proposed for setting off against any such refund or rebate the sum of any debt owed to the State.

**Social Impact**

The proposed rules will affect debtors to agencies of the State of New Jersey and who may be entitled to homestead rebates or gross income tax refunds.

**Economic Impact**

Anyone who is entitled to a homestead rebate or gross income tax refund and from whom a debt is due and owing to a State agency will have his refund or rebate check delayed and possibly decreased by the amount of the debt due. This will assist the State in the collection process of debts owed to it.

**Full text** of the proposed new rule follows.

**CHAPTER 35  
NEW JERSEY GROSS INCOME TAX**

**SUBCHAPTER 2. SETOFF OF INDIVIDUAL LIABILITY**

**18:35-2.1 Purpose**

The purpose of this subchapter is to establish a policy and to provide a system whereby any claimant agency or institution of the State of New Jersey in conjunction with the Division of Taxation shall cooperate in identifying debtors who owe money to the State through its various agencies or institutions and who shall be entitled to any refund of Gross Income Taxes or to a Homestead Rebate from the Division of Taxation. It is also the intent of this subchapter to establish procedures for setting off against any such refund or rebate the sum of any debt owed to the State. The procedures contained in this subchapter are designed to comply with N.J.S.A.54:50-8 and N.J.S.A.54:50-9, the confidentiality provisions of the State Tax Uniform Procedure Law. They also afford the taxpayer opportunity to assert any other legal rights he may have prior to final setoff.

**18:35-2.2 Definitions**

"Claimant agency or institution" means and includes any agency or institution of the State Government. Although not necessarily limited thereto, a convenient organizational summary may be found in the current State of New Jersey, Official Directory, published annually by the New Jersey Secretary of State's Office and available therefrom.

"Consolidated Debtor File" means the consolidated listing of all debts owed the State as derived from the debtor files of each participating state agency.

"Debt" means any liquidated sum due and owing any claimant agency which has accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum.

"Debtor" means any individual owing money to or having a delinquent account with any claimant agency or institution which obligation has not been adjudicated satisfied by court order, set aside by court order, or discharged in bankruptcy.

"Debtor file" means a list of liquidated accounts for which the claimant agency has exhausted its collection methods. A minimum of \$50.00 for total debts per individual per claimant agency or institution will be established for 1982. This threshold amount is subject to change in future years by the Division of Taxation based

## PROPOSALS

## TREASURY--TAXATION

upon experience. Accounts involving more than one debtor must be broken down individually, and the debt allocated to each individual by a claimant agency. The list must be supplied on magnetic tape, punched cards, or other input media as approved by the Division of Taxation and contain such information as the Division may require in order to setoff with the beginning of the refund cycle in February 1982. One update of this file will be permitted per agency prior to the homestead rebate cycle in June.

"Division" means the New Jersey Division of Taxation, Department of Treasury.

"Net proceeds collected" means gross proceeds collected through final setoff against a debtor's refund or rebate minus any collection fee charged by the Division to provide for any expenses of the collection effort.

"Rebate" means a Homestead Rebate made pursuant to P.L. 1976, c. 72 (C. 54:4-3.80 et seq.).

"Refund" means a refund of an overpayment of taxes paid pursuant to the "New Jersey Gross Income Tax Act" (N.J.S.A. 54A:1-1 et seq.).

## 18:35-2.3 Procedure for setoff

A claimant agency seeking to attempt collection of a debt through setoff shall notify the Division in writing and supply the Division with a debtor file containing information necessary to identify the debtor whose refund or rebate is sought to be setoff. Notification to the Division and the furnishing of identifying information must occur on or before a date specified by the Division.

## 18:35-2.4 Matching

(a) Upon timely receipt of notifications and debtor files from participating claimant agencies, the Division will make continual comparisons of the consolidated debtor file with the Refund file and with the Rebate file. A complete match will result from a matching of two sets of identification information. A complete match affects the Gross Income Tax and Homestead Rebate systems by placing a hold code in the taxpayer's account which prevents a refund or rebate check from being sent out until initial certification.

(b) A partial match occurs from an incomplete match of the identification information used, and it results in the placing of the taxpayer's account on a contingent hold status for 15 days. During that period the Division and the claimant agency may make a review of the relevant identification information to determine if the incomplete match is the result of a clerical, transcription, or other error. If that is the case, the contingent hold code is removed, the account is placed on hold, and is treated as a complete match. If a reconciliation of the identification information cannot be made, the account is returned to the claimant agency or institution for investigation, and the refund/rebate check is released to the taxpayer. The claimant agency may resubmit the account at such time of updating the debtor file as the Division may direct.

(c) A complete match also produces a three part card to the agency. Return of the proper card(s) to the Division would certify the accuracy of the liquidated debt, advise whether the amount had been subsequently paid, and/or advise whether or not the debtor had requested a hearing or appeal in the matter.

## 18:35-2.5 Notice to taxpayer

Within 10 days after agency certification of the debt to the Division, the Division shall notify the taxpayer of possible setoff and inform him of his right to make a timely request for a hearing.

## 18:35-2.6 Administrative Resolution; agency proceedings

(a) Within 45 days from the date of the notice to the debtor, the claimant agency shall notify the Division whether or not the debtor has requested a hearing and whether or not the debt has been satisfied. Such information will allow the Division to:

1. Maintain the account on a hold status if a hearing has been requested;

2. Setoff the debt from the refund or rebate where the debtor has not disputed the debt by making application for a hearing; or

3. Release the refund or rebate check to the debtor if the debt has been satisfied.

(b) Where the Division has been notified that a hearing has been requested pursuant to (a)1 above, upon the written request of the agency the Division will extend the hold status of the check for an additional 90 days after the 45 day period to accommodate the resolution process within the claimant agency. One further period of 90 days may be granted under unusual circumstances if requested by the agency in writing.

(c) At the end of the administrative resolution period and any extensions to it, the Division will automatically release the refund or rebate check unless notified that:

1. Administrative resolution of the matter has been accomplished pursuant to N.J.A.C. 1:1-5.4 (a) and a final determination adverse to the debtor from which no appeal is possible has been made; then the setoff will be made, or

2. The matter has been transferred to the Office of Administrative Law pursuant to applicable rules such as N.J.A.C. 1:1-5.4(c) or (d), and the Division has been notified of the docket number of the proceeding.

## 18:35-2.7 Agency procedure

(a) Where a debtor duly requests agency resolution of a dispute arising from the proposed setoff, the claimant agency shall initiate agency procedures as may be appropriate pursuant to the "New Jersey Uniform Administrative Procedure Rules, 1980," N.J.A.C. 1:1-1.1 et seq., to determine whether the claimed sum asserted as due and owing is correct and any other relevant related matters that may be raised. A nondebtor who is a joint recipient of a refund or rebate check shall have standing to contest the proposed setoff. Generally, the Division of Taxation will not prorate the setoff of a joint entitlement.

(b) Pending final determination of the validity of the debt asserted by the claimant agency, no action shall be taken in furtherance of collection through the setoff procedure established by this subchapter.

(c) No issues may be considered at the hearing which have been previously litigated.

## 18:35-2.8 Referral to the Office of Administrative Law

(a) After completing administrative resolution efforts in a contested case, the matter shall be filed forthwith with the clerk of the Office of Administrative Law. Further proceedings as may be appropriate shall be conducted in accordance with the provisions of the Administrative Procedure Act, as amended and supplemented and the "New Jersey Uniform Administrative Procedure Rules, 1980," N.J.A.C. 1:1-1.1 et seq.

(b) A final decision of the head of the agency which may be based upon the record submitted by the administrative law judge pursuant to N.J.S.A. 52:14B-10 is subject to judicial review under R. 2:4-1(b) or such other provision of law as may be applicable.

## 18:35-2.9 Finalization of setoff by claimant agency; finalization by setoff

(a) Upon either final determination of the debt due and owing the claimant agency and exhaustion of time in which an appeal may be filed or upon the debtor's and/or joint recipient's default for failure to timely request review of the asserted setoff, the claimant agency shall forthwith certify the finalized debt to the Division and in default thereof, the Division shall no longer be obligated to hold the refund for setoff.

(b) Upon receipt by the Division of a certified finalized debt from the claimant agency, the Division shall finalize the setoff by transferring the net proceeds collected for credit or payment in accordance with the provisions of N.J.A.C. 18:35-2.12 and by refunding any remaining balance to the debtor as if setoff has not occurred.

(c) Where judicial review is sought from a final agency determination, the agency shall advise the Division of such appeal and its docket number within three days of the filing of the appeal.

## TREASURY-TAXATION

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### 18:35-2.10 Notice to debtor of final setoff

Upon the finalization of setoff through administrative or judicial action, the Division shall notify the debtor in writing of the action taken along with an accounting of the action taken on any refund or rebate. If there is an outstanding balance after set-off, the notice under this section shall accompany the balance when disbursed.

### 18:35-2.11 Priorities in claims to setoff

(a) Priority in multiple claims to refunds or rebates allowed to be setoff under the provisions of this subchapter shall be based upon the time at which debtor files are received by the Division from the claimant agencies in descending order or priority, the earliest being first.

(b) Notwithstanding the priority in (a) above, the Division has priority over all other claimant agencies for collection by setoff whenever it is a competing agency for a refund.

### 18:35-2.12 Disposition of proceeds collected; collection assistance fees

(a) Upon effecting final setoffs, the Division shall periodically either write checks or effect credits through other methods approved by the Division of Budget and Accounting to the respective claimant agencies for the net proceeds collected on their behalf.

(b) From the gross proceeds collected by the Division through setoff, the Division shall retain 15 percent which amount shall be charged to the respective claimant agency as a collection assistance fee subject to adjustment based upon experience.

### 18:35-2.13 Accounting to the claimant agency; credit to debtor's obligation

(a) Simultaneously with the transmittal of a check or credit for net proceeds collected to a claimant agency, the Division shall provide the agency with an accounting of the setoffs finalized for which payment is being made.

1. The accounting shall, whenever possible, include:
  - i. The full names of the debtors;
  - ii. The gross proceeds collected per individual setoff;
  - iii. The net proceeds collected per setoff; and
  - iv. The collection assistance fee charged per setoff.

(b) Upon receipt by a claimant agency of a check representing net proceeds collected on a claimant agency's behalf by the Division and an accounting of the proceeds as specified under this section, the claimant agency shall credit the debtor's obligation with the gross proceeds collected.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 20, 1982. 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, New Jersey 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 1981-369.

# RULE ADOPTIONS

## CIVIL SERVICE

(a)

### CIVIL SERVICE COMMISSION

#### Performance Evaluation (EPEIS) Processing of Appropriate Forms for Salary Increments

**Adopted Amendment: N.J.A.C. 4:1-20.3**  
**Adopted Repeal: N.J.A.C. 4:2-20.2 (formerly**  
**CSPM 20-1.102 (State))**

Proposed: September 10, 1981 at 13 N.J.R. 555(a).  
Adopted: November 5, 1981 by Civil Service Commission,  
Peter J. Calderone, Director of Administrative Practices  
and Labor Relations.  
Filed: December 7, 1981 as R.1981 d.485, **with substantive**  
**changes** not requiring additional public notice and  
comment.

Authority: N.J.S.A. 11:5-1 and 11:13-1.

Effective Date: December 21, 1981.

**Full text** of the changes in the rule between proposal and  
adoption follows (additions to the proposal indicated in boldface  
with asterisks **\*thus\***; deletions from proposal indicated in brackets  
with asterisks **\*[thus]\***).

- 4:1-20.3 Use of performance evaluations
- (a) (No change from proposal.)
    - 1. **The granting and verification of salary increments under the Employee Performance Evaluation and Improvement System (EPEIS) shall follow the procedures below.**
      - i.-iii. (No change from proposal.)
      - iv. **The personnel office shall submit two copies of the performance summary, as described *\*in (a)1vi\** below, within 30 calendar days after the end of each *\*[quarter]\** *\*evaluation period\** to *\*the\** :**
        - Department of Civil Service
        - Division of Classification and Compensation
        - Administrative Records Unit
        - CN 313
        - Trenton, New Jersey 08625
      - v. **The Division of Classification and Compensation will forward one copy of the performance summary to the Department of Civil Service, Division of Personnel Services and Employee *\*[Relations.]\** *\*Development\**.**
        - vi.-vii. (No change from proposal.)
    - (b) (No change from proposal.)

OFFICE OF ADMINISTRATIVE LAW NOTE: N.J.A.C. 4:2-20.2 was originally proposed for repeal as CSPM 20-1.102 (State) in the September 10, 1981 Register at 13 N.J.R. 555(a). The subpart was proposed for integration into the New Jersey Administra-

tive Code as N.J.A.C. 4:2-20.2 in the September 10, 1981 Register at 13 N.J.R. 556(b), which was adopted by a notice of adoption appearing in the December 7, 1981 Register at 13 N.J.R. 885(a). As it appears in the Code, N.J.A.C. 4:2-20.2 will be marked "Reserved".

## ENVIRONMENTAL PROTECTION

(b)

### THE COMMISSIONER

#### 90 Day Law Maximum Fees for Waterfront Development, Wetlands and CAFRA Permits

**Adopted Amendments: N.J.A.C. 7:1C-1.5**

Proposed: September 10, 1981 at 13 N.J.R. 564(a).  
Adopted: November 24, 1981 by Jerry Fitzgerald English,  
Commissioner, Department of Environmental  
Protection.  
Filed: November 25, 1981 as R.1981 d.473, **without**  
**change.**

Authority: N.J.S.A. 13:1B-3(e).

Effective Date: December 21, 1981.  
DEP Docket No.: 041-81-08.

(c)

### DIVISION OF FISH, GAME AND WILDLIFE

#### Shellfisheries Harvest of Sea Clams

**Adopted Amendments: N.J.A.C. 7:25-12.1**

Proposed: October 8, 1981 at 13 N.J.R. 643(a).  
Adopted: November 18, 1981 by Jerry Fitzgerald English,  
Commissioner, Department of Environmental  
Protection.  
Filed: December 7, 1981 as R.1981 d.486, **with substantive**  
**changes** not requiring additional public notice and  
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 50:2-6.1, 50:2-6.2 and 50:2-6.3.

Effective Date: December 21, 1981.  
Operative Date: January 1, 1982.

**Full text** of the changes between proposal and adoption follows  
(additions to the proposal indicated in boldface with asterisks **\*thus\***;  
deletions from proposal indicated in brackets with asterisks **\*[thus]\***).

## HEALTH

## ADOPTIONS

7:25-12.1 Preservation of the sea clam resource in New Jersey

(a)-(c) (No change from proposal.)

(d) Harvest limitations are as follows:

1. Weekly limitations: Vessels licensed to take sea clams in the waters of this State shall [not harvest more than 750 bushels per week from said waters for the period beginning December 1, 1980 through April 30, 1981 or until the season is otherwise terminated] **harvest only from November 1 through May 31 of the following year. A vessel shall not harvest from New Jersey State waters more than \*[1,024]\* \*768\* bushels during any week from November 1 through \*[February 15]\* \*January 31\* the following year. On or about \*[February 15]\* \*January 31\* the Commissioner will determine the total State catch. If less than \*[175,000]\* \*100,000\* bushels have been harvested then the Commissioner will, by public notice, increase the weekly vessel quota to \*[1,408 bushels for the remainder of the season or until the quota is caught]\* \*1,024 bushels\*. If it is determined that \*[on or about February 8 that]\* \*more than \*[325,000]\* \*300,000\* bushels have been harvested then the Commissioner will, by public notice, reduce the weekly vessel quota to \*[704]\* \*512\* bushels. If the Commissioner determines that the total state catch is between \*[175,000 and 325,000]\* \*100,000 and 300,000\* bushels then the weekly vessel quota will remain at \*[1,024]\* \*768\* bushels \*until March 31, when the Commissioner will again determine the total State catch. If less than 250,000 bushels have been harvested, then the Commissioner will, by public notice, increase the weekly vessel quota to 1,024 bushels for the remainder of the season or until 500,000 bushels have been harvested. If between 250,000 and 300,000 bushels have been harvested then the Commissioner will, by public notice, set the weekly harvest quota at 768 bushels for the remainder of the season or until 500,000 bushels have been harvested. If more than 350,000 bushels have been harvested then the Commissioner will by public notice reduce the weekly vessel quota to 512 bushels for the remainder of the season or until 500,000 bushels have been harvested.\***

2.-5. (No change from proposal.)

(e) (No change from proposal.)

(f) Licensing rules are as follows:

1.-2. (No change from proposal.)

3. Transfer of ownership: A person transferring ownership of his licensed vessel may:

i. Be issued a new license within [two years of December 31 of the year for which his former vessel was licensed,] **\*[the calendar]\* \*one\* year for a replacement vessel; or**

ii.-iii. (No change from proposal.)

4. Transfer of license: A right to a **\*[1981]\* license may be transferred from one vessel to another provided that all statutory criteria for licensing are satisfied. A new \*[1981]\* license will be issued to the vessel with the acquired right after presentation of the transferor's license and payment of the license fee. After \*[January]\* \*June\* 1982 a \*right to a\* sea clam license cannot be transferred except as stated in N.J.A.C. 7:25-12.1(f)3 \*[i]\* \*ii\*.**

5.-6. (No change from proposal.)

(g) Miscellaneous provisions are as follows:

1. Bait clams:

i. (No change from proposal;)

ii. Area: Bait clam licensees shall harvest only in waters designated as condemned or specially restricted or otherwise specially designated for bait clam purposes by the Commissioner. **\*Bait clam licensees shall report fishing area daily and make weekly harvest reports as described in N.J.A.C. 7:25-12.1(e)4 and 7:25-12.1(h)ii\*;**

iii.-iv. (No change from proposal.)

2.-5. (No change from proposal.)

(h)-(k) (No change from proposal.)

OFFICE OF ADMINISTRATIVE LAW NOTE: Reference to

N.J.A.C.7:25-12.1(i) was inadvertently deleted from the original notice of proposed rule. This subsection was not proposed for change, nor has a change been made upon adoption.

## HEALTH

(a)

## HEALTH FACILITIES

Certificate of Need Reviews  
Computerized Tomography Scanners

## Adopted Amendments: N.J.A.C. 8:33G

Proposed: August 6, 1981 at 13 N.J.R. 487(c).

Adopted: November 5, 1981 by Joanne E. Finley, M.D., M.P.H., Commissioner, Department of Health.

Filed: November 25, 1981 as R.1981 d.472, 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-5 and 8.

Effective Date: December 21, 1981.

**Full text** of the changes in the notice of proposed rule between proposal and adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from proposal indicated in brackets with asterisks **\*[thus]\***).

The last sentence of the first paragraph of the notice of proposed rule (before the summary) beginning with "This amended rule shall be reconsidered. . ." is changed from the proposal as follows:

This amended rule shall be reconsidered by the Health Care Administration Board **\*[one year]\* \*six months\*** after adoption.

8:33G-1.2 Utilization standards

(a) Each applicant for a computerized tomographic scanner must show evidence of a minimal proposed volume of **\*[3,000]\* \*2,000\*** scans **\*[\*]** per unit, per year by application of [the] **either the mathematical model for utilization, [which is] herein attached as Appendix, or the Leonard model, herein attached as Appendix B.**

1.-2. (No change from proposal.)

**\*3. A relaxation of utilization standards, identified in (a) above, may be permitted in instances of severe geographic isolation of a population from a needed computerized tomography service. In supporting its request for a variance from the utilization standards, an applicant must satisfy the following conditions:**

i. **Provide written documentation that over 50 percent of the total population of the applicant facility's service area is more than 45 minutes mean travel time from a facility providing computerized tomography services.**

ii. **Document that the applicant facility has available, either directly or through formal arrangements, a full range of diagnostic services including, at a minimum, diagnostic and therapeutic radiology services, nuclear medicine and diagnostic ultrasound.**

iii. **Document that the applicant facility has available, either on staff or through formal arrangements, individuals for the treatment of neurological, thoracic, cardiac, abdominal, medical and radiological oncological, gynecological, neurosurgical and genitourinary conditions as well as other conditions diagnosed by computerized tomography.**

**ADOPTIONS**

**HUMAN SERVICES**

**iv. Document that the acquisition and operation of the unit will be financially feasible:\***

[c](b) Each application seeking to replace or update its existing computerized tomographic scanner must show evidence of a minimal volume of \*[3,000]\* **\*2,000\*** scans per year[.] \*[or 5,000 HECTs per year]\*.

\*[1. A "HECT" is an acronym for Head Equivalent CT. One HECT unit is defined as a single unenhanced CT head study.]\*

[d](c) The department encourages the cooperative sharing of CT services among health facilities. The applicant may include within his justification for need referrals from other facilities only in cases where the applicant and these other providers agree to share services. If two or more facilities are filing a joint application for the acquisition of a CAT scanner, or if a single facility is filing a certificate of need on behalf of other facilities, the application must be accompanied by written assurance from all participating facilities that the proposed CT service will be shared. The assurance must take the form of a letter, filed with the department, stating that none of the participating facilities intends to file a subsequent certificate of need for CT scanner until a utilization level on the existing shared equipment has received at least \*[3,000]\* **\*2,000\*** scans per year [.] **\*[or 5,000 HECTs per year]\***. [A "scan" refers to a CAT patient procedure. One patient procedure includes, during a single visit, the initial scan plus any necessary additional scans of the same anatomic area of diagnostic interest.]

In Appendix B, identified as LEONARD MODEL Prospective CT Use Based On the Incidence of Disease and Trauma, item 3 under Procedure is changed from proposal to adoption to read as follows:

3. Apply the following expression to the subtotals from 2 above to obtain initial in-patient CT procedures:

$$A + .84B + .45C + *[22D]* ***.22D***$$

**HUMAN SERVICES**

**(a)**

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**Pharmaceutical Services Manual  
Less Than Effective Drugs**

**Adopted Emergency Amendments: N.J.A.C.  
10:51-1.13, 1.14 and 1.19**

Emergency Amendments Adopted: November 12, 1981 by Timothy Carden, Commissioner, Department of Human Services.

Emergency Amendments Filed: December 3, 1981 as R.1981 d.476.

Authority: N.J.S.A. 30:4D-6b(6) and 30:4D-7.

Emergency Amendments Effective Date: December 3, 1981.

Emergency Amendments Expiration Date: February 1, 1982.

OFFICE OF ADMINISTRATIVE LAW NOTE: A notice of proposed rule concerning less than effective drugs and the Medicaid and PAA Programs was published in the December 7, 1981 Register at 13 N.J.R. 873(a). This emergency notice of adoption adopts the Medicaid portion of that notice of proposed rule.

The agency emergency adoption follows:

**Summary**

On October 1, 1981 regulations appeared in the Federal Register (46 FR 48550) which would prohibit the use of Federal funds in the Medicare (Title XVIII) and Medicaid (Title XIX) programs for drugs classified as "less than effective" by the Federal Food and Drug Administration (FDA). These Federal regulations were necessary to implement section 2103 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35). The regulations had an effective date of January 1, 1982 to allow states sufficient time to make necessary administrative changes.

However, the effective date listed above has been invalidated by court order. The United States District Court for the District of Columbia has ordered the Secretary (Health and Human Services) to discontinue reimbursement under Medicare Part B and Medicaid for expenses incurred on or after October 30, 1981 for the drugs identified in Section 2103 (National Council of Senior Citizens v. Schweiker, Civ. Action No. 81-2462).

Therefore, to minimize the loss of Federal matching funds and to accomplish the statutory requirement that the Commissioner (Human Services) do all things necessary to secure for the State of New Jersey the maximum Federal participation for the Medicaid program (N.J.S.A. 30:4D-7), this emergency adoption is required.

**Full text of the emergency adoption follows (additions indicated in boldface thus).**

10:51-1.13 Services requiring prior authorization

(a) The therapeutic classes and dosage forms listed below require prior authorization, obtained by the prescriber from the local Medicaid unit. If the prior authorization request is approved, an authorization number will be provided and must appear on the prescriber's original or valid transcribed prescription. The space labeled "Check if Prior Authorized Service" on the Prescription Claim Form (MC-6) must be checked and the "prior authorization" number provided must be entered in the proper space.

1.-5. (No change.)

**6. Compound prescriptions containing drugs not eligible for reimbursement under N.J.A.C. 10:51-1.14(a)16.**

10:51-1.14 Services not eligible for reimbursement

(a) (No change.)

1.-15. (No change.)

**16. Drugs for which Federal Financial Participation (FFP) is not available.**

i. FFP is not available in expenditures for the purchase or administration of any drug product that meets all of the following conditions:

(1) The drug product was approved by the Food and Drug Administration (FDA) before October 10, 1962;

(2) The drug product is available only through prescription;

(3) The drug product is the subject of a notice of opportunity for hearing issued under section 505(e) of the Federal Food, Drug, and Cosmetic Act and published in the Federal Register on a proposed order of FDA to withdraw its approval for the drug product because it has determined that the product is less than effective for all its labeled indications;

(4) The drug product is presently not subject to a determination by FDA, made under its efficacy review program (see 21 CFR 310.6 including all subsequent supplements and amendments, for an explanation of this program), that there is a compelling justification of the drug product's medical need.

ii. FFP is not available in expenditures for the purchase or administration of any drug product that is identical, related, or similar, as defined in 21 CFR 310.6 (including all subsequent amendments and supplements), to a drug product that meets the conditions of (a)16i above.

iii. The initial list of drugs and related drug products classified as "less than effective" by the FDA pending outcome of the NOOH appears at 21 CFR 301.6. Subsequent revisions to this

## HUMAN SERVICES

list which are adopted and incorporated by reference hereby, will appear in the Federal Register. Payment will be governed by the regulation as cited in N.J.A.C. 10:51-1.14(a)16.

10:51-1.19 Compounded prescriptions

(a) Any prescription containing two or more ingredients in usually accepted therapeutic dosage and combined by a pharmacist at the time of dispensing is a compounded prescription and shall be charged as follows:

1.-3. (No change.)

4. Compound prescriptions containing drugs not eligible for reimbursement under 10:51-1.14(a)16 will require prior authorization.

### (a)

## DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

### Hospital Services Manual Outpatient Dental Services

**Adopted New Rules: N.J.A.C. 10:52-2.8A**  
**Adopted Amendments: N.J.A.C. 10:52-3.6**

Proposed: July 9, 1981 at 13 N.J.R. 416(c).

Adopted: November 30, 1981 by Timothy Carden,  
Commissioner, Department of Human Services.

Filed: December 3, 1981 as R.1981 d.479, with substantive changes not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 30:4D-6b(4) and 30:40-7.

Effective Date: December 21, 1981.

Operative Date: January 1, 1982.

Full text of the changes between proposal and adoption follows (additions to the proposal indicated in boldface with asterisks \*thus\*; deletions from proposal indicated in brackets with asterisks \*[thus]\*).

10:52-2.8A Billing procedures for outpatient services: Dental  
(a) (No change from proposal.)

(b) If a dental procedure code is assigned both a specialist and non-specialist "Medicaid Dollar Value", the amount of the reimbursement will be based upon the status (specialist or non-specialist) of the individual practitioner who actually provided the billed service.

1. To identify this practitioner enter the Individual Medicaid Practitioner (IMP) Number in the Provider Certification Section (Item 23) of the Dental Claim Form (MC-10).

\*[i. If the dentist providing the services is not a Medicaid participating dentist enter nine "8's".]\*

\*i. \* [ii.]\* If the dentist providing the services is a resident, intern or house staff member, enter the IMP Number and name of the supervising \*[physician.]\* \*dentist.\*

2. (No change from proposal.)

(c)-(d) (No change from proposal.)

(e) All claims involving dental emergencies billed on a charge\* \*[fee per visit]\* basis (example Hospital Emergency Room) must be forwarded by the hospital to the \*[appropriate Dental Field Office for review by the Regional Dental Consultant]\* \*Chief, Bureau of Dental Services, 324 East State Street, CN-713, Trenton, New Jersey 08625\* prior to submission to their current contractor for reimbursement. Such claims will not be reimbursable when the Dental Clinic of that hospital is open \*[or when the hospital has dental staff

## ADOPTIONS

(residents etc.) available to diagnose and treat the dental condition]\*.

(f) (No change from proposal.)

### (b)

## DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

### Procedure Code Manual Reimbursement for Radiologists and Anesthesiologists

**Adopted Amendment: N.J.A.C. 10:54-3**

Proposed: September 10, 1981 at 13 N.J.R. 578(d).

Adopted: November 20, 1981 by Timothy Carden,  
Commissioner, Department of Human Services.

Filed: December 2, 1981 as R.1981 d.475, without change.

Authority: N.J.S.A. 30:4D-66(1) and 30:4D-7.

Effective Date: December 21, 1981.

Operative Date: January 1, 1982.

## LAW AND PUBLIC SAFETY

### (c)

## BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

### General Rules and Regulations Examinations

**Adopted Amendments: N.J.A.C. 13:31-1.3**

Proposed: October 8, 1981 at 13 N.J.R. 664(a).

Adopted: December 2, 1981 by Board of Examiners of  
Electrical Contractors, Earle H. Harder, Chairman.

Filed: December 8, 1981 as R.1981 d.491, without change.

Authority: N.J.S.A. 45:5A-6 and 45:5A-12.

Effective Date: December 21, 1981.

### (d)

## NEW JERSEY RACING COMMISSION

### Racing Eligibility of Maidens

**Adopted Amendments: N.J.A.C. 13:70-6.16**

Proposed: August 6, 1981 at 13 N.J.R. 520(c).

**ADOPTIONS**

**TRANSPORTATION**

Adopted: October 9, 1981 by New Jersey Racing Commission,  
John J. Reilly, Executive Director.  
Filed: December 8, 1981 as R.1981 d.489, **without change.**

Authority: N.J.S.A. 5:5-30.

Effective Date: December 21, 1981.

**(a)**

**NEW JERSEY RACING COMMISSION**

**Racing  
Entries and Daily Double**

**Adopted Amendments: N.J.A.C. 13:70-29.48**

Proposed: August 6, 1981 at 13 N.J.R. 521(a).  
Adopted: October 9, 1981 by New Jersey Racing  
Commission, John J. Reilly, Executive Director.  
Filed: December 8, 1981 as R.1981 d.490, **without  
change.**

Authority: N.J.S.A. 5:5-30.

Effective Date: December 21, 1981.

**TRANSPORTATION**

**(b)**

**TRANSPORTATION OPERATIONS**

**Restricted Parking and Stopping  
Route 7**

**Adopted Amendment: N.J.A.C. 16:28A-1.6**

Proposed: November 2, 1981 at 13 N.J.R. 745(a).  
Adopted: December 3, 1981 by David W. Gwynn, Chief  
Engineer, Transportation Operations and Local Aid.  
Filed: December 7, 1981 as R.1981 d.483, **without  
change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-138.1.

Effective Date: December 21, 1981.

**(c)**

**TRANSPORTATION OPERATIONS**

**Restricted Parking and Stopping  
Routes 33, 35 and US 130**

**Adopted Amendments: N.J.A.C. 16:28A-1.23,  
1.25 and 1.46**

Proposed: November 2, 1981 at 13 N.J.R. 746(a).  
Adopted: December 3, 1981 by David W. Gwynn, Chief  
Engineer, Transportation Operations and Local Aid.  
Filed: December 7, 1981 as R.1981 d.482, **without  
change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-138.1.

Effective Date: December 21, 1981.

**(d)**

**TRANSPORTATION OPERATIONS**

**Traffic Regulations for State Highways  
Speed Limits Along Route 18**

**Adopted Amendment: N.J.A.C. 16:28-1.23**

Proposed: November 2, 1981 at 13 N.J.R. 744(b).  
Adopted: December 3, 1981 by David W. Gwynn, Chief  
Engineer, Transportation Operations and Local Aid.  
Filed: December 7, 1981 as R.1981 d.484, **without  
change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Effective Date: December 21, 1981.

**(e)**

**TRANSPORTATION OPERATIONS**

**Restricted Parking and Stopping  
Routes US 40 and NJ 70**

**Adopted Amendments: N.J.A.C. 16:28A-1.28  
and 1.37**

Proposed: November 2, 1981 at 13 N.J.R. 747(a).  
Adopted: December 3, 1981 by David W. Gwynn, Chief  
Engineer, Transportation Operations and Local Aid.  
Filed: December 7, 1981 as R.1981 d.481, **without  
change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-138.1.

Effective Date: December 21, 1981.

**(f)**

**TRANSPORTATION OPERATIONS**

**Restricted Parking and Stopping  
Route US 9**

**Adopted Amendments: N.J.A.C. 16:28A-1.7**

Proposed: November 2, 1981 at 13 N.J.R. 745(b).  
Adopted: December 3, 1981 by David W. Gwynn, Chief  
Engineer, Transportation Operations and Local Aid.  
Filed: December 8, 1981 as R.1981 d.487, **without  
change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-138.1.

Effective Date: December 21, 1981.

TRANSPORTATION

ADOPTIONS

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping  
Route US 46

Adopted Amendment: N.J.A.C. 16:28A-1.32

Proposed: November 2, 1981 at 13 N.J.R. 747(b).  
Adopted: December 3, 1981 by David W. Gywnn, Chief  
Engineer, Transportation Operations and Local Aid.  
Filed: December 7, 1981 as R.1981 d.480, **without  
change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-138.1.

Effective Date: December 21, 1981.

TREASURY-TAXATION

(b)

DIVISION OF TAXATION

Homestead Rebate Act  
Extension of Time to File Homestead Rebate  
Claim

Adopted Emergency Amendment and  
Concurrent Proposal: N.J.A.C. 18:12-7.12

Emergency Amendment Adopted: December 1, 1981 by  
Sidney Glaser, Director, Division of Taxation.  
Emergency Amendment Filed: December 1, 1981 as  
R.1981 d.474.

Authority: N.J.S.A. 54:4-3.80 and 54:50-1.

Emergency Amendment Effective Date: December 1,  
1981.

Emergency Amendment Expiration Date: February 1,  
1982

The agency emergency adoption and concurrent proposal  
follows:

Summary

To respond to the eminent peril, a change in the rule is being  
made to insure that approximately 200,000 persons be given addi-  
tional time to file an application for Homestead Rebate. Within this  
adoption, a large number of persons would forfeit their right to an  
average \$180.00 per Claim for Homestead Rebate. This additional  
time is given to people who for some reason did not file their appli-  
cation prior to December 1, 1981.

Social Impact

This emergency rule will only affect approximately 200,000  
property owners who failed to file a timely application for Home-  
stead Rebate.

Economic Impact

The economic impact upon the general treasury of the State of  
New Jersey will approximate 200,000 applications at an average of  
\$180.00 each.

Full text of the emergency adoption and concurrent proposal fol-  
lows (additions indicated in boldface thus).

18:12-7.12 Extension of filing date

(a)-(d) (No change.)

(e) The time for property owners to file their applications for  
a homestead rebate payable in 1982 pursuant to P.L. 1976,  
c.72, including applications by shareholders in cooperative as-  
sociations and those residing in properties of certain mutual  
housing corporations, has been extended to March 1, 1982.

Interested persons may submit in writing, data, views or argu-  
ments relevant to the proposal on or before January 20, 1982. These  
submissions, and any inquiries about submissions and responses,  
should be addressed to:

Sidney Glaser, Director  
Division of Taxation  
West State and Willow Streets  
Trenton, New Jersey

The Division of Taxation thereafter may adopt this proposal  
without further notice (see: N.J.A.C. 1:30-3.5). The readoption be-  
comes effective upon acceptance for filing by the Office of Admin-  
istrative Law (see N.J.A.C. 1:30-4.4(d)).

The proposal is known as PRN 1981-370.

(c)

DIVISION OF TAXATION

Local Property Tax  
County Boards of Taxation

Adopted Amendment: N.J.A.C. 18:12A-1.12

Proposed: September 10, 1981 at 13 N.J.R. 621(a).  
Adopted: December 2, 1981 by Sidney Glaser, Director,  
Division of Taxation.  
Filed: December 3, 1981 as R.1981 d.478, **without  
change.**

Authority: N.J.S.A. 54:3-14.

Effective Date: December 21, 1981.

(d)

DIVISION OF TAXATION

Transfer Inheritance Tax  
Pension Exemptions; Billing Procedure; Life  
Estate Computations; Disclaimers

Adopted Amendments: N.J.A.C. 18:26-2.12,  
5.9, 5.17, 5.19, 6.17, 8.6 and 8.12  
Adopted New Rule: N.J.A.C. 18:26-6.16

Proposed: September 10, 1981 at 13 N.J.R. 623(a).  
Adopted: December 2, 1981 by Sidney Glaser, Director,  
Division of Taxation.  
Filed: December 3, 1981 as R.1981 d.477, **without  
change.**

# MISCELLANEOUS NOTICES

## ENVIRONMENTAL PROTECTION

(a)

### THE COMMISSIONER

#### State Certifications of Draft NPDES Permits

##### Public Notice

Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, pursuant to the "New Jersey Water Pollution Control Act," N.J.S.A. 58:10A-1 et seq., is authorized to assess compliance of a surface water discharge with State law pertaining to discharges to the waters of the State. The Department is requested by the United States Environmental Protection Agency, as required by section 401 of the Federal Clean Water Act, 33 U.S.C. 1251 et seq., to certify that a discharge, as described in a draft National Pollutant Discharge Elimination System permit, will not violate the requirements of State law.

The Department publishes public notice of certifications in the DEP Bulletin. Copies of the Bulletin may be obtained by calling (609) 292-3178 or writing to the Documents Distribution Center, P.O. Box 1390, Trenton, New Jersey 08625.

# LATE FILINGS

## ENVIRONMENTAL PROTECTION

(a)

### DIVISION OF WATER RESOURCES

#### Flood Plain Management Flood Hazard Area Delineations

#### Correction Notice: N.J.A.C. 7:13-1.11 (13 N.J.R. 920(a) and 921(a))

Take notice that maps showing the delineations of flood hazard areas were submitted by the Department of Environmental Protection as part of the notices of proposed rule appearing at 13 N.J.R. 920(a) and 921(a) in this issue of the New Jersey Register.

These maps may be inspected at:

Office of Administrative Law  
Administrative Filings  
88 East State Street  
Trenton, New Jersey 08625

or

Bureau of Flood Plain Management  
Division of Water Resources  
1911 Princeton Avenue  
Trenton, New Jersey 08625

(b)

### THE COMMISSIONER

#### Recycling Grants and Loan Program

#### Correction Notice: N.J.A.C. 7:26-15 and 14A:3-15 (13 N.J.R. 865(a))

Department Docket Nos.: DEP 057-81-11 and DOE 011-81-12

Take notice that the notice of proposed rule concerning the Recycling Grants and Loan Program, published in the December 7, 1981 Register at 13 N.J.R. 865(a), omits the following pertinent information:

1. The location of the public hearing (January 8, 1982 at 1:00 P.M.) is:

State Library  
Archives Room  
Trenton, New Jersey 08625

2. Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 12, 1982. These submissions, and any inquiries concerning submissions and responses, should be addressed to either of the following persons:

Linda M. Scurzo  
Office of Regulatory & Governmental Affairs  
New Jersey Department of Energy  
101 Commerce Street  
Newark, New Jersey 07102

Mary Sheil  
Office of Recycling  
NJDEP/NJDOE  
101 Commerce Street  
Newark, New Jersey 07102

The New Jersey Departments of Environmental Protection and Energy 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 1981-334.

# INDEX OF RULES ADOPTED THIS MONTH SUPPLEMENTING THE NEW JERSEY ADMINISTRATIVE CODE

**See the December 7, 1981 New Jersey Register for complete index of  
adopted rules supplementing the New Jersey Administrative Code**

The New Jersey Register supplements the New Jersey Administrative Code. The New Jersey Register should be used in the same way as a pocket part, to complete the Code with rules promulgated between the most recent update of each Code title and the most recent Register.

Each rule promulgated subsequent to the most recent update of the Code is listed below in order of its Code citation. At the bottom of the listings for each title is the date of the most recent update for that title. Accompanying the Code citation for each rule is a brief description of its contents, its Office of Administrative Law (OAL) document citation (which should be used if ordering from OAL a copy of the rule), and the Register citation for its adoption notice.

The adoption notice citation can be used to find, in the pertinent Register, the Register citation for the rule as it was proposed and the substance of any changes in the proposed rule upon adoption.

The full text of the proposed rule plus the changes in the proposed rule upon adoption constitute an official copy of the promulgated rule. If the full text of the proposed rule was not printed in the Register, it is available for a fee from:

Administrative Publications  
CN 301  
Trenton, New Jersey 08625

The complete index will appear in the first issue of each month, with a supplemental index appearing in the second issue of each month (covering only rules adopted in that issue).

**In order to be sure 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 July 5, 1979.**

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
<b>CIVIL SERVICE—TITLE 4</b>			
4:1-20.3	Performance evaluations	R. 1981 d.485	13 N.J.R. 943(a)
4:2-20.2	Performance evaluations	R. 1981 d.485	13 N.J.R. 943(a)
<b>ENVIRONMENTAL PROTECTION—TITLE 7</b>			
7:1C-1.5	Maximum fees for waterfront development, wetlands and CAFRA permits	R. 1981 d.473	13 N.J.R. 943(b)
7:25-12.1	Harvest of sea clams	R. 1981 d.486	13 N.J.R. 943(c)
<b>HEALTH—TITLE 8</b>			
8:33G	Certificate of Need reviews: CT scanners	R. 1981 d.472	13 N.J.R. 944(a)
<b>HUMAN SERVICES—TITLE 10</b>			
10:51-1.13, 1.14, 1.19	Emergency amend Pharmancy Manual: "Less than effective" drugs	R. 1981 d.476	13 N.J.R. 945(a)
10:52-2.8A, 3.6	Outpatient dental services	R. 1981 d.479	13 N.J.R. 946(a)
10:54-3	Procedure Code Manual	R. 1981 d.475	13 N.J.R. 946(b)
<b>LAW AND PUBLIC SAFETY—TITLE 13</b>			
13:31-1.3	Examinations	R. 1981 d.491	13 N.J.R. 946(c)
13:70-6.16	Racing: Eligibility of maidens	R. 1981 d.489	13 N.J.R. 946(d)
13:70-29.48	Racing: Entries and daily double	R. 1981 d.490	13 N.J.R. 947(a)
<b>TRANSPORTATION—TITLE 16</b>			
16:28-1.23	Speed limits along Route 18	R. 1981 d.484	13 N.J.R. 947(d)
16:28A-1.6	Restricted parking on Route 7	R. 1981 d.483	13 N.J.R. 947(b)
16:28A-1.7	Restricted parking on US 9	R. 1981 d.487	13 N.J.R. 947(f)
16:28A-1.23, 1.25, 1.46	Restricted parking on Routes 33, 35 and US 130	R. 1981 d.482	13 N.J.R. 947(c)
16:28A-1.28	Restricted parking on US 40 and Route 70	R. 1981 d.481	13 N.J.R. 947(e)
16:28A-1.32	Restricted parking on US 46	R. 1981 d.480	13 N.J.R. 948(a)
<b>TREASURY-TAXATION—TITLE 18</b>			
18:12-7.12	Emergency adoption: Extension of time to file homestead rebate claim	R. 1981 d.474	13 N.J.R. 948(b)
18:12A-1.12	Local property tax	R. 1981 d.478	13 N.J.R. 948(c)
18:26-2.12, 5.9, 5.17, 5.19, 6.16, 6.17, 8.6, 8.12	Transfer Inheritance Tax	R. 1981 d.477	13 N.J.R. 948(d)

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**RULE ADOPTIONS**

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**ENVIRONMENTAL PROTECTION**

Maximum fees for coastal development review ..... 943(b)

1981-82 sea clam season ..... 943(c)

**HEALTH**

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**HUMAN SERVICES**

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Horse racing: Maiden eligibility ..... 946(d)

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Correction: Grants and loans for solid waste recycling . 950(b)

**Filing Deadlines**

**January 4 issue:**

**Proposals ..... December 10**

**Adoptions ..... December 17**

**January 18 issue:**

**Proposals ..... December 23**

**Adoptions ..... January 4**