

# NEW JERSEY REGISTER



*Official Publication of the State of New Jersey*

**WILLIAM T. CAHILL**, Governor  
Paul J. Sherwin, Secretary of State  
Albert E. Bonacci, Director of Administrative Procedure  
Peter J. Gorman, Rules Analyst  
John K. Barnes, Editor

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(a)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Proposed Changes in Testing for Brucellosis

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-93 et seq., proposes to change a portion of its rules pertaining to the testing for brucellosis (N.J.A.C. 2:2-2 Testing for Brucellosis). The proposed changes within the pertinent parts of N.J.A.C. 2:2-2 reads as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

All cattle and goats shall be brucellosis tested [biennially,] every three (3) years, except dairy cattle in herds where the brucellosis ring test is conducted. The Department of Agriculture may subject dairy herds to a blood test whenever it is deemed necessary. [Officially vaccinated under twenty-four (24) months of age are not required to be tested except those that are parturient, springers, or post-parturient.] Officially vaccinated dairy heifers under twenty (20) months of age and heifers of the beef breeds under twenty-four (24) months, except those that are parturient, springers, or post-parturient need not be tested.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action, on or before July 30, 1971, to:

Director  
Division of Animal Health  
Department of Agriculture  
Post Office Box 1888  
Trenton, New Jersey 08625  
Telephone: (609) 292-3965

The State Board of Agriculture, upon its own motion or at the instance of any interested party, may thereafter adopt these changes substantially as proposed without further notice.

Phillip Alampi  
Secretary of Agriculture  
Secretary, State Board of Agriculture

(b)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Proposed Regulations On Measuring And Sampling Milk from Farm Bulk Tanks

Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:12-41.15 and 4:12-41.25, proposes to adopt new regulations (Subchapter F of Chapter 48 in the New Jersey Administrative Code) pertaining to the measuring and sampling of milk from farm bulk tanks.

The complete text of these proposed regulations is as follows:

#### Subchapter F. Measuring and Sampling Milk from Farm Bulk Tanks

N.J.A.C. 2:48-16 Applicant for Weigher and Sampler Certificate to Pass Examination

Before a person shall be approved by the Secretary of Agriculture or his authorized representative to be competent to weigh, measure and sample milk and cream pursuant to the provisions of Section 4:12-41.5, N.J.S.A., said person shall satisfactorily complete an examination to be conducted by the Secretary or his authorized representative. The examination shall consist of both a written test and satisfactory demonstration of proper performance of the actual weighing or measuring and sampling techniques hereinafter required.

Failure to satisfactorily complete the written test shall make the applicant ineligible for the performance test, but failure to satisfactorily complete the performance test shall not require the applicant to be re-examined for the written test. Re-examination for either the written test or the performance test shall be made at the request of the applicant to the Secretary or his authorized representative, orally or in writing, and will be given as soon as practicable at a time and place mutually agreeable to the Secretary or his authorized representative and the applicant.

Upon the satisfactory completion of the examination, a certification shall be issued to the applicant. Certificates shall be issued for the fiscal year ending June 30. As a condition to renewal of the certificate, the Secretary may require attendance at a refresher course designed to train milk samplers in proper procedures and techniques of weighing, measuring and sampling milk.

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## NEW JERSEY REGISTER

*The official publication containing notices of proposed rules and rules filed by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.*

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**N.J.A.C. 2:48-17 Milk Weighing, Measuring and Sampling Procedures**

Weighing, measuring and sampling milk should be performed pursuant to the procedures as set forth in the current "Standard Methods for Examination of Dairy Products," published by the American Public Health Association, Inc., and as a minimum shall include the following:

1. Before starting the agitator, carefully insert clean, dry measuring stick—seating fully—withdraw and read to the nearest thirty-second of an inch. Record the measurement, weight, temperature, time of pickup, date and producer's name and number. One copy of the weight ticket shall be left with the producer.

2. Agitate for not less than five minutes and longer if necessary to disperse the butterfat uniformly throughout the tank. (The person holding the Weigher and Sampler Certificate issued by the Division of Dairy Industry shall be responsible for ascertaining that the milk is agitated for not less than five minutes and should periodically check the tank timer to determine whether it may be used as a guide. It is suggested that each truck carry a timing device which may be used for timing the agitation.)

3. After milk has been agitated for at least five minutes with agitator running and before the outlet is open, take a butterfat sample. The sample shall be taken with a properly cleaned and sanitized stainless steel dipper which is first dipped two or three times into the milk. For composite samples on every day pickup, a 10cc dipper of milk shall be added to the composite daily. For composite samples on every-other-day pickup, 20cc shall be added to the composite sample at each pickup. When taking fresh samples, follow the same procedure except that the sample should be at least 100cc. Routes assembling fresh samples instead of composite samples should be equipped with sample dippers of 100cc or larger.

When taking bacteria samples, special care shall be taken to prevent contamination of sample containers and/or equipment. The sampler's clothes and hands must be clean and dry when sampling. Sterile sample containers and sampling equipment shall be kept protected at all times and properly identified. After milk has been agitated as for taking butterfat samples, remove at least a 10cc portion with a properly sterilized device into the sterile sample container. This container shall be immediately placed in an insulated, properly iced or refrigerated case being sure that the water level is no higher than the milk in the sample container.

**N.J.A.C. 2:48-18 Maintenance of Milk Samples**

Each bulk tank truck used for farm pickup must be equipped with a sanitary compartment to hold the insulated sample case. This compartment must have a lock or the sample case itself must have a lock. The butterfat sample case must be kept locked at all times unless under the direct supervision of the certified sampler. The insulated case shall have a rack which holds the sample container upright and when bottles are used a cover that rests on the sample bottle stoppers. The bottle stoppers shall be of the hooded plug type or of a type which gives equivalent protection from moisture entering the bottle. Each sample case shall contain one bottle filled with water for use in temperature checks. The temperature of butterfat samples shall be maintained at between 33 and 55 degrees Fahrenheit. The temperature of the bacteriological samples should be maintained at between 32 and 40 degrees Fahrenheit.

Interested persons may present statements or argu-

ments in writing, orally in person or by telephone relevant to the proposed action, on or before July 30, 1971, to:

Director  
Division of Dairy Industry  
Department of Agriculture  
Post Office Box 1999  
Trenton, New Jersey 08625  
Telephone: (609) 292-5646

The Department of Agriculture, upon its own motion or at the instance of any interested party, may thereafter adopt the regulations substantially as proposed without further notice.

Phillip Alampi  
Secretary of Agriculture  
Secretary, State Board of Agriculture

(a)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Order Regulating Handling of Milk

On June 2, 1971, W. W. Moffett Jr., Director of the Division of Dairy Industry of the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-25 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new order regulating the handling of milk in New Jersey.

The complete text of the order is as follows:

In conformance with the Memorandum of Agreement signed with the U.S. Department of Agriculture pursuant to the powers vested in N.J.S.A. 4:12A-25, the Director of the Division of Dairy Industry, New Jersey Department of Agriculture, (formerly the Office of Milk Industry), participated with the U.S. Department of Agriculture in a joint hearing held in Washington, D.C. on September 30, 1970, pursuant to notice thereof issued by the U.S. Department of Agriculture on August 21, 1970, (35 F.R. 13657) and a supplemental notice issued September 25, 1970, (35 F.R. 14998). Notice of the hearing was issued by the Director of the Division of Dairy Industry on September 4, 1970, and supplemental notice was issued on September 25, 1970.

Pursuant to the provisions of N.J.A.C. 15:15-5.3 and after considering all of the evidence adduced at the hearing, and being in agreement with the findings and determinations made by the U.S. Department of Agriculture as contained in its "Decision on Proposed Amendments to Marketing Agreements and to Orders" signed in Washington, D.C. on April 15, 1971, by Richard E. Lyng, Assistant Secretary, U.S. Department of Agriculture (36 F.R. 7514), the Director of the Division of Dairy Industry, in cooperation with the U.S. Department of Agriculture, hereby finds and determines that the findings and conclusions (36 F.R. 7515 ff.) should be adopted, by reference, as such findings and conclusions pertain to the marketing of milk in the State of New Jersey under 7 CFR 1002 and 1004, the same being commonly referred to as Federal Order Number 2 and Federal Order Number 4 and New Jersey Order Number 57-3 and 63-1 being joint and concurrent orders of the U.S. Department of Agriculture and the Division of Dairy Industry, New Jersey Department of Agriculture.

The Director further finds that the terms of the "Order Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas" being 7 CFR Part 1000, signed in Washington, D.C. on May 26, 1971, by Richard E. Lyng, Assistant Secretary, U.S. Depart-

ment of Agriculture to be effective July 1, 1971, should also be adopted by reference insofar as such order applies to the marketing of milk within the State of New Jersey under terms of the aforesaid joint and concurrent orders and that the adoption of the said order will tend to effectuate the declared policy of the Statute as set forth in N.J.S.A. 4:12A-1 et seq.

It is, therefore, ordered that on and after the effective date hereof there is hereby adopted as N.J.A.C. 2:54-C, by reference, 7 CFR Part 1000 insofar as said order applies to the marketing of milk in the State of New Jersey under 7 CFR Part 1002 and Part 1004, provided that as such order applies to the State of New Jersey wherever the word "Secretary" appears therein, it shall be deemed to include the "Director," Division of Dairy Industry, Department of Agriculture of the State of New Jersey, and that wherever the word "Act" appears therein it shall be deemed to include the Milk Control Law of the State of New Jersey, as amended (N.J.S.A. 4:12A-1 et seq.).

The adoption of said order, by reference, as a joint and concurrent order of the U.S. Department of Agriculture and the Division of Dairy Industry of the New Jersey Department of Agriculture, pursuant to the aforesaid Memorandum of Agreement shall in no way limit the application of milk control laws of the State of New Jersey to any transaction over which the State of New Jersey has joint and concurrent jurisdiction with the U.S. Department of Agriculture.

Concurrent with the adoption of this order, amendments to N.J.A.C. 2:54-A and N.J.A.C. 2:54-B are being entered to further implement the adoption of the aforesaid N.J.A.C. 2:54-C.

This order shall be effective as of 12:01 a.m., July 1, 1971.

An order adopting these amendments was filed June 16, 1971, as R.1971 d.93, to be effective July 1, 1971.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Amendment to Regulations On Handling Milk In Marketing Areas 1, 2 and 3

On June 2, 1971, W. W. Moffet Jr., Director of the Division of Dairy Industry of the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-25 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted orders amending the regulations of the handling of milk in New Jersey Milk Marketing Areas 1, 2 and 3.

The complete text of the orders is as follows:

In conformance with the Memorandum of Agreement signed with the U.S. Department of Agriculture, pursuant to the powers vested in him by N.J.S.A. 4:12A-25, the Director of the Division of Dairy Industry, New Jersey Department of Agriculture (formerly the Office of Milk Industry), participated with the U.S. Department of Agriculture in a joint hearing held in Washington, D.C. on September 30, 1970, pursuant to notice thereof issued by the U.S. Department of Agriculture on August 21, 1970, (35 F.R. 14998).

Notice of the hearing was issued by the Director of the

Division of Dairy Industry on September 4, 1970, and supplemental notice was issued on September 25, 1970.

Pursuant to the provisions of N.J.A.C. 15:15-5.3 and after considering all of the evidence adduced at the hearing, and being in agreement with the findings and determinations made by the U.S. Department of Agriculture as contained in its "Decision on Proposed Amendments to Marketing Agreements and to Orders" signed in Washington, D.C. on April 15, 1971, by Richard E. Lyng, Assistant Secretary, U.S. Department of Agriculture (36 F.R. 7514), the Director of the Division of Dairy Industry in cooperation with the United States Department of Agriculture, hereby finds and determines that the findings and conclusions (36 F.R. 7515 ff.) should be adopted, by reference, as such findings and conclusions pertain to the marketing of milk in the State of New Jersey under 7 CFR 1002 and 1004, the same being commonly referred to as Federal Orders No. 2 and No. 4, being joint and concurrent orders of the U.S. Department of Agriculture and the Division of Dairy Industry, New Jersey Department of Agriculture.

The Director further finds that the terms of the "Order Amending the Orders Regulating the Handling of Milk in Certain Specified Areas" (36 F.R. 7521 ff.), signed in Washington, D.C. on May 26, 1971, by Richard E. Lyng, Assistant Secretary, U.S. Department of Agriculture, to be effective July 1, 1971, should also be adopted, by reference, insofar as such order applies to the marketing of milk within the State of New Jersey under terms of the aforesaid joint and concurrent order and that the adoption of the said order will tend to effectuate the declared policy of the Statute as set forth in N.J.S.A. 4:12A-1 et seq.

It is, therefore, ordered that on and after the effective date hereof there is hereby adopted as N.J.A.C. 2:54A and 2:54B, by reference, 7 CFR Part 1002 and Part 1004 (Milk in the New York-New Jersey Marketing Area, as amended, including the amendment referred to above) insofar as the said order applies to the marketing of milk in the State of New Jersey; provided that as such order applies to the State of New Jersey wherever the word "Secretary" appears therein, it shall be deemed to include the "Director," Division of Dairy Industry, Department of Agriculture of the State of New Jersey and that wherever the word "Act" appears therein it shall be deemed to include the Milk Control Law of the State of New Jersey, as amended (N.J.S.A. 4:12A-1 et seq.).

The adoption of said orders by reference as joint and concurrent orders of the U.S. Department of Agriculture and the Division of Dairy Industry of the New Jersey Department of Agriculture, pursuant to the aforesaid Memorandum of Agreement shall in no way limit the application of milk control laws of the State of New Jersey to any transaction over which the State of New Jersey has joint and concurrent jurisdiction with the U.S. Department of Agriculture.

Concurrent with the adoption of these orders, a finding of fact and order adopting New Jersey Administrative Code 2:54C is being entered to further implement the adoption of the aforesaid amendments to N.J.A.C. 2:54A and 2:54B.

These orders shall be effective as of 12:01 a.m., July 1, 1971.

Orders adopting these amendments were filed June 16, 1971, as R.1971 d.91 and R.1971 d.92, to be effective July 1, 1971.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Notice of Termination of Hog Cholera Quarantine

Take notice that the State Board of Health, pursuant to authority of N.J.S.A. 4:1-21.5, released from the hog cholera quarantine issued May 5, 1971 that portion of Washington Township, Gloucester County and Lakeland, Camden County, bounded from the intersection of State Routes 41 and 47; south on Route 47 to its intersection with County Route 66; east on Route 66 to its intersection with County Route 113; northeast on Route 113 to its intersection with State Route 42; north on Route 42 to its intersection with South Branch Creek; south along South Branch Creek and continuance with Bull Run Creek to its intersection with County Route 61; west on County Route 61 to its intersection with State Routes 41 and 47.

This release from quarantine is effective June 10, 1971.

E. L. Brower  
Director  
Division of Animal Health  
Department of Agriculture

Note: A copy of this Notice was filed June 15, 1971, with the Division of Administrative Procedure as a document not subject to codification.

(b)

## COMMUNITY AFFAIRS

### DIVISION OF HOUSING AND URBAN RENEWAL

#### BUREAU OF HOUSING INSPECTION

##### Rules of Practice of Bureau of Housing Inspection

On June 15, 1971, Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-21, 52:14B-1 et seq. and 55:13A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the rules of practice of the Bureau of Housing Inspection substantially as proposed in the Notice published May 6, 1971, at 3 N.J.R. 75(b).

Such rules of practice are concerned with assisting persons in understanding their responsibilities and rights under the Hotel and Multiple Dwelling Law and to effectuate the proper administration and enforcement of that law.

An order adopting these rules was filed June 18, 1971, as R.1971 d.94.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## COMMUNITY AFFAIRS

### DIVISION OF HOUSING AND URBAN RENEWAL

#### Correction of Effective Date on Adoption

Take notice that the effective date of the adoption of the amendments to the Plumbing Code of New Jersey which

appeared in the Notice published June 10, 1971, at 3 N.J.R. 101(c) should have read June 1, 1971, rather than an effective date of May 27, 1971, as indicated.

The final paragraph of that Notice should have read: "An order adopting these amendments was filed May 27, 1971, as R.1971 d.77, to be effective June 1, 1971."

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revision of Rule On Facilities For the Physically Handicapped

Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:18-2.1 et seq., proposes to revise its rule relating to Facilities for the Physically Handicapped (N.J.A.C. 8:22-58 et seq.) to read as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

#### N.J.A.C. 8:22-58 PHYSICALLY HANDICAPPED

Consideration must [should] be given to the growing use of schools by pupils who are physically handicapped by orthopedic defects, cardiac disorders, and any other physical disabilities. [The presence of an entrance which permits easy access to the building from the ground level or the availability of an elevator in a multistory building may often be the controlling condition which permits such pupils to continue attending school.]

[It is recommended that the following document be carefully reviewed to make certain that suitable facilities for the handicapped have been included in the design for any new school building: **MAKING BUILDINGS AND FACILITIES ACCESSIBLE TO AND USABLE BY THE PHYSICALLY HANDICAPPED.** The National Society for Crippled Children and Adults, 2023 West Ogden Street, Chicago, Illinois 60612.]

##### (a) Ramps

At least one principal entrance to the building shall be provided with a ramp access and any corridor change in level shall provide a ramp as follows:

(1) A ramp shall not have a slope greater than one inch per foot.

(2) Handrails shall be provided on at least one side and preferably two sides. It shall be 32 inches in height, have a smooth surface and extend one foot beyond the top and bottom of the ramp.

(3) Only a non-slip surface shall be provided.

(4) A level platform shall be provided at the top which is at least five feet by five feet. This platform shall extend at least one foot beyond each side of the doorway opening.

(5) Ramps shall have at least six feet of straight clearance at the bottom.

(6) Ramps shall have level platforms at least four feet long at 30 foot intervals and at each turning point.

(7) Ramps and platforms shall have a minimum width of three feet.

(8) The floor on the inside and outside of each doorway used by pupils shall be level for a distance of five feet from the door in the direction the door swings and shall extend one foot beyond each side of the door.

(9) Sharp inclines and abrupt changes in level shall be

avoided at doorsills. Thresholds shall be flush with the floor as much as possible.

(b) Toilet Rooms

On each floor occupied by pupils at least one water closet stall, for each sex, shall be provided in the general pupil toilet rooms, to accommodate wheel chair pupils as follows:

(1) The toilet stall shall be at least three feet wide and five feet deep.

(2) The toilet room entrance door and stall door shall be not less than two feet eight inches wide and swing outward, preferably against a side wall.

(3) Grabrails shall be provided on each side, 33 inches high and parallel to the floor, one and one-half inches in outside diameter, with one and one-half inches clearance between rail and wall or panel, and fastened securely at ends and center.

(4) A wall-mounted water closet located off-center in the stall and at one side, 18 inches from the center of the fixture to the side wall, with the seat 20 inches from the floor shall be provided.

(5) At least one wall-mounted urinal with the opening of the basin 19 inches from the floor shall be provided, or shall have floor-mounted urinals that are level with the main floor of the toilet room.

(6) A mirror shall be provided which shall be located so that the lowest edge is within three feet of the floor.

(7) Towel racks, towel dispensers, disposal units, toilet paper dispensers and soap dispensers shall be provided and mounted at a maximum height of three feet four inches from the floor.

(c) Drinking Fountains

A drinking fountain shall be provided on every floor used for pupil occupancy as follows:

(1) Water fountains or coolers shall have up-front spouts and hand-operated controls.

(2) The height of the basin shall be three feet above the floor.

(3) A wall-mounted cooler, is preferable. Fully recessed water fountains are not recommended unless the alcove is wider than 32 inches.

(d) Elevators

In any multi-story building an elevator, sufficient in size to accommodate a wheelchair, shall be provided as follows:

(1) Elevators shall be accessible to, and usable by, the physically disabled at all levels normally used by pupils and the general public.

(2) The elevator shall provide a turning space of not less than 60 x 60 inches.

(3) Call buttons and operating controls shall be located not more than four feet above the floor level.

(4) Handrails shall be provided on three sides of the elevator car.

(5) The elevator shall be designed in accordance with the American Standard Safety Code for Elevator, Dumbwaiters and Escalators ASA-A 17.1.

(e) Shop-Laboratories

In all laboratory and shop facilities at least one working area dimensioned to permit use by physically handicapped pupils shall be provided as follows:

(1) An adjustable work surface shall be provided with clearance underneath sufficient to accommodate a wheelchair.

(2) At least three feet of clear space shall be provided in and about the work area to provide mobility for a wheelchair.

(f) Telephones

One public telephone at a height accessible to wheelchair pupils shall be provided as follows:

(1) The telephone dial, handset and coin deposit slots shall be not more than four feet above the floor.

(2) The enclosure shall be located and designed so that it can be accessible by a person in a wheelchair.

(g) Additional Information

In addition to the above mandatory provisions, the recommendations outlined in the American Standard Specifications for making buildings and facilities accessible to, and usable by, the physically handicapped should be carefully considered in the design and construction of all future school buildings and additions. Copies may be obtained by writing to American Standards Association, Inc., 10 East 40th Street, New York, New York.

For any clarification or additional information please contact the director of the Bureau of Facility Planning Services. The mailing address is P.O. Box 2019, Trenton, New Jersey 08625. The phone number is (609) 292-4411.

Interested persons may present statement or arguments in writing, orally in person or by telephone, relevant to the proposed action on or before 4 p.m. on September 7, 1971, to:

Clyde E. Leib  
Office of the Commissioner  
State Department of Education  
225 West State Street  
Trenton, New Jersey  
Telephone: (609) 292-4040

The State Board of Education, upon its own motion or at the instance of any interested party, may thereafter adopt the revisions substantially as proposed without further notice.

Carl L. Marburger  
Commissioner of Education  
Secretary of State Board of Education

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF ENVIRONMENTAL PROTECTION

#### Proposed Amendments to the Air Pollution Control Code

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-1 et seq., proposes to repeal Chapter 10-A (Sulfur in Coal, Control and Prohibition of Air Pollution from Sulfur Dioxide Caused by the Combustion of Coal) of the Air Pollution Control Code, which became effective May 6, 1968, and adopt a new Chapter 10-A entitled "Control and Prohibition of Air Pollution from Sulfur Dioxides Caused by the Combustion of Coal."

This repeal shall not affect actions, proceedings or Departmental orders pending or outstanding on the effective date of the new regulation; said actions, proceedings or departmental orders may be prosecuted, defended and continued in the same manner and to the same effect as if the new regulation had not been adopted.

The text of the proposed new regulation is as follows (pertinent amendments indicated in boldface thus):

#### SECTION 1 — DEFINITIONS

The following terms as used in this Chapter shall mean and include:

1.1 COAL: Anthracite coal, bituminous coal, and coke.

1.2 ANTHRACITE COAL: A hard, black lustrous coal containing 85-95 percent carbon, characterized by its small percentage of volatile matter, high specific gravity, hardness, nearly metallic luster rich black color, and semi-conchoidal fracture. Volatile matter is usually less than seven percent.

1.3 BITUMINOUS COAL: A coal containing 70-85 percent carbon having usually more than seven percent volatile matter.

1.4 COKE: Coke is the fused, cellular, porous structure that remains after free moisture and the major portion of the volatile materials have been distilled from bituminous coal and other carbonaceous material by the application of heat in the absence of air or in the presence of a limited supply of air.

1.5 COAL MERCHANT: Any person who stores, offers for sale or sells coal in retail or wholesale trade, excluding agents, brokers, wholesalers, distributors or producers who sell coal for use in single steam and/or electric power generating facilities having rated hourly capacities that equal or exceed two hundred (200) million BTU gross heat input, or in a group of steam and/or electric power generating facilities at one location having a combined rated capacity which equals or exceeds four hundred and fifty (450) million BTU gross heat input.

1.6 APPROVED STACK-GAS CLEANING PROCESS: A process which removes sulfur dioxide from the product of combustion of coal and which has been approved by the Department.

1.7 SULFUR DIOXIDE (SO<sub>2</sub>): A colorless gas at standard conditions which has the molecular formula SO<sub>2</sub>.

1.8 STACK OR CHIMNEY: A flue, conduit or opening permitting particulate or gaseous emissions into the open air, or constructed or arranged for such purpose.

1.9 CANNEL COAL: A free burning variety of high volatile content bituminous or subbituminous composed almost entirely of attritus, of uniform and compact fine-grained texture with a general absence of banded structure, dark gray to black in color with a greasy luster, noticeably of conchoidal or shell-like fracture and which ignites easily, is non-caking and does not swell on heating.

#### SECTION 2 — SULFUR CONTENT STANDARDS

2.1 On and after the effective dates listed, no coal merchant shall store, offer for sale, sell, deliver for use, or exchange in trade, for use in New Jersey, bituminous and/or anthracite coal containing sulfur in excess of the percentages by weight set forth in the following table:

Type Coal	Percent Sulfur by Weight (Dry Basis)	
	Effective 5/6/68	Effective 10/1/71
Bituminous	1.0%	0.2%
Anthracite	0.7%	0.2%

2.2 On and after May 6, 1968 no person shall use bituminous and/or anthracite coal containing sulfur in excess of the percentages by weight set forth in the following table:

Type Coal	Percent Sulfur by Weight (Dry Basis)
Bituminous	1.0%
Anthracite	0.7%

2.3 The provisions of Section 2.2 shall not apply:

(a) In any case in which by use of an approved stack gas cleaning process it is demonstrated to the Department that sulfur dioxide emissions, caused by the combustion of bituminous coal, from any stack or chimney into the outdoor atmosphere can be controlled to levels that do not exceed at any time 1.5 pounds of sulfur dioxide per (1) million BTU gross heat input, or whenever any person

can demonstrate that sulfur dioxide emissions, caused by the combustion of anthracite coal, from any stack or chimney into the outdoor atmosphere can be controlled to levels that do not exceed at any time 1.0 pounds of sulfur dioxide per (1) million BTU gross heat input.

(b) In any case in which the person responsible for the use of bituminous coal believes that bituminous coal containing one (1) percent sulfur or less by weight cannot be used in a specific steam and/or electric power generating facility, he may submit data to the Department setting forth justification for a less restrictive percent of sulfur content by weight in bituminous coal. If a change is approved by the Department, the Department shall authorize the use of a less restrictive percentage of sulfur by weight in bituminous coal. Any less restrictive percent of sulfur content by weight in bituminous coal authorized by the Department shall not exceed 1.5 percent at any time.

2.4 On and after October 1, 1971 no person shall use bituminous and/or anthracite coal containing sulfur in excess of 0.20 percent by weight.

2.5 The provisions of Section 2.4 shall not apply:

(a) In any case in which it is demonstrated to the Department that sulfur dioxide emissions, caused by the combustion of bituminous and/or anthracite coal, from any stack or chimney into the outdoor atmosphere can be controlled to levels that do not exceed, at any time, 0.30 pounds of sulfur dioxide per one (1) million BTU gross heat input.

(b) In any case in which the person responsible for the use of bituminous and/or anthracite coal in a coal-fired steam and/or electric power generating facility in existence prior to May 6, 1968 can demonstrate to the Department:

(1) that a single bituminous and/or anthracite coal-fired steam and/or electric power generating facility has a rated hourly capacity that equals or exceeds two hundred (200) million BTU gross heat input, or

(2) that a group of bituminous and/or anthracite coal-fired steam and/or electric power generating facilities at one location has a combined rated hourly capacity which equals or exceeds four hundred fifty (450) million BTU gross heat input.

The Department may authorize such a facility or group of facilities at one location to use bituminous coal containing sulfur not at any time in excess of 1.0 percent by weight, subject to the exception as provided in Section 2.3 (b) or anthracite coal containing sulfur not at any time in excess of 0.70 percent by weight.

2.6 On and after May 6, 1968 no person shall store, offer for sale, sell, deliver for use, exchange in trade, for use in New Jersey, or use coke containing sulfur in excess of 0.65 percent by weight.

#### SECTION 3 — EXPANSION, RECONSTRUCTION, OR CONSTRUCTION OF COAL-FIRED FUEL BURNING FACILITIES

3.1 On and after May 6, 1968 no person shall expand or reconstruct existing coal-fired steam and/or electric power generating facilities or build new coal-fired steam and/or electric power generating facilities having rated hourly capacities that equal or exceed, or would equal or exceed as a result of expansion and/or reconstruction, one (1) million BTU gross heat input.

3.2 The provisions of Section 3.1 shall not apply whenever any person responsible for the construction, reconstruction, or expansion of a coal-fired steam and/or electric power generating facility having a rated hourly capacity that equals or exceeds, or would equal or exceed as a

result of expansion and/or reconstruction, one (1) million BTU gross heat input can demonstrate:

(a) that sulfur dioxide emissions, acused by the combustion of bituminous and/or anthracite coal, from any stack or chimney into the outdoor atmosphere can be controlled to levels that do not exceed at any time 0.30 pounds of sulfur dioxide per one (1) million BTU gross heat input, or

(b) that the bituminous and/or anthracite coal used to fire such a facility will at no time contain more than 0.20 percent sulfur by weight.

**SECTION 4 — EXEMPTIONS**

4.1 The provisions of this Chapter shall not apply to coal used by ocean-going vessels.

4.2 The requirements of this Chapter which are to become effective on October 1, 1971 shall not apply to coal used in Atlantic, Cape May, Cumberland, Hunterdon, Ocean, Sussex and Warren Counties.

4.3 The requirements of this Chapter shall not preclude the use after May 6, 1968 of any coal on hand at the place of use on May 6, 1968.

4.4 In any case in which it is demonstrated to the Department that a bona fide pilot plant installation of a stack-gas cleaning process is to be made, the use of non-conforming coal to the extent necessary, in the judgment of the Department, to evaluate the effectiveness of the process will not be prohibited by this Chapter.

4.5 The provisions of Section 2.1 which are to become effective on October 1, 1971 and the provisions of Section 2.4 shall not apply to anthracite coal or to cannel coal burned solely for residential heating purposes in combustion equipment in use on or before October 1, 1971 for such purpose.

A public hearing on the proposed action will be held on July 29, 1971, beginning at 10:00 a.m. in the Auditorium on the First Floor of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey. It will concern proposed amendments to Chapter 10-A of the New Jersey Air Pollution Code and will be held in accordance with the provisions of the Air Pollution Control Act (1954), as amended by Chapter 106, Public Laws of 1967.

Interested persons may present statements or arguments in writing relevant to the proposed action prior to July 29, 1971, on all matters desired to be brought to the attention of the Department to:

Division of Environmental Quality  
Room 604  
Department of Health Building  
John Fitch Plaza  
Trenton, New Jersey 08625

The Department of Environmental Protection, upon its own motion or at the instance of any interested party may thereafter adopt the proposed Air Pollution Control Code, substantially as proposed without further notice.

Richard J. Sullivan  
Commissioner  
Department of Environmental Protection

**(a)**

**ENVIRONMENTAL PROTECTION**

**THE COMMISSIONER**

**Condemnation of Certain Shellfish Beds**

On June 8, 1971, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of

N.J.S.A. 24:2-1 and 24:2-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule concerning the condemnation of certain shellfish beds. The complete text of the emergency rule is as follows:

**CONDEMNATION OF CERTAIN SHELLFISH BEDS**

Whereas, the present strike by sewage treatment plant workers in the City of New York has resulted in the discharge of raw, untreated sewage into waters in and around Raritan Bay and contiguous thereto;

Whereas, the approved shellfish harvesting waters located in Sandy Hook Bay and the Navesink River are being polluted thereby;

Whereas, the public health is in immediate peril, should oysters, clams or mussels be harvested and consumed from waters so polluted;

The State Department of Environmental Protection hereby repeals until further notice paragraphs 3 and 5 of existing Rules and Regulations, Condemnation of Certain Shellfish Beds, effective January 1, 1971, and condemns the following waters for the taking of shellfish:

**3. Raritan Bay Area**

(a) all the waters of Raritan Bay and tributaries thereof.

(b) all the waters of Lower Bay and tributaries thereof.

(c) all the waters of Sandy Hook Bay and tributaries thereof.

**5. Navesink River**

(a) all the waters of the Navesink River and tributaries thereof.

An order adopting this emergency rule was filed and effective June 8, 1971, as R.1971 d.89. (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

**(b)**

**ENVIRONMENTAL PROTECTION**

**THE COMMISSIONER**

**Revises Conservation Order  
On Certain Shellfish Beds**

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5, on June 25, 1971 executed a Conservation Order revising a prior order regarding certain shellfish beds.

The complete text of the Order is as follows:

Whereas, the strike by sewage treatment plant workers in the City of New York has ended and the resulting discharge of raw untreated sewage into waters in and around Raritan Bay and contiguous thereto is no longer taking place; and

Whereas, the approved shellfish harvesting waters located in Sandy Hook Bay and the Navesink River are no longer being polluted thereby; and

Whereas, the waters of Sandy Hook Bay have been tested and found to be satisfactory for the harvest of shellfish; and

Whereas, the waters of Navesink River have been tested and found to be unsatisfactory for the harvest of shellfish,  
The State Department of Environmental Protection here-

by rescinds the emergency rule affecting Rules and Regulations Condemnation of Certain Shellfish Beds dated June 8, 1971 and substitutes the following:

The State Department of Environmental Protection hereby repeals until further notice paragraph 5 of existing Rules and Regulations, Condemnation of Certain Shellfish Beds, effective January 1, 1971, and condemns the following waters for the taking of shellfish:

**5. Navesink River**

(a) all the waters of the Navesink River and all tributaries thereof.

Richard J. Sullivan  
Commissioner

Department of Environmental Protection

NOTE: A copy of this Order was filed with the Division of Administrative Procedure on June 25, 1971 as a document not subject to codification.

**(a)**

## **ENVIRONMENTAL PROTECTION**

### **DIVISION OF FISH, GAME AND SHELL FISHERIES**

#### **Correction of Effective Date on Adoption**

Take notice that, in the Notice published June 10, 1971, at 3 N.J.R. 107(a) pertaining to the proposed revision of rules on importation and possession of exotic or native mammals, birds, reptiles or amphibians, the date of adoption of Regulation No. 3 was indicated as April 17, 1968, when such date of adoption should have read May 13, 1969.

Russell A. Cookingham  
Director  
Division of Fish, Game and  
Shell Fisheries  
Department of Environmental Protection

**(b)**

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

#### **Proposed Rules Relating to Suspension and Revocation of Providers from Program Participation**

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt rules relating to the suspension and revocation of providers of services under the New Jersey Medical Assistance and Health Services Act.

The proposed text of the rules follows in full:

Participation in the Medical Assistance Program by a provider of services is subject to suspension or revocation in order to protect the health of the recipients and the funds appropriated to carry out this chapter.

**A. Definitions**

(1) "Department" is the Department of Institutions and Agencies.

(2) "Division" is the Division of Medical Assistance and Health Services.

(3) "Commissioner" is the Commissioner of the Department.

(4) "Director" is the Director of the Division.

**B. Suspension/Revocation**

(1) The Director may revoke or suspend the status of a provider of services under the Medical Assistance Program for violation of the provisions of P.L. 1968, c. 413, or any rule or regulation promulgated by the Commissioner pursuant thereto.

(2) The Director may suspend any provider of service prior to any hearing when, in his opinion, such action is necessary to protect the public welfare and the interests of the Medical Assistance Program.

(3) The suspension or revocation by the Director of any provider of service shall preclude such provider from submitting claims for payment, either personally or through claims submitted by any clinic, group, corporation or other association to the Medical Assistance Program for any services or supplies he has provided under such program, except for services or supplies provided prior to the suspension or revocation. No clinic, group, corporation or other association which is a provider of services shall submit claims for payment to the Medical Assistance Program for any services or supplies provided by a person within such organization whose status has been suspended or revoked by the Director, except for services or supplies provided prior to the suspension or revocation.

(4) Where the provisions of this chapter or the regulations promulgated by the Commissioner, through the Division of Medical Assistance and Health Services, are violated by a provider of service which is a clinic, group, corporation, or other association, the Director may suspend or revoke such organization and any individual person within said organization who is responsible for such violation.

(5) A person whose status as "provider" of service under the Medical Assistance Program has been revoked may petition the agency for reinstatement after a period of not less than one (1) year has elapsed from the effective date of the decision or from the date of the denial of a similar petition.

(6) The Director may revoke the status of any provider of service found guilty of violating the penalty provision, or any part thereof, set forth in P.L. 1968, c. 413, or found guilty of any crime or quasi-crime perpetrated against the Division of Medical Assistance and Health Services.

Interested persons may present statements or arguments in writing relevant to the proposed rules on or before July 29, 1971, to:

Division of Medical Assistance  
and Health Services  
36 West State Street  
Trenton, New Jersey 08625

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Lloyd W. McCorkle  
Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Average Wholesale Price Basis of Reimbursement

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to change the basis of payment, from, invoice cost plus a dispensing fee, to, average wholesale price plus a dispensing fee, for pharmaceuticals provided to individuals covered by the New Jersey Health Services Program for all such services rendered on or after August 1, 1971.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 29, 1971, to:

Division of Medical Assistance  
and Health Services  
36 West State Street  
Trenton, New Jersey 08625

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt this action substantially as proposed without further notice.

Lloyd W. McCorkle  
Commissioner  
Department of Institutions and Agencies

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Rule On Contracts With County Welfare Boards

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt a rule concerning the contracting with and payment to county welfare boards for investigating and determining whether applicants for benefits under the Medical Assistance and Health Services Act are eligible therefore.

Payment to county welfare boards for investigating and determining whether applicants are eligible for benefits under the Medical Assistance and Health Services Act is limited to payments for investigations made to determine the eligibility of an individual who chooses not to receive a money grant from the county, but rather, makes application solely and exclusively for the purpose of receiving medical assistance under the aforesaid act.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before July 29, 1971, to:

Division of Medical Assistance  
and Health Services  
36 West State Street  
Trenton, New Jersey 08625

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

Lloyd W. McCorkle  
Commissioner  
Department of Institutions and Agencies

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Changes in the Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, proposes to revise certain sections of the Manual of Administration of the Division of Public Welfare. The proposed revisions are as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

##### 0006. [Other Assistance Publications] Availability

[In addition to Manual material, the Bureau of Assistance will also issue monographs, handbooks, pamphlets and informational or circular letters on subjects not generally suitable for inclusion in the Manual.]

##### .1 Staff

Sufficient copies will be distributed to the CWB to be assigned to each member of the administrative and selected staff. In addition, portions of Manual material will be distributed for other staff members relative to their special field. CWB shall distribute its supply of Manuals and revisions promptly.

##### .2 Public

All program manuals and other policy materials governing eligibility, assistance allowances and other services are available to the public under the following conditions:

a. Copies of all manuals, are available in the State office and in each CWB office for examination on regular work days during regular office hours by individuals upon request for review, study or reproduction by such individual.

b. A current copy of any of the above listed manuals is available without charge for access by the public through public or university libraries and welfare or legal services offices or organizations which meet the following requirements:

- 1) request the manuals in writing;
- 2) are centrally located and publicly accessible to a substantial number of the recipient population they serve; and
- 3) agree to accept responsibilities for filing all transmittal letters when received.

.2 c. Specific policy material necessary for an applicant or recipient or his representative to determine whether a fair hearing should be requested or to prepare for a fair hearing shall be available to such persons without charge.

d. A current copy of all manuals will be available at a charge related to cost for any individual who requests such material in writing.

##### 0007. Other Assistance Publications

In addition to Manual material, the Division of Public Welfare will also issue monographs, handbooks, pamphlets and informational and circular letters on subjects not generally suitable for inclusion in the Manual.

#### 2010. SEPARATION OF FINANCIAL ASSISTANCE AND SOCIAL SERVICES

##### 2011. Preliminary Statement

To improve delivery of social services and financial assistance to eligible persons, the function of arranging or providing services to individuals should, to the maximum extent feasible, be performed by persons other than those who arrange, provide for, or determine financial assistance.

**2012. Process**

Because of the great diversity among the various county welfare boards in size, administrative structure, numbers and training, the policy and procedure is broadly stated so that the very best organizational plan can be developed by each to meet the purposes and goals of separation of the two functions of delivering social services and financial assistance.

**2013. Eligibility and/or Income Maintenance Unit**

The eligibility unit is responsible for the acceptance of applications and determination of eligibility of applicants and the continuing eligibility of recipients.

The unit is also responsible for computation of the budget, for authorization of payment, validation and any interim actions (changes in address, adding or removing a child from grant, changing payee, etc.).

**2014. Social Services**

Social services are those activities of social work staff, related specialists and auxiliary staff which are directed toward informing client of available services and helping individuals and families in one or more areas of functioning.

**.1 Freedom of Choice**

Services must be based on the individual's interest and desire for help with his problems, respecting his right of freedom of choice in accepting such services, except in referral for employment or training (WIN) and protective services for children.

**.2 Services**

Services to be given by the Social Service Unit(s) may be found in 2800.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 29, 1971, to:

Division of Public Welfare  
129 East Hanover Street  
Trenton, New Jersey 08625

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt the revisions substantially as proposed without further notice.

Lloyd W. McCorkle  
Commissioner  
Department of Institutions and Agencies

**(a)**

**INSTITUTIONS AND AGENCIES**

**STATE PAROLE BOARD**

**Revisions in Rules Pertaining To Notice of Decision**

On June 3, 1971, the New Jersey State Parole Board, pursuant to authority of N.J.S.A. 30:4-123.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions of N.J.A.C. 10:70-54 (Notice of Decision) of its rules pursuant to an order of the New Jersey Supreme Court in the case of William Monks v. New Jersey State Parole Board, decided May 10, 1971, (Docket Number A-98, September Term 1970) to read as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]): N.J.A.C. 10:70-54 Notice of Decision

The Board will notify, in writing, each prisoner of the decision reached in his case as soon as possible after the hearing. The Board will state in said notice, the basis

for the denial of parole. In case of a denial of parole, the notice will include the date the case will again be considered if the decision orders other than the service of the maximum sentence. Two copies of the notice will be sent to the Chief Executive Officer of the institution, one to be delivered to the inmate and the other to the Institutional Parole Office. A third copy will be furnished the District Parole Office. [The Board will not state in said notice, or otherwise reveal, the basis for the grant or denial of parole.] (Revised June 3, 1971)

An order adopting these revisions was filed June 7, 1971, as R.1971 d.88 (Exempt, Mandatory Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

**(b)**

**INSTITUTIONS AND AGENCIES**

**DIVISION OF COMMUNITY AND PROFESSIONAL SERVICES**

**BUREAU OF COMMUNITY INSTITUTIONS**

**Standards for Inpatient (Psychiatric) Component of a Comprehensive Community Mental Health Center**

On June 8, 1971, Lloyd B. Wescott, President of the State Board of Control, pursuant to authority of N.J.S.A. 30:11-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the new standards for Inpatient (Psychiatric) Component of a Comprehensive Community Mental Health Center as proposed in the Notice published May 6, 1971, at 3 N.J.R. 79(a).

An order adopting these standards was filed and effective June 15, 1971, as R.1971 d.90.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

**(c)**

**INSTITUTIONS AND AGENCIES**

**DIVISION OF PUBLIC WELFARE**

**Amendments to Manual of Administration**

On June 18, 1971, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the Manual of Administration by deleting certain sections therein, as proposed in the Notice published May 6, 1971, at 3 N.J.R. 80(a).

The deleted sections related to eligibility in the program of Assistance for Dependent Children in situations where such children are living with both parents and eligibility is based upon the unemployment of the father or the insufficient earnings of the parents.

An order adopting these amendments was filed June 18, 1971, as R.1971 d.95 to be effective June 30, 1971.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF PUBLIC WELFARE**

#### **Financial Assistance Manual**

On June 18, 1971, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions which deleted in its entirety the Categorical Assistance Budget Manual and in place thereof adopted the Financial Assistance Manual, substantially as proposed in the Notice published May 6, 1971, at 3 N.J.R. 81(a).

The Financial Assistance Manual establishes the public assistance allowance for individuals and families, methods for evaluating the resources available to such persons, procedures for determining the amount of the assistance grant and the amount of and criteria for payments additionally allowable for recognized services and for emergency assistance.

An order adopting these revisions was filed June 18, 1971, as R.1971 d.96 to be effective July 1, 1971.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF PUBLIC WELFARE**

#### **Manual on Assistance to Families of Working Poor**

On June 18, 1971, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a manual of rules and regulations governing the program known as Assistance to Families of the Working Poor, substantially as proposed in the Notice published May 6, 1971, at 3 N.J.R. 82(a).

The manual is concerned with the provision of financial assistance and services to families with children in which both parents are present in the home and otherwise meet eligibility criteria by virtue of inadequate income for the support of the family.

An order adopting this manual was filed June 18, 1971, as R.1971 d.97 to be effective July 1, 1971.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## **INSURANCE**

### **THE COMMISSIONER**

#### **Amendment to New Jersey Automobile Insurance Plan**

On May 28, 1971, W. Morgan Shumake, Acting Commissioner of Insurance, pursuant to authority of N.J.S.A.

17:1-8.1 and 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendments to the New Jersey Automobile Insurance Plan substantially as proposed in the Notice published April 8, 1971, at 3 N.J.R. 63(c).

These amendments provide for installment payment of premiums; broadens coverage at lower rates to "clean risks"; company assignment of risks in proportion to the number of policies non-renewed (inverse assignment); rates applicable to new coverage included; and a clarification of the definition of a "clean risk".

An order adopting these amendments was filed May 28, 1971, as R.1971 d.85 to be effective June 1, 1971.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## **LAW AND PUBLIC SAFETY**

### **DIVISION OF MOTOR VEHICLES**

#### **Regulation Governing Classes of Abandoned Vehicles in New Jersey**

On May 28, 1971, Raphael J. Marini, Director of the Division of Motor Vehicles, pursuant to authority of N.J.S.A. 39:10A-6 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the regulation governing classes of abandoned vehicles in New Jersey as proposed in the Notice published May 6, 1971, at 3 N.J.R. 84(a).

An order adopting this regulation was filed and effective June 1, 1971, as R.1971 d.86.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(e)

## **LAW AND PUBLIC SAFETY**

### **DIVISION OF STATE POLICE**

#### **Manual on Purchase of Surplus Military Weapons and Equipment**

On June 1, 1971, Colonel David B. Kelly, Superintendent of the New Jersey State Police, pursuant to authority of Executive Order No. 14 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the manual of rules and regulations pertaining to the purchase of surplus military weapons and equipment by State, local law enforcement and firefighting agencies as proposed in the Notice published May 6, 1971, at 3 N.J.R. 87(b).

An order adopting the manual was filed and effective June 4, 1971, as R.1971 d.87.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY

### NEW JERSEY RACING COMMISSION

#### Horse Racing Rule Changes

On May 13, 1971, John J. Reilly, Secretary of the New Jersey Racing Commission, pursuant to authority of N.J.S.A. 5:5-30 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the amendments and additions to the rules and regulations governing horse racing in New Jersey, substantially as proposed in the Notice published April 8, 1971, at 3 N.J.R. 64(a).

An order adopting these changes was filed and effective June 23, 1971, as R.1971 d.98.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF PROFESSIONAL BOARDS

#### STATE BOARD OF PHARMACY

##### Registration by Endorsement

On June 2, 1971, Sidney A. Greenblatt, Secretary of the New Jersey State Board of Pharmacy, pursuant to authority of N.J.S.A. 45:14-8 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:39-8 (Reciprocal Registration) pertaining to registration by endorsement as proposed in the Notice published May 6, 1971, at 3 N.J.R. 87(a).

An order adopting these revisions was filed and effective June 23, 1971, as R.1971 d.99.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF PROFESSIONAL BOARDS

#### STATE BOARD OF PHARMACY

##### Pharmacy Internship Rules

###### Pharmacy Internship Rules—10C&LC

On June 2, 1971, Sidney A. Greenblatt, Secretary of the New Jersey State Board of Pharmacy, pursuant to authority of N.J.S.A. 45:14-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:39-6 (Internships) as proposed in the Notice published May 6, 1971, at 3 N.J.R. 86(b).

An order adopting these revisions was filed and effective June 23, 1971, as R.1971 d.100.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## TRANSPORTATION

### DIVISION OF MAINTENANCE AND EQUIPMENT

#### Proposed Rules Governing Obstructions to Maintenance Operations

John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-136 and Chapter 295, Laws of 1970, proposes to adopt rules governing obstructions to maintenance operations to be located in Subchapter 2 of Chapter 39 in Title 16 of the New Jersey Administrative Code.

The complete text of the proposed rules is as follows:  
CHAPTER 39. UNUSUAL OR DISASTER MAINTENANCE  
Subchapter 2. Obstructions to Maintenance Operations  
N.J.A.C. 16:39-2.1 Definitions

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

“Shoulder Area” — That portion of the highway, exclusive of and bordering the roadway, designed for emergency use but not ordinarily to be used for vehicular travel.

“Median” — That portion of a divided highway separating the traveled ways of traffic proceeding in opposite directions.

“Undeveloped Sidewalk Berm” — That area between the curb line or edge of the shoulder and right-of-way line normally used by pedestrians but not improved by the construction of a concrete or bituminous walkway.

N.J.A.C. 16:39-2.2 Removal of Unoccupied or Disabled Vehicles from State Highways

(a) If an officer or employee of the Department of Transportation observes or receives notification of an unoccupied or disabled motor vehicle or other object of any nature which is standing wholly or partially upon the traveled portion of a State highway and constitutes a hazard to traffic or will hamper snow removal or interfere with other maintenance operations, he shall transmit such information to the local police department and request that they arrange to have the vehicle or object removed as soon as possible.

(b) If the request submitted to the police department does not result in the removal of the vehicle and the maintenance operations can be delayed no longer, the Department offices or employees may cause the removal of the vehicle utilizing Department of Transportation forces and equipment. The vehicle or object shall be moved to the nearest practicable shoulder area, median, or undeveloped sidewalk berm so that the required work can be accomplished. The police shall then be notified that Department forces have performed the removal and their assistance is no longer required.

(c) The Department of Transportation shall maintain a permanent record for each vehicle or object removed, which shall indicate the name of the person ordering the removal, the date and time of day and the make and license number of the vehicle, or additional information sufficient to identify the object if other than a motor vehicle was removed.

(d) During a major snowstorm, innumerable unoccupied or disabled vehicles may obstruct the roadway so as to make the requirements indicated in subsection (a) impractical. Under such conditions, this subsection (a) may be waived.

The proposed additions to the rules of the Division of Maintenance and Equipment are necessary to facilitate

snow removal or other maintenance operations which are often hampered by unoccupied or disabled vehicles or other objects on State highways.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 28, 1971, to:

Mr. Jack F. Andrews  
Director  
Division of Maintenance and Equipment  
Department of Transportation  
1035 Parkway Avenue  
Trenton, New Jersey 08625

The Department of Transportation, upon its own motion or at the instance of any interested party, may thereafter adopt the rules substantially as proposed without further notice.

John C. Kohl  
Commissioner  
Department of Transportation

(a)

## TREASURY

### DIVISION OF PENSIONS

#### Proposed Revisions in Rules of State Health Benefits Commission

William J. Joseph, Secretary of the State Health Benefits Commission, pursuant to authority delegated to the Commission by N.J.S.A. 52:14-17.27, proposes to revise N.J.A.C. 17:9-42 (Local; Multiple Coverage Refunds) of the rules of the State Health Benefits Commission to read as follows (deletions indicated in brackets [thus]):

N.J.A.C. 17:9-42. LOCAL; MULTIPLE COVERAGE REFUNDS:

In the case of local coverage, if both an employee and his spouse are covered in their employment by one or more participating employers, and desire family coverage or husband and wife coverage, then one employee should request family or husband and wife coverage and the other should sign an enrollment card for single coverage. If one employee has family or husband and wife coverage and deductions for the dependent coverage are paid by him [and not by his employer], then a claim for refund may be requested semi-annually for the cost of single coverage for which premiums are being remitted by the employer of the spouse. This refund can only be given if the spouse is also covered by a participating employer and has filed an enrollment card for single coverage.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action on or before July 29, 1971, to:

William J. Joseph  
Secretary of the State Health Benefits Commission  
20 West Front Street  
Trenton, New Jersey 08625  
Telephone: (609) 292-3676

After full consideration of all submissions respecting the proposed action, the New Jersey Health Benefits Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the revision substantially as proposed without further notice.

William J. Joseph  
Secretary  
State Health Benefits Commission  
Division of Pensions  
Department of the Treasury

(b)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Changes in Farmland Assessment Act Rules

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:4-23.21, proposes to adopt certain new rules and amend certain existing rules of the Local Property Tax Bureau concerning the taxation of land in agricultural or horticultural use under the Farmland Assessment Act (N.J.S.A. 54:4-23.1 et seq.) as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

N.J.A.C. 18:15-14. APPLICATION FOR FARMLAND ASSESSMENT — WHO FILES

In order that land in agricultural or horticultural use may be assessed under the Act for the tax year [1965] 1971 and any subsequent tax year thereafter, the owner of such land must file an application requesting such assessment with the assessor of the taxing district in which such land is situated on or before [October] August 1 of the pretax year.

N.J.A.C. 18:15-17. APPLICATION FOR FARMLAND ASSESSMENT — ANNUAL FILING

In order that land in horticultural or agricultural use continue to be assessed as farmland, the owner thereof must annually, on or before [October 1] August 1 of the pretax year, file an Application (in duplicate) on Form FA-1 with the assessor of the taxing district where such land is situated. See Form FA-1, Revised November 1970. This Form supersedes Forms FA-1 of prior dates.

N.J.A.C. 18:15-17.5. APPLICATION FOR FARMLAND ASSESSMENT—EXTENSION OF TIME FOR FILING

The owner of land in horticultural or agricultural use may file an Application in duplicate on Form FA-1 between August 1 and December 31 of the pretax year if the taxing district in which the land is located completes a revaluation of all property in time to be reflected in the assessments for the next succeeding tax year.

N.J.A.C. 18:15-19. [RESERVED] APPLICATION FORMS — ORIGINAL AND DUPLICATE

The original copy of all application forms submitted to the assessor shall be retained in the office of the assessor. The duplicate copy shall be forwarded to the Local Property Tax Bureau by the assessor on or before January 10 of the tax year to which they are applicable. Each duplicate copy of the application forms shall, in the space reserved for official use, be signed and dated by the assessor and be marked "approved" or "disapproved".

N.J.A.C. 18:15-23. PROOF — FILE WITH ASSESSOR — DUE DATE

The owner of land actively devoted to agricultural or horticultural use must submit the required application for farmland assessment to the assessor of the taxing district where such land is situated, on or before [October 1] August 1 of the pretax year in order to be eligible for such assessment.

An application once filed with the assessor for the tax year may not be withdrawn by the applicant after October 1 of the pretax year. (See [Reg.] N.J.A.C. 18:15-64 as to the power of the assessor and the county board of taxa-

tion to deny or nullify an application where a change in use occurs between October 1 and December 31 of the pretax year.)

**N.J.A.C. 18:15-26. [RESERVED] NOTICE OF DISALLOWANCE OF CLAIM**

Where an application for valuation of land under the Act has been filed by the landowner with the assessor of the taxing district in which the land is located, and such application is disallowed, the assessor shall on or before November 1 of the pretax year notify the landowner by regular mail of the disallowance of his application for farmland assessment. The Notice of Disallowance shall set forth the reason or reasons therefore together with a statement notifying the landowner of his right to appeal such determination to the County Board of Taxation on or before August 15 of the tax year.

**N.J.A.C. 18:15-51. ROLL-BACK TAXES — AMOUNT**

In determining the amount of roll-back taxes chargeable on land which has undergone a change in use, the assessor is required for each of the roll-back tax years involved to ascertain;

(a) The full and fair value of such land under the valuation standard applicable to other taxable land in the taxing district;

(b) The amount of the land assessment for the particular tax year by multiplying such full and fair value by the [average real property assessment ratio of the taxing district,] county percentage level, as determined by the county board of taxation [for the purposes of the county equalization table for such year, pursuant to N.J.S.A. 54:3-17 to 19;] In accordance with Section 3 of P.L. 1960, C. 51 (N.J.S.A. 54:4-2.27);

(c) The amount of the additional assessment on the land for the particular tax year by deducting the amount of the actual assessment on the land for that year from the amount of the land assessment determined under subparagraph (b) hereof; and,

(d) The amount of the roll-back tax for that year by multiplying the amount of the additional assessment determined under (c) hereof by the general property tax rate of the taxing district applicable for that tax year.

**N.J.A.C. 18:15-64. CHANGE OF USE BETWEEN OCTOBER 1 AND DECEMBER 31**

(a) If a change in the use of land occurs between October 1 and December 31 of the pretax year, and an application is then pending for assessment under the Act for the ensuing year, either the assessor or the County Board of Taxation, as the case may be, shall deny or nullify such application and, after examination and inquiry, determine the full and fair value of said land under the valuation standard applicable to other land in the taxing district and assess the same according to such value.

Example: An application is filed with the assessor on or before [October 1, 1964] August 1, 1971 for farmland assessment for the tax year [1965.] 1972. On November 15, [1964] 1971 a change in use of the land takes place. The assessor, knowing of such change of use, will deny the application and value and assess the land for the tax year [1965] 1972 in the same manner as other real property in the taxing district. If the assessor is unaware of such change before he files his assessment list and duplicate on January 10 following, then the County Board of Taxation, if it has knowledge of the change before the tax roll becomes final, will revoke the application and assess the land in the same manner as other real property in the taxing district.

(b) [A.] If, notwithstanding such change of use, the land is assessed under the Act in the ensuing tax year, then the assessor is required to enter an assessment, as an added assessment, against such land, in the "Added Assessment List" for the particular tax year involved in the manner prescribed in the Added Assessment Law, N.J.S.A. 54:4-63.2 et seq.

[B.] The added assessment is to be in an amount equal to the difference, if any, between the assessment imposed under the Act and the assessment which would have been imposed had the land been valued and assessed as other land in the taxing district. This added assessment is applicable to the full tax year and not subject to proration.

Example: A change in use takes place on November 15, 1967 but is not discovered by the assessor or the County Board of Taxation until June 1, 1968. In that event, the assessor will enter an added assessment against such land on the Added Assessment List for 1968, in accordance with paragraph [A.] (b) of this Regulation. In addition, he shall impose roll-back taxes for such of the tax years 1967, 1966 and 1965, in which the land was assessed under the Act.

**N.J.A.C. 18:15-74. SEPARATION OR SPLIT-OFF**

The separation or split-off of a part of any land which is being assessed under the Act, either by conveyance or other action of the owner, for a use other than agricultural or horticultural, subjects the land so separated to liability for the roll-back taxes applicable thereto, but does not impair the right of the remaining land to continue to be assessed under the Act, provided it still meets the 5-acre minimum area requirement and such other conditions of the Act as may be applicable. [I] [See Reg. 18:15-77 for the effect of a change of use resulting from the taking of land under Eminent Domain.]

**N.J.A.C. 18:15-77. EMINENT DOMAIN**

[A.] The taking of land which is being valued, assessed and taxed under the Act by right of eminent domain [does not subject the land so taken to the roll-back taxes imposed herein.] is no longer exempt from the imposition of roll-back taxes. (Section 3 of P.L. 1970, c. 243, approved October 28, 1970).

[B. For purposes of the Act, the transfer of land under threat of condemnation is deemed a voluntary transfer and does not constitute a taking of land by actual condemnation so as to relieve the owner of land from the roll-back taxes imposed by the Law.]

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action on or before July 29, 1971, to:

O. William Freeman  
Local Property Tax Bureau  
Division of Taxation Building  
West State and Willow Streets  
Trenton, New Jersey 08625  
Telephone: (609) 292-4836

The Division of Taxation in the Department of the Treasury, upon its own motion or at the instance of any interested party, may thereafter adopt the changes substantially as proposed without further notice.

Sidney Glaser  
Director  
Division of Taxation  
Department of the Treasury

(a)

# HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

## Proposed Rules On Location, Construction And Operation Of Sanitary Landfills

The Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., proposes to adopt regulations governing the location, construction and operation of sanitary landfills within the Hackensack Meadowlands District.

The proposed regulation is concerned with the application, approval, construction, operation, maintenance and administrative procedures related to sanitary landfills within the Hackensack Meadowlands District.

Copies of the proposed regulations may be obtained in writing from:

Secretary  
Hackensack Meadowlands Development Commission  
Room 206, 363 West State Street  
Trenton, New Jersey 08625  
or  
1099 Wall Street West  
Lyndhurst, New Jersey 07071

A public hearing will be conducted by the Commission to receive written and oral statements regarding these proposed regulations on July 26, 1971, at 10:00 a.m. in the Lyndhurst office of the Commission. Any person wishing to present a statement at this hearing must submit a written request to the Secretary of the Commission at either of the addresses listed above on or before July 22, 1971. The date, time and place of any subsequent hearing, if deemed necessary, will be announced at the hearing but no notice of such subsequent hearing will appear in the New Jersey Register.

Written statements relevant to the proposed action will also be accepted by the Commission on or before July 28, 1971 at either of the above addresses and will be given full consideration by the Commission.

Upon full consideration of all submissions respecting the proposed action, the Hackensack Meadowlands Development Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the regulations substantially as proposed without further notice.

Clifford A. Goldman  
Secretary  
Hackensack Meadowlands Development Commission



### SULLIVAN EXPLAINS NEED, IMPACT OF PROPOSED AUTO POLLUTION CODE

Commissioner Richard J. Sullivan of the Department of Environmental Protection has issued a reminder that two public hearings on proposed Chapter 15 of the State's Air Pollution Control Code will be held in early August.

The new rule would set limits on automobile exhaust

pollution to be enforced at state Motor Vehicle Inspection stations and on the road. (The official rule proposal notice was printed in the June, 1971 New Jersey Register, at 3 N.J.R. 103(a).)

The first hearing session will be August 10 at Becton Auditorium, on the Teaneck campus of Fairleigh Dickinson University, from 10 a.m. to 8 p.m.; and the second August 11 at the Cherry Hill Mall Auditorium, also from 10 a.m. to 8 p.m.

Chapter 15 deals with the control and prohibition of air pollution from gasoline-fueled motor vehicles. It covers all motor vehicles (except those which run only on rails or tracks) registered at not more than 6,000 pounds gross weight and designed primarily for transportation of persons or property.

The Chapter stipulates that in order to pass annual inspection by the Division of Motor Vehicles any gasoline-fueled, light-duty vehicle subject to such inspection shall not emit visible smoke in its exhaust or crankcase emissions.

Sullivan stated that "cars which are reasonably well maintained and tuned for good performance and fuel economy will meet the standards."

In addition, a two-step reduction for carbon monoxide (CO) and hydrocarbon (HC) (un-burned fuel) emissions, based on the model year of the vehicle, is set forth in proposed Chapter 15, as shown in the table printed in last month's Register.

Chapter 15 concludes with a step-by-step outline of prescribed inspection test procedures for measuring the percent of carbon monoxide and parts-per-million of hydrocarbons in the exhaust gas, and also for observing visible smoke in exhaust and crankcase emissions.

Commissioner Sullivan described the new inspection test as "a significant step" toward obtaining the goal of control of pollution from gasoline-fueled vehicles.

The Commissioner emphasized that the test, which will be performed as a part of regular annual motor vehicle inspections, will take only 30 seconds and will not slow down inspection lines.

He said that studies conducted by the Department and others have demonstrated that this test method is a reliable indicator of the state of a vehicle's engine maintenance and also provides a check on the effectiveness of emission control systems.

Test results can also provide useful diagnostic information for automotive service garages or car owners. For example, excessive carbon monoxide emissions at idling speed can indicate an overly rich air-fuel mixture. A simple carburetor adjustment will lower these emissions significantly and also increase gasoline mileage.

Abnormally high hydrocarbons may indicate faulty ignition. Correcting this reduces the amount of raw fuel being emitted into the atmosphere, and engine performance is improved, Sullivan said.

Commissioner Sullivan stressed that no add-on emission control devices will be required to meet the standards stipulated. Late-model vehicles equipped with control devices mandated by Federal law will be required to perform in the manner intended; older vehicles manufactured prior to Federal control laws will be required only to be properly tuned and maintained.

The Commissioner said that New Jersey's control of the sources of vehicular air pollution will be more far-reaching than Federal control because it involves all vehicles subject to inspection by the Division of Motor Vehicles and not just those cars manufactured subsequent to 1968, to which Federal regulations apply.

Furthermore, Federal standards apply only to "new vehicles". With the annual State inspection the owner can be assured that his vehicle is continuing to perform as it was intended to, or can be informed of deficiencies which it is to his advantage as well as to the benefit of the environment to correct, he continued.

In 1970, studies were conducted by the Department on thousands of vehicles passing through the state's experimental test at the Bakers' Basin motor vehicle inspection station. Based on this testing, it is estimated that the proposed first-stage standards in the new Code will require engine maintenance on about 38 percent of pre-1968 vehicles, or 678,000 cars. The tougher second-stage standards would require about 50 percent to be serviced, or 1,030,000 cars.

The total amount of motor vehicle carbon monoxide emissions entering New Jersey's air has been computed to be 4,585,000 tons per year, the Commissioner reported. Through adoption of the proposed standards it is estimated that carbon monoxide would be reduced by 937,000 tons per year and hydrocarbons by 101,000 tons per year, by the end of 1973. This would represent an overall reduction of 20 percent for carbon monoxide and 32 percent for hydrocarbons entering the atmosphere.

Sullivan pointed out that New Jersey is particularly vulnerable to automotive pollution because the state has the highest density of motor vehicles in the United States—440 per square mile as of December 1969. In metropolitan areas, this density goes much higher; Hudson County, for example, has 4,780 vehicles per square mile.

Another new pollution control law, Chapter 14, which became effective June 18, spells out regulations implementing the Motor Vehicle Law by controlling and prohibiting air pollution from diesel trucks and buses. The promulgation of Chapter 15 in its final form will complete implementation of motor vehicle pollution by controlling and prohibiting air pollution from gasoline-fueled vehicles, he said.

Noting that well over half of all air pollution—possibly as much as 90 percent in urban areas—comes from automotive sources (trucks, buses and cars), the importance of fully implementing the Motor Vehicle Law as a major step in upgrading New Jersey's ambient air quality was pointed up by Commissioner Sullivan in these words:

"The regulations in proposed Chapter 15 can make a significant start toward reducing air pollution from motor vehicles by assuring that vehicles with control devices continue to perform properly.

"These regulations will also create an awareness on the part of the motoring public, the automotive service industry and the automobile manufacturing industry of the need to share in the responsibility for cleaning New Jersey's air."

### **CRACKDOWN SEEN ELIMINATING "THOSE SMOKY DIESEL TRUCKS"**

"Time is running out for those smoky, smelly diesel trucks and buses that have been polluting New Jersey highways," Richard J. Sullivan, state Commissioner of Environmental Protection declares.

He made the comment as Chapter 14 of the State Air Pollution Control Code, which regulates smoke emissions from diesel-powered motor vehicles, went into effect on June 19.

"Enforcement of this code should result in a significant cleanup of the air along our congested highways where

noxious fumes have long been both a source of annoyance and a hazard to health," says Sullivan.

Chapter 14 prohibits operating on New Jersey's highways any diesel-powered motor vehicle which when in motion emits visible smoke from the exhaust outlet for a period of more than five seconds.

Enforcement of the new code will be carried out by the state Division of Motor Vehicles, State Police and Public Utilities Commission.

The diesel code also sets inspection standards for diesel-powered trucks and buses subject to on-the-premises inspection by the Division of Motor Vehicles or the Public Utilities Commission, and spells out the procedures to be followed in carrying out the inspections.

According to statute, N.J.S.A. 39:3-70.2), vehicles subject to inspection must pass the diesel code standards as a condition of compliance.

On-the-road violators are subject to a penalty of not less than \$25 nor more than \$100 in accordance with the provisions of Chapter 5 of Title 39 of the Revised Statutes.

Chapter 14 regulations were promulgated in December, 1970 following a public hearing last August. The effective date of June 19 followed by 180 calendar days the date of promulgation, as required by statute.

### **DRUG-AID PROGRAMS BY BUSINESS ASKED BY HEALTH COMMISSIONER**

Dr. James R. Cowan, Commissioner of Health, recently challenged the state's business community to develop comprehensive guidelines and programs to assure identification, treatment and rehabilitation of drug-dependent persons among their employees in much the same manner as has been done for those with a drinking problem.

He spoke June 2 before the Newark Jaycees at their corporate award luncheon.

The Commissioner said: "It seems to me that if we want to make real progress in our efforts to control the misuse of drugs, then we must convince you as businessmen that participation is not only necessary but can be meaningful, and that it can be done within your own boundaries, within your own levels of experience and within your own daily activities.

"I think you could be especially helpful in the identification, treatment, and rehabilitation of drug abusers who happen to be your own employees or co-workers.

"Recently, great strides have been made in the development of industrial treatment programs for another type of drug abuser, the alcoholic. I am now asking you to help develop a program for the drug abuser.

"Like the alcoholic, the drug abuser is in need of medical treatment and compassion. What service do you perform by arbitrarily dismissing an employee who is dependent upon drugs?

"That action in itself will not help effect a cure. You will lose a trained employee, and he will become a burden on the general society more than ever, because he has been deprived of his earning capacity. And this, of course, will ultimately affect you, and, more importantly, you will lose an opportunity to help a fellow human being with a problem.

"To the best of my knowledge," Dr. Cowan continued, "there do not now exist recommended procedures for business executives to employ when suddenly confronted by a drug abuser in his own organization. Rather than fragmented and arbitrary actions taken against the industrial drug abuser, wouldn't it really be helpful to formulate comprehensive guidelines based on the latest medi-

cal knowledge, concerning causes, methods of treatment and rehabilitation programs as they relate to efficient business administration and policy?

"Wouldn't such a program, developed with the consensus of the business community, be helpful to all executives?"

"If you would be willing to accept this challenging assignment, I will pledge to you the assistance of our Division of Narcotic and Drug Abuse Control," Dr. Cowan concluded.

### **DEPARTMENT OF AGRICULTURE SETS UP DIVISION OF REGULATORY SERVICES**

The State Board of Agriculture approved creation of a Division of Regulatory Services in the Department of Agriculture to assume all the functions of the former Division of Agricultural Chemistry and take over some programs of the Division of Markets and Division of Dairy Industry.

The new Division is headed by Delmar K. Meyers, State chemist and former Director of the Division of Agricultural Chemistry.

The State Board also approved the reorganization of the Division of Markets, which continues under the direction of John J. Repko.

The Division of Regulatory Services acquires all the regulatory programs of the Division of Markets: fruit and vegetable inspection, including the enforcement of the potato labeling and controlled atmosphere storage laws; egg inspection under the state's Egg Marketing Law; and state responsibilities under the new Federal Egg Products Inspection Act.

The new division also takes over all licensing and bonding programs previously conducted by the marketing division; and the butterfat testing of milk is switched to it from the Division of Dairy Industry.

All services of the former Division of Agricultural Chemistry are continued: inspection, laboratory analyses and enforcement of state laws on animal feeds, fertilizers and liming materials, as well as laboratory analyses for state meat and poultry inspection.

The Division of Markets will be reorganized to include three broad programs of work: market grading and services; market organization and facilities development; and market expansion and product promotion.

### **NEW ACTING DIRECTOR NAMED FOR MINORITY ENTERPRISE PROGRAM**

Joseph M. Bair of Atlantic City was appointed last month as acting executive director of the New Jersey Urban Loan Authority and the State Development Corporation, the state's \$4.5 million minority enterprise program.

Bair, 31, an honor graduate of Seton Hall University and former all-American track and field star, has specialized in business and urban affairs for the past six years.

His appointment was announced by Community Affairs Commissioner Edmund T. Hume at an annual salary of \$23,000, the same he received as director of personnel and operations for the two units.

Bair succeeds Arch S. Whitehead (April, 1971 Register), who had held the post only four months on leave of absence from Fairleigh Dickinson University.

The Urban Loan Authority, created by the State Legislature 18 months ago, provides financial backing to business ventures in ghetto areas in loans as well as managerial and technical assistance. The Development Corporation develops economic ventures in cities with the assist-

## **STATE NEWS OF PUBLIC INTEREST**

ance of a \$2.5 million grant from the U.S. Office of Economic Opportunity.

Bair was previously executive director of New Jersey Business Development Associates Inc. in Trenton, worked for the state Law Enforcement Planning Agency as a supervisor and criminal justice analyst, and for the Atlantic City community action anti-poverty agency.

He was graduated from Seton Hall with a bachelor of science degree in 1964, received his masters degree from Seton Hall in 1965, and is currently working on his doctorate at the Wharton School of Finance and Commerce of the University of Pennsylvania in Philadelphia.

He is a member of the Afro-American Institute, executive board of the National Association for the Advancement of Colored People, Catholic Youth Organization, American Museum of Natural History, Stockton College Advisory Council and 13 other community and state organizations.

### **EDUCATION DEPARTMENT REORGANIZED; PODESTA NAMED DEPUTY COMMISSIONER**

A reorganization of the state Department of Education, with Dr. Victor J. Podesta being named Deputy Commissioner, was announced by Education Commissioner Carl L. Marburger.

The Division of Administration, which had been headed by Podesta as an assistant commissioner, has been eliminated and its functions transferred.

The Division of Business and Finance is reconstituted as the Division of Administration and Finance, with Assistant Commissioner Edward W. Kilpatrick continuing as division head.

A new Division of Field Services is created, to be headed by a director yet to be named.

Marburger said Podesta has full power to act in the Commissioner's absence and represents him in internal administration of the department. Podesta, an educator for 32 years, served as Superintendent of Schools in Plainfield and Vineland before joining the department in 1968 as an assistant commissioner.

The Division of Administration and Finance has two branches, with Edward J. Vogelsong as director of administration and budgeting handling internal management, and Harold Y. Bills as director of school finance and auditing.

Vogelsong had been director of personnel and administrative services. Joseph W. DiLascio has been elevated from assistant director to director of personnel and administrative services as part of Vogelsong's branch. The chief of budget and accounting is William M. Rogers, who was an administrative analyst in the Budget Bureau the past four years.

Bills, whose title previously was director of business services, has two key assistants in the school finance branch, Peter Kucker, assistant director of school finance, and James Oszfolk, chief auditor.

The new Division of Field Services includes the offices of pupil transportation, school planning services, teacher education and certification, nutritional and emergency

school lunch services, surplus property and adult and continuing education and high school equivalency.

The six other divisions of the Department will continue to function as previously with minor exceptions, Commissioner Marburger said. They are the Divisions of Controversies and Disputes; Curriculum and Instruction; Vocational Education; Research, Planning and Evaluation; State Library; and State Museum.

## 22 STATE EMPLOYEES WIN \$733 FOR LATEST SUGGESTION AWARDS

Some 22 employees in nine Departments received a total of \$733 in awards during the past month in the ongoing State Employees' Suggestion Awards Program.

James A. Alloway, President of the Department of Civil Service, in announcing the latest winners said that their ideas for improvements will save the state \$7,330 annually. Such savings are estimated at ten times the amount of the awards, he explained.

Among current winners was Patricia Batterson, a clerk typist in the Department of Law and Public Safety, who received a \$113 award for the suggestion of a new form to be used for computer print-outs. Miss Batterson lives at R.D. #1, Columbus.

Also from Law and Public Safety were Joseph J. Caserta, a head clerk, of 317 Montana Ave., Trenton, winning \$35 and Rudolph L. Torlini, an assistant chief, Bureau of Office Services, of 4 Elkshead Terrace, Yardville, \$30.

In the Department of Transportation was Daniel Pfleiderer, an engineering aide I, who received \$115 for his suggestion of new forms enabling samples received in the laboratory to be totaled weekly and monthly instead of every six months. Pfleiderer resides at 184 Franklyn Road, West Trenton.

Also from Transportation were Mrs. June M. Beyer, an engineering aide II, of 370 Green Lane, Trenton, who received \$50 for suggesting the use of elastic clamps on soil samples; Edwin L. Derolf, an assistant foreman mechanic, of 220 Garfield Ave., Trenton, who received \$50 for the suggestion of a joint cleaner which can be used on either side of the tractor or in front to clean the joints up to the curb; Adolph S. Stepowany, a principal right of way negotiator, of 246 George Dye Road, Hamilton Square, \$20; and Robert L. DeSandre, a principal engineer, soils, of 54 Lakeview Court, Trenton, \$10.

Two suggestors were from the Judiciary: Mrs. Madeline Danese, a microfilm machine operator, of 1228 Princeton Ave., Trenton, \$20, and Peter P. Aiello, a principal statistician, of 10 Dark Leaf Drive, Trenton, \$15.

Representing the Department of Insurance was George H. Siegel, a senior examiner-investigator, of 180 Mountainview Ave., Nutley, who received \$55 for the suggestion that examinations for a broker's license be held on a bi-monthly basis in Pennsauken.

Mrs. Louise Owens, an audit account clerk in the Department of Community Affairs, received \$35. She resides at 238 Rosemont Ave., Trenton.

Five suggestors were from the Department of Institutions and Agencies. They were Mrs. Blanche Williams, a clerk stenographer, of rural Wharton, \$25; Richard W. Heater, a paymaster, of 260 Clamer Road, Trenton, \$15; Mrs. Nadine E. Henry, a home instructor, of 7 Kansas Drive, Jackson, \$15; Charles V. Murrin, a caseworker, of 155 S. School St., Gibbstown, \$15; and Gaetan L. Panarello, a repairman, of 1081 Park Drive, Hammonton, \$15.

Representing the Department of Education were Mrs. Evelyn Thoms, a principal clerk stenographer, of 32 Rutledge Ave., Trenton, \$45, and Mrs. Janet M. Susswein, a

head clerk bookkeeper, of 139 West Farrell Ave., Trenton, \$15.

Two suggestors represented the Department of Agriculture. They were Miss Martha Conover, a clerk typist, of 30 Miwa St., Browns Mills, \$15, and Mrs. Mary Cruser, a clerk typist, of 2164 Liberty St., Trenton, \$15.

From the Department of Health was Eugene P. Mylowe, virologist, of Canal House Apartments, Morrisville, Pa., who received a \$10 award.

## AGRICULTURAL FAIRS SEE 19 MORE DUE ACROSS STATE

Another sign of summer, New Jersey's 1971 agricultural fair season, got under way last month, with 19 others scheduled on into mid-September.

Since they are held throughout the state, it is easy for every New Jersey resident to enjoy at least one of these colorful, unique events. Last year, more than one million people did just that.

Exhibits, of course, are one of the main attractions. Displays by both adults and youth groups of livestock, poultry, fruits and vegetables, flowers, clothing, handicrafts, forestry and conservation are mainstays of the fairs.

Most fairs feature contests of various kinds, parades, racing, amusements and a wide variety of shows. Chicken barbecues and fish fries put on by local organizations are a tradition at many. Most have special events for children.

The complete upcoming fair schedule:

July 12-18, Cumberland County Fair, Carmel-Millville Road, Millville,

July 15-17, Cape May County 4-H Fair, Dennisville Road, ¾ mile north of Cape May Court House,

July 16-18, Bergen County 4-H Fair, Van Saun County Park, Paramus,

July 22-24, Burlington County Farm Fair, Lumberton,

July 27-29, Ocean County Fair, Ocean County Park, Lakewood,

July 30-31, Gloucester County 4-H Fair, Route 77, South of Mullica Hill,

Aug. 3-7, Middlesex County Fair, Cranbury Road, East Brunswick Township,

Aug. 4-7, Salem County Fair, Cowtown,

Aug. 5-7, Passaic County 4-H Fair, Preakness Shopping Center, Wayne,

Aug. 5-7, Camden County 4-H Fair, Garden State Race-track, Cherry Hill,

Aug. 9-14, Sussex County Farm & Horse Show, Branchville,

Aug. 12-14, Atlantic County 4-H Fair, Route 50 between Mays Landing and Egg Harbor,

Aug. 13-14, Mercer County 4-H and Farmers' Show, Coliseum, New Jersey State Fairground, Trenton,

Aug. 18-20, Somerset County 4-H Fair, Milltown Road, Bridgewater Township (Between Routes 202 and 22 west of Somerville),

Aug. 18-21, Warren County Farmers' Fair, Harmony,

Aug. 19-21, Morris County 4-H Fair, Randolph High School, Randolph Township,

Aug. 20-21, Essex County 4-H Fair, Roseland School, Harrison Avenue, Roseland,

Aug. 31-Sept. 6, Flemington Fair, Route 31, Flemington, Sept. 10-19, New Jersey State Fair, State Fairground, Trenton.

The first two fairs in the schedule of 21 were one-day affairs held last month - Union County and Greater Monmouth.

## FARMLAND ASSESSMENT APPLICATIONS DUE EARLIER THIS YEAR, BY AUGUST 1

Secretary of Agriculture Phillip Alampi, as chairman of the state Farmland Evaluation Advisory Committee, reminds farmers that the date for annual application under the Farmland Assessment Act has been moved up this year by two months, from Oct. 1 to Aug. 1.

This means that owners of qualified agricultural or horticultural land must file their applications with their local assessor by Aug. 1 in order to secure the additional benefits for the 1972 tax year. (The proposed rule changes are included in this issue at N.J.R. 138(b).)

The Farmland Assessment Act provides for the assessment of qualified agricultural and horticultural land on the basis of its productivity value in agriculture, rather than on its potential for possible future development.

To qualify for this special method of assessment, the land must be of at least five acres; have been actively devoted to agriculture for the two consecutive years immediately preceding the request; and produce a minimum of \$500 in sales. When and if the land changes to a non-agricultural use, it is subject to a roll-back tax.

## 205 COLLEGE STUDENTS WORKING AT INTERN JOBS IN GOVERNMENT

The fifth annual Interns in Community Service program sponsored by the Department of Community Affairs began last month in 55 communities across the state.

The 11-week program will run to Aug. 27, employing qualified college students in challenging summer jobs with state and local governments in an effort to attract them to public service careers, according to Community Affairs Commissioner Edmund T. Hume.

A total of 205 college and graduate students — selected from more than 1,800 applicants — are working with local and county governments, state agencies, local anti-poverty and legal service agencies and a few quasi-public or non-profit private organizations. About one-third of them are graduate students.

"In keeping with the Department's commitment to enlarge and improve services to local governments, 30 more interns than last year have been assigned to positions with municipal and county governments," Hume said.

## GUIDE TO INTER-MUNICIPAL SERVICE AGREEMENTS HAS FRANK COMMENTS

A "practical guide" to assist communities who wish to adopt joint services agreements is now available from the state Department of Community Affairs.

In the 87-page handbook, Princeton Township Mayor John D. Wallace notes that "not all intermunicipal cooperation is a bed of roses." But he adds that the advantages of pooling resources and services far outweigh the disadvantages.

And Highland Park Mayor Samuel Kronman declares that merging of services "sometimes is the only beneficial answer." But he also cautions, "there are some areas where cooperation, or the mere mention of regionalization of services, can be political dynamite."

These frank comments are contained in the "Practical Guide to Resolving Joint Services Agreements," prepared jointly by the Community Affairs Department and the County and Municipal Government Study Commission, the legislative agency known as the Musto Commission after

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its chairman, State Sen. William V. Musto of Hudson County.

The Commission, created by the State Legislature in 1966, has extensively studied county and local governments throughout the state, with an eye towards encouraging, where practical, merging of services by two or more municipalities.

The new handbook is designed for use by local governments interested in implementing all or some of the recommendations contained in the formal report of the Musto Commission presented in September, 1970. It is another step to aid towns and counties wanting to merge police departments, building enforcement codes, solid waste disposal methods, sewer lines, health services, purchasing, tax collection and data processing.

In a joint introduction, Community Affairs Commissioner Edmund T. Hume and Senator Musto state: "Joint services are a vital strategy in the process of bringing adequate and efficient services to all types of municipalities and to all citizens in the State of New Jersey."

Mayor Wallace further comments that the two Princetons "have expanded our most vital civil functions, including schools, sewers, library, recreation, civil defense, civil rights and, more recently, planning." He adds that both municipalities have "reopened the subject of total consolidation between Princeton Township and Princeton Borough," which he calls the "ultimate in intermunicipal cooperation."

Wallace says that communities with a population of fewer than 15,000 are "limited to finance major projects, and by joining with a neighboring community improved services are within the reach of many of us."

Mayor Kronman notes that Highland Park and Edison Township have an agreement contract for sewer lines, and that the borough is part of a federated library system and county health system.

Kronman says that "many of our cooperative agreements have posed no problems because they clearly demonstrate a decrease of cost and an increase of service in such areas as library and health."

He concludes: "The citizens of Highland Park get more and better services for their tax dollar from cooperation than they would otherwise receive."

The advantages and disadvantages of merging services are also reported in the handbook by Dana A. Miller, East Windsor Township Manager; J. Peter Braun, Sparta Township Manager; and Barry R. Evans, Lawrence Township Manager. William J. Kearns Jr., Willingboro attorney, discusses the legal language that should be included in any contract of agreement.

The handbook also contains in capsule form a handy reference to all existing laws on mergers or consolidations of services ranging from parklands to improving navigable waterways.

Copies of the handbook are available at no charge from: Department of Community Affairs, Division of Community Assistance, P.O. Box 2768, Trenton, New Jersey, 08625.