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*"INDEX OF ADOPTED RULES"**

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The New Jersey Register supplements the New Jersey Administrative Code. To complete your research of the latest State agency rule changes, see the Rule Adoptions in This Issue and the Index of Adopted Rules beginning on page 2051.

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RULE PROPOSALS

BANKING

(a)

DIVISION OF BANKING

Approved Depositaries for Investments Comprising Security Funds

Proposed Readoption: N.J.A.C. 3:6-2.1

Authorized By: Michael M. Horn, Commissioner, Department of Banking.
Authority: N.J.S.A. 17:9A-31.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roger F. Wagner, Deputy Commissioner
Department of Banking
Division of Banking
CN 040
Trenton, NJ 08625

The Department of Banking thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules would otherwise expire on January 17, 1984. The readoption of these rules becomes effective upon acceptance for filing by the Office of Administrative Law of a notice of their readoption.

This proposal is known as PRN 1983-626.

The agency proposal follows:

Summary

The subchapter proposed for readoption has been reviewed in compliance with Executive Order No. 66(1978) and has been found to be necessary, adequate, reasonable, efficient, understandable and responsive to the purpose for which it was promulgated. Pursuant to the authority vested in the Commissioner of Banking by Section 31 of The Banking Act of 1948, as amended, N.J.S.A. 17:9A-31, the Commissioner adopted this rule (N.J.A.C. 3:6-2) on September 16, 1948. At that time, the Commissioner adopted the rule to allow institutions alternate depositaries for required security funds, rather than limiting them to the Federal Reserve Bank which was stipulated in the law. A number of well qualified New Jersey banks offered custodial and correspondent services and provided an alternate in State service for other New Jersey banks. The fund is established as security for the performance of an institution's obligations in fiduciary capacities for which the institution may be required to pledge securities.

On October 30, 1967, the Commissioner amended the rule by stipulating that an approved depositary must have a basic capital stock and surplus position of at least $1,000,000 to continue to serve as an approved depositary. Effective January 17, 1979, the rule was further modified to require a capital stock and surplus position of at least $2,000,000. At this time, it is felt that the $2,000,000 base is a reasonable level and therefore the rule is proposed for readoption without change.

Social Impact

There is no specific public social impact through this rule, however, continuing the availability of the alternate use of qualified New Jersey banks as custodial depositaries should have a positive overall impact on these institutions and therefore the State as a whole. Without the regulation, required security funds would have to be maintained at either the Federal Reserve Bank in New York or the Federal Reserve Bank in Philadelphia, both out of State.

Economic Impact

Qualified New Jersey institutions used as custodial depositaries will receive fees for such services which will in one way or another inure to the benefit of the State through taxable income and/or increased job potential in institutions providing custodial services.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 3:6-2.

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CIVIL SERVICE

(a)

CIVIL SERVICE COMMISSION

Provisional and Temporary Appointments Interim Appointments; Return of Probationary, Interim, and Provisional Employees to Their Permanent Titles

Proposed New Rule: N.J.A.C. 4:1-14.6
Proposed Amendments: N.J.A.C. 4:2-14.1 and 4:3-14.2

Authorized By: Civil Service Commission, Peter J. Calderone, Assistant Commissioner, Department of Civil Service.
Authority: N.J.S.A. 11:4-2; 11:5-1 and 11:21-1.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-617.

The agency proposal follows:

Summary

New rule N.J.A.C. 4:1-14.6 reflects a Civil Service Commission decision that was upheld by the Superior Court, **In The Matter of Joseph S. Viviani**, A-2778-81-T2 (App. Div. June7, 1982). In this case, an employee who had been granted an extended leave of absence requested reinstatement to the title he had held at the time of his leave. However, while he was on his leave of absence, another employee was appointed to fill the vacated position and was subsequently granted permanent status. Other employees had also been moved up accordingly. The request for return to active status precipitated a dispute concerning who had rights to the title, the original incumbent or the interim incumbent. It was decided that the intent to return to employment is inherent in a request for a leave of absence; therefore, the original incumbent was returned to his title. The interim incumbent's permanent appointment was deemed conditional and he was returned to his last permanent title. Each person promoted and granted permanent status as a result of the leave of absence was also considered to have held that position conditionally and was returned to his/her last permanent title.

The Commission, in its decision, acknowledged that it had an obligation to prepare clear regulations on this matter. Therefore, the following new rule and amendments are being proposed. N.J.A.C. 4:1-14.6 regulates appointments to positions held by inactive employees who are on approved leaves of absence. Interim appointments may be made for the period of leave. All rights shall be determined from the interim employee's permanent title. N.J.A.C. 4:2-14.1 and 4:3-14.2, are being amended to include interim appointments with other non-permanent appointment situations under current procedures for returning such employees to their permanent titles.

Social Impact

The proposed new rule and amendments insure an employee on leave of absence that s/he may at any time return to active status in his/her permanent title. It also notifies an employee elevated to a new title as a result of a leave of absence that appointment to the new title does not guarantee rights to that title but is for the interim period pending the return of the original incumbent.

Economic Impact

This rule has no economic impact since it neither creates nor eliminates any cost.

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

4:1-14.6 Interim appointments

(a) In State service, an interim appointment applies to a specific position. In local service, an interim appointment applies to a specific title.

(b) Any appointment to a specific position or title which is currently held by a permanent employee who is on an approved leave of absence, shall be considered an interim appointment. The interim appointment shall remain in effect only during the period of time the permanent employee is on leave of absence. At the end of the leave period, the interim appointee shall have rights to his or her permanent title. See N.J.A.C. 4:2-14.1 and 4:3-14.2.

(c) The interim appointee shall continue to accrue seniority in his or her permanent title and be eligible for promotion from his or her permanent title. See N.J.A.C. 4:1-8.4.

(d) In case of layoff, the interim appointee's layoff rights shall be determined from his or her permanent title.

(e) Employees appointed to positions (titles) on an interim basis are to be advised by the appointing authority of such status and their rights under an interim appointment.

4:2-14.1 Return of probationary, **interim,** and, provisional[ly appointed]employees to their permanent titles

(a) This section describes the procedure for returning displaced employees, probationary, **interim,** or provisional, to their permanent titles.

(b) When an employee with [a] permanent status in a [lower] title **at the same or lower class level** fails the working test period in [a higher] **another** title, is displaced by a certification, **is displaced from his/her interim appointment,** or has his/her **interim or** provisional appointment terminated by the appointing authority, s/he will be returned to a position in the [lower] **former** permanent title in the same organizational unit. The organizational unit is the department or legally constituted authority, office or commission, as appropriate.

(c) The appointing authority and affected employee shall resolve the situation, if possible, through the Level 1 procedures before proceeding to Level 2.

1. Level 1: Ordinary procedure for returning displaced employees:

i. The operating agency shall:

(1) Reassign the displaced employee to a vacant position in his/her permanent title; or

(2) Terminate a provisional employee with no permanent status serving in the displaced employee's permanent title and assign the displaced employee to the vacated position; or

(3) Return an employee serving provisionally [pending open competitive exam who has permanent status in a title lower than that of the displaced employee,] **in the permanent title of the displaced employee** to his/her permanent title and assign the displaced employee to the vacated position.

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Example:
X is serving as a probationer or provisionally in a Supervising Research Analyst title and has permanent status in the lower title of Principal Research Analyst.

Y is serving provisionally as Principal Research Analyst and has permanent status in the lower title of Senior Research Analyst.

Z is serving provisionally as a Senior Research Analyst. Z has no permanent status.

X is displaced.

Z is terminated since s/he has not permanent status.

Y is returned to his/her permanent status title as Senior Research Analyst as vacated by 2., leaving a position as Principal Research Analyst free.

X, the originally displaced employee, is then assigned to the vacant position as Principal Research Analyst.

2. Level 2: Optional procedures for returning displaced employees.
i. The operating agency may offer the employee other positions for which s/he qualifies in addition to Level 1 positions. This may be in the same or different title or series.
ii. The displaced employee may voluntarily accept appointment to a position in the same or another title for which s/he qualifies in the same or another organizational unit. The status and salary of an employee who exercises this option shall be determined in accordance with Department of Civil Service rules and policy.
(d) Enforcement of level 1 and level 2 procedures:
1. If the operating agency offers other options, in addition to level 1 procedures, the employee may accept the level 1 or level 2 choices. If the operating agency offers level 1 procedures and no level 2 options, the employee must accept the level 1 procedures.
(e) Level 3: Layoff procedures:
1. If the appointing authority and employee cannot utilize any of the above options, the employee must be apprised of his/her layoff, demotional and reemployment rights pursuant to N.J.A.C. 4:1-16.5 and layoff procedures will be instituted. Layoff (reduction-in-force) procedures are to be followed as described in N.J.A.C. 4:2-16.2.
2. If it is necessary to follow reduction-in-force procedures and a certification is outstanding, the operating agency shall request, in writing, that the [Chief Examiner and Secretary] **Department of Civil Service** extend the disposition of the certification for 45 days or longer to allow for the required 45 day notice of layoff.

4:3-14.2 Return of probationary, **interim,** and, provisional[ly appointed] employees to their permanent titles
(a) This [rule] **section** describes the procedure for returning displaced employees, probationary, **interim,** or provisional, to their permanent titles.
(b) When an employee with [a] permanent status in a [lower] title **at the same or lower class level** fails the working test period in [a higher] **another** title, is displaced by a certification, **is displaced from his/her interim appointment,** or has his/her **interim or** provisional appointment terminated by the appointing authority, s/he will be returned to a position in the [lower] **former** permanent title in the same organizational unit. The organizational unit is the department or legally constituted authority, office or commission, as appropriate.
(c) The appointing authority and affected employee shall resolve the situation, if possible, through the level 1 procedures before proceeding to level 2.
1. Level 1: Ordinary procedure for returning displaced employees. The operating agency shall:
i. Reassign the displaced employee to a vacant position in his/her permanent title; or
ii. Terminate a provisional employee with no permanent status serving in the displaced employee's permanent title and assign the displaced employee to the vacated position; or
iii. Return an employee serving provisionally [pending open competitive exam who has permanent status in a title lower than that of the displaced employee] **in the permanent title of the displaced employee** to his/her permanent title and assign the displaced employee to the vacated position.
iv. Example: X is serving as a probationer or provisionally in a supervising research analyst title and has permanent status in the lower title of principal research analyst.
Y is serving provisionally as principal research analyst and has permanent status in the lower title of senior research analyst.
Z is serving provisionally as a senior research analyst. Z has no permanent status.
(1) X is displaced.
(2) Z is terminated since s/he has no permanent status.
(3) Y is returned to his/her permanent status title as senior research analyst as vacated by (2) above, leaving a position as principal research analyst free.
(4) X, the originally displaced employee, is then assigned to the vacant position as principal research analyst.
2. Level 2: Optional procedures for returning displaced employees.
i. The operating agency may offer to the employee other positions for which s/he qualifies in addition to level 1 positions. This may be in the same or different title or series.
ii. The displaced employee may voluntarily accept appointment to a position in the same or another title for which s/he qualifies in the same or another organizational unit. The status and salary of an employee who exercises this option shall be determined in accordance with Civil Service rules and policy.
(d) If the operating agency offers other options, in addition to level 1 procedures, the employee may accept the level 1 or level 2 choices. If the operating agency offers level 1 procedures and no level 2 options the employee must accept the level 1 procedures.
(e) Level 3: Layoff procedures:
1. If the appointing authority and employee cannot utilize any of the above options, the employee must be apprised of his/her layoff,[.D]demotional and reemployment rights pursuant to N.J.A.C. 4:1-16.5 and layoff procedures will be instituted. Layoff (reduction-in-force) procedures are to be followed as described in N.J.A.C. 4:3-16.2.
2. If it is necessary to follow reduction-in-force procedures and a certification is outstanding, the operating agency shall request, in writing, that the [Chief Examiner and Secretary] **Department of Civil Service** extend the disposition of the certification for 45 days or longer to allow for the required 45 day notice of layoff.

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COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Uniform Construction Code Solar Facilities Tax Exemption; Responsibilities; Revocation

Proposed Amendments: N.J.A.C. 5:23-6.2, 6.3 and 6.5

Authorized By: John P. Renna, Commissioner, Department of Community Affairs.
Authority: N.J.S.A. 54:4-3.116.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-616.

The agency proposal follows:

Summary

The amendment will bring N.J.A.C. 5:23-6 into conformity with the enabling statute (P.L. 1977, c.256; N.J.S.A. 54:4-3.113 et seq.), which has been amended by P.L. 1983, c.44 to extend the tax exemption to solar energy systems providing all or a portion of the general energy needs of a building, as well as heating and/or cooling.

Social Impact

Amendment of the regulation will reduce the likelihood that a property owner will be incorrectly denied tax exemption for a solar energy system which is not limited to heating or cooling.

Economic Impact

If the construction official, as a result of this amendment, has current accurate information as to eligibility for the solar energy tax exemption, a qualifying property owner will be more likely to receive the tax benefit to which he is entitled by statute.

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

5:23-6.2 Construction official's responsibilities

(a) The construction official shall have responsibility for determining the eligibility of proposed solar [heating and cooling] **energy** systems, pursuant to the standards promulgated in N.J.A.C. 14A:4-1 et seq.

(b) The construction official shall consult with the appropriate subcode officials in determining conformity with standards adopted by the Department of Energy pursuant to the act.

(c) The construction official shall, in addition, review the cost estimates provided by the applicant.

(d) The construction official may require documentation in the form of signed contracts, contractor estimates and the like if he deems **it** necessary.

(e) The construction official shall grant or deny certification of the system prior to issuance of the construction permit and shall notify the applicant of his decision at that time.

(f) The construction official shall forward a copy of the approved application for exemption to the municipal assessor for his action upon issuance of the certificate of occupancy or certification of completion.

5:23-6.3 Revocation of certification

(a) The enforcing agency, after giving written notice to the owner, may revoke such certification whenever any of the following appears:

1. (No change.)
2. The claimant for tax exemption has failed substantially to proceed with the construction, reconstruction, installation or acquisition of a solar [heating cooling] **energy** system;
3. (No change.)
4. The claimant for tax exemption hereunder has so departed from the equipment, design and construction previously certified by the enforcing agency that, in the opinion of said enforcing agency, the solar [heating and cooling] **energy** system is not suitable and reasonably adequate for the purpose of providing solar energy.

5:23-6.5 Appeals

Appeals may be made regarding the decision of the construction official to the Construction Board of Appeals, in accordance with N.J.A.C. [5:23-2.10] **5:23-2.35.**

EDUCATION

(b)

STATE BOARD OF EDUCATION

Appeals (to the State Board) General Provisions

Proposed Readoption with Amendments: N.J.A.C. 6:2-1.1 through 6:2-1.19 Proposed New Rule: N.J.A.C. 6:2-1.20

Authorized By: New Jersey State Board of Education, Saul Cooperman, Secretary.
Authority: N.J.S.A. 18A:4-15, 18A:6-27 through 18A:6-29 and 18A:7A-25.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

The State Board of Education thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules expire on April 1, 1984.

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The readoption becomes effective upon acceptance for filing by the Office of Administrative Law of a notice of its readoption. The new rule and concurrent amendments to the existing rules become effective upon publication in the Register of a notice of their adoption.

This proposal is known as PRN 1983-614.

The agency proposal follows:

Summary

The State Board of Education, pursuant to the authority of N.J.S.A. 18A:4-1 through 18A:4-20, 18A:6-27 through 18A:6-29 and 18A:7A-25, proposes to readopt with amendments N.J.A.C. 6:2-1.1 through 6:2-1.19, and also proposes to adopt a new rule as N.J.A.C. 6:2-1.20.

In accordance with the "sunset" provisions of Executive Order No. 66(1978), the Legal Committee of the State Board of Education has reviewed the rules codified at N.J.A.C. 6:2-1.1 through 6:2-1.19, which regulate the practice and procedure for processing appeals taken to the State Board of Education. These rules have been amended previously in July 1982, April 1979, and May 1976. For the most part, the existing rules have been found to be adequate, based on the infrequent inquiries which have been received from persons needing additional information or seeking specific explanations of the existing rules. Because of the absence of complaints regarding the existing rules, and based on the orderly, structured work flow in the processing of State Board appeals and in the operation of the State Board appeals office, the existing rules have been found to be reasonable for the most part. They are proposed for readoption without substantial changes. The proposed new rule, N.J.A.C. 6:2-1.20, would prevent the piecemeal review of rulings made in a single controversy and would provide for the more efficient and expeditious disposition of cases.

A review of the proposed readoption with amendments and the proposed new rule for interlocutory appeals follows:

N.J.A.C. 6:2-1.1 Filing and service of notice of appeal and cross-appeal: This section prescribes the 30-day period for appealing to the State Board of Education from a decision of the Commissioner of Education, as required by N.J.S.A. 18A:6-28. The amendment expands the cross-appeal filing deadline and allows for the filing of cross-appeals beyond the 30-day appeal period. Thus, appellants wishing to cross-appeal from appeals taken toward the end of the 30-day appeal period are not foreclosed from filing. This amendment is intended to correct an inequity in the existing rules. The amendment also contains the current address for filing State Board appeals.

N.J.A.C. 6:2-1.2 Filing of decisions of commissioner: This section specifies that the filing date of the commissioner's decision is deemed to be three days after date of mailing of the commissioner's decision. There is no change in text.

N.J.A.C. 6:2-1.3 Appeals filed: This section explains that State Board appeals are considered filed upon receipt, if hand delivered to the State Board, or upon mailing, if mailed under the provisions of N.J.A.C 6:2-1.4. There is no change in text.

N.J.A.C. 6:2-1.4 Filing and proof of mailing of appeals: This section explains how proof of mailing of State Board appeals may be satisfied. There is no change in text.

N.J.A.C. 6:2-1.5 Computation of time: This section specifies how the State Board computes periods of time referred to in this subchapter. There is no change in text.

N.J.A.C. 6:2-1.6 Proof of service: This section specifies that the acceptable method of showing proof of service of appeals are a signed acknowledgement of service by the party or the party's attorney, or affidavit, or a certificate of service. There is no change in text.

N.J.A.C. 6:2-1.7 Certification of record by commissioner: This section relates to the parties that the record before the commissioner is certified to the State Board. Its purpose is to assure that the entire record is before the State Board for its consideration. The amendments would conform the wording in this section with other references to the State Board in the subchapter.

N.J.A.C. 6:2-1.8 Filing and service of briefs in support of appeal and answering briefs: This section prescribes the timelines for filing appeal briefs. There has been no change in the 20-day period for filing the appellant's brief. The 10-day period for filing respondent's brief was considered to be an unrealistic and short period of time. The amendment allows for a 20-day period for filing respondent's brief. The timeline for filing apellant's reply brief was missing from the rule and this shortcoming has been supplied.

N.J.A.C. 6:2-1.9 Filing and service of briefs in support of cross-appeals: This section prescribes the timelines for filing briefs in cross-appeals. The change in heading language is intended to be a simplification of wording. The 40-day period for filing cross-appellant's brief was considered to be an unduly lengthy period, and was shortened to 30 days. The final amendment in this section is added to comport with N.J.A.C. 6:2-1.8(b).

N.J.A.C. 6:2-1.10, N.J.A.C. 6:2-1.11, and N.J.A.C. 6:2-1.12 Contents of briefs; Contents of answering briefs; Covers of briefs and answering briefs. Two grammatical errors have been corrected. There are no other changes in text. These sections are self-explanatory and merely elaborate the format to be observed in the preparation and filing of papers.

N.J.A.C. 6:2-1.13 Extensions of time: The amendments to this section are intended to delineate the conditions under which extensions for filing papers may be obtained. The existing rule is silent as to those situations in which extensions are opposed and the amendment would settle the question. The language has been tightened, disallowing extensions beyond 30 days in all instances, unless leave has been granted by the State Board. The purpose of this amendment is to eliminate potential abuses which prolong or delay the State Board appeals process.

N.J.A.C. 6:2-1.14 and N.J.A.C. 6:2-15 Functions of legal committee; Decision of State Board: These sections explain how the State Board decides its appeals. The amendments would conform the wording with other references to the State Board in the subchapter.

N.J.A.C. 6:2-1.16, N.J.A.C. 6:2-1.17, N.J.A.C. 6:2-1.18, and N.J.A.C. 6:2-1.19 Filing for stays from commissioner's decisions; Motions for clarification of a State Board decision; Notice of motion to appear as amicus curiae; Appeal from decision of commissioner on school budget cap waiver applications: Each of these sections deal with situations requiring specific explanations and procedures. Two minor amendments would conform the wording with other references in the subchapter. There are no substantive changes.

N.J.A.C. 6:2-1.20 Interlocutory orders, decisions or actions: This new rule permits the State Board, as a matter of discretion, to require reasons as to why the State Board should or should not consider an interlocutory appeal. The propose of this new rule is to eliminate delay in resolving contested cases and to alleviate the workload of the State Board, by hearing the bulk of cases after a final decision on the merits of the case by the Commissioner of Education.

Social Impact

The existing rules were designed for the processing of appeals to the State Board of Education from decisions of the Commissioner of Education, and are intended to facilitate the administrative appeal process and advance justice. The existing rules have been successful and should be readopted. The proposed amendments should more clearly delineate the appeal process, streamline the process, set more realistic, clear and fair timelines for litigants, and clarify the conditions under which extensions of time may be granted during the appeal process. The proposed new rule on interlocutory decisions, N.J.A.C. 6:2-1.20, addresses an area of potential delay in litigation. It is intended to expedite the appeal process and lesssen the ever increasing caseload of the State Board without foreclosing the rights of litigants in those instances where

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an injustice might result. These rules are necessary to establish certain and clear procedures for litigants in pursuing their administrative appeals. Without them, litigants would be without guidance in the appeal process.

Economic Impact

The proposed amendments will create no additional expense to litigants, but should help clarify and expedite the State Board appeals process. The expedition of the process could, in effect, result in savings of time and expenses to the litigants and to the State Board by speeding up and streamlining the process. In particular, for example, it is anticipated that there will be somewhat fewer interlocutory appeals and significantly fewer requests for extensions of time.

Although the amount of cost savings that will result in not predictable, since costs would vary depending on the circumstances of each appeal, the rules are expected to generally result in a faster and less expensive litigation process for the State Board and the litigants.

Full text of the current rules may be found at 14 N.J.R. 261(a), 14 N.J.R. 913(a).

Full text of the proposal follows.

SUBCHAPTER 1. [RULES AND REGULATIONS]
GENERAL PROVISIONS

6:2-1.1 Filing and service of notice of appeal and cross-appeal

Notice of appeal [and cross-appeal] to the State Board of Education in a controversy arising under the school laws must be taken within 30 days after the commissioner has filed his [/] **or** her decision in said controversy. [It] **Notice of cross-appeal may be taken within 10 days of service of notice of appeal. Notice of appeal or notice of cross-appeal** shall be taken by filing with the commissioner and the legal committee of the State Board**, at 225 West State Street, Trenton, New Jersey 08625,** and serving by registered mail, or certified mail, or ordinary mail with affidavit of mailing, or personally upon the adverse party or his [/] **or** her attorney a notice of appeal or cross-appeal identifying the decision and stating that an appeal is taken to the Board from it, or from such part of it as may be specified. Proof of service of notice of appeal or cross-appeal shall be filed promptly with the commissioner.

6:2-1.2 Filing of decisions of commissioner

The decision of the Commissioner of Education shall be deemed filed three days after the date of mailing to the parties.

6:2-1.3 Appeals filed

Appeals shall be considered filed upon receipt by the State Board if hand delivered or upon mailing if mailed as provided in N.J.A.C. 6:2-1.4.

6:2-1.4 Filing and proof of mailing of appeals

(a) Filing by mail of appeals covered by this subchapter shall be complete upon mailing. For purposes of computing timelines of the filing of an appeal proof of mailing is required.

(b) Proof of mailing of appeal may be shown by one of the following:

1. An affidavit of the person mailing the appeal; or

2. A certificate of mailing signed by the attorney for the party filing the appeal.

(c) Such proof of mailing shall be appended to and accompany the appeal.

(d) Where there is no appended and accompanying affidavit or certificate of mailing, the appeal shall be deemed to have been mailed three days before receipt of the appeal by the State Board.

6:2-1.5 Computation of time

In computing any period of time fixed by this subchapter the day of the act or event from which the designated period begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor legal holiday.

6:2-1.6 Proof of service

(a) Proof of service of appeals may be made by one of the following:

1. An acknowledgement of service signed by the attorney for a party or signed and acknowledged by the party; or

2. An affidavit of the person making service; or

3. A certificate of service appended to the paper to be filed and signed by the attorney for the party making service.

(b) Proof of service shall be filed with the State Board promptly and in any event before action is to be taken on the matter by the State Board. Failure to make proof of service does not affect the validity of the service, and the State Board at any time may allow the proof of service to be amended or supplied unless an injustice would result.

6:2-1.7 Certification of record by commissioner

In every controversy in which the decision of the commissioner has been appealed to the **State** Board, the commissioner shall certify the record to the **State** Board upon the filing of notice of appeal, and remit the record, so certified, together with the notice of appeal and proof of service thereof with 15 copies of his [/] **or** her decision to the chairperson of the legal committee of the **State** Board. Non-compliance with the provisions of this section shall not invalidate any proceedings.

6:2-1.8 Filing and service of briefs in support of appeal and answering briefs

(a) Within 20 days after the appeal has been taken, the appellant shall file with the legal committee 15 copies of the brief in support of the appeal upon which appellant relies, and shall serve upon the respondent or his[/]or her counsel one copy thereof. Within [10] **20 days thereafter, the respondent shall file 15 copies of his [/]or** her answering brief with the legal committee and shall serve one copy thereof upon the appellant or his [/]**or** her counsel.

(b) Failure to meet the filing deadlines as set forth herein may be viewed as failure to perfect the appeal. Accordingly, on its own motion the State Board may move to dismiss such an appeal. The legal committee of the State Board shall forthwith transmit the copies of briefs so filed, but not as part of the record, to the State Board.

[(b)] **(c) Within 10 days after the filing and service of the answering brief,** [T]the appellant may file a reply to the answering brief, which shall conform [either] to the requirements of N.J.A.C. [6:2-1.11] **6:2-1.10** (formal brief or letter brief). Replies to answering brief shall not exceed 15 pages in length.

6:2-1.9 [Filing and service of briefs in support of cross-appeals]
Cross-appeals

Within 30 days after an appeal and cross-appeal have been taken, the appellant shall file with the legal committee 15 copies of the brief in support of the appeal upon which appellant relies, and shall serve upon the cross-appellant or his [/] **or** her counsel one copy thereof. Within [40] **30** days thereafter, the cross appellant shall file 15 copies of his [/] **or** her brief in support of cross-appeal which shall include answer to appellant's brief with the legal committee and shall serve one copy thereof upon the appellant or his [/] **or** her counsel. Within 10 days thereafter, the appellant shall serve 15 copies of his [/] **or** her answering brief to the legal committee and shall serve one copy thereof upon the cross-appellant or his [/] **or** her counsel. Filing deadlines as set forth herein are subject to the provisions as outlined in N.J.A.C. 6:2-1.8(**b**).

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6:2-1.10 Contents of briefs

(a) Formal briefs of the appellant must be typed double-spaced and plainly legible and shall contain the following material under distinctive titles, arranged in the following order:

1. A table of contents, including the point headings to be argued. Any point not presented below must be so indicated by including in [parenthesis] **parentheses** a statement to that effect in the point heading. A concise and specific statement of the educational policies involved in the case.

2. A concise procedural history including a statement of the nature of the proceedings and a reference to the judgment, order, decision or action appealed from or sought to be reviewed or enforced. The petitioner and respondent shall be referred to as such and shall not, except where necessary, be referred to as appellant or appellee.

3. A concise statement of the facts material to the issues on appeal supported by references to the record and transcript. The statement shall be in the form of a narrative chronological summary incorporating all pertinent evidence and shall not be a summary of all the evidence adduced at hearing, witness by witness.

4. The legal argument for the appellant, under appropriate point headings, distinctively printed or typed, into as many parts as there are to be argued.

5. The legal argument contained within a formal brief shall not exceed 30 pages in length.

(b) Letter briefs, in lieu of filing a formal brief in accordance with (a) above, may be filed by any party. A letter brief shall not exceed 15 pages, single or double-spaced, and shall conform with the requirements of (a)2., 3., 4. and 5. Any point not presented below must have a statement to that effect included in [parenthesis] **parentheses** in the point hearing. No cover need be annexed, provided the information required by N.J.A.C. 6:2-1.12 is included in the heading of the letter.

(c) The appellant or cross-appellant may file an appendix provided the appendix shall not include any document already contained in the record made before the Commissioner of Education. Moreover, appellant may not supplement the evidentiary record made before the commissioner unless specific application for inclusion of an item is made to and granted by the State Board of Education.

6:2-1.11 Contents of answering briefs

Answering briefs shall conform to the requirements of N.J.A.C. 6:2-1.10 (formal briefs or letter briefs), insofar as applicable, except that a counter-statement of facts need be included only if the respondent disagrees with such statements in the appellant's brief. Answering briefs shall not exceed 30 pages in length.

6:2-1.12 Covers of briefs and answering briefs

(a) Except as otherwise provided, covers of briefs and answering briefs shall contain the following material:

1. The name of the State Board of Education and the docket number of the action;

2. The title of the action and the designation of the parties;

3. The title of the document and the designation of the party for whom it is filed;

4. The name and office address of the attorney of record and the names of any attorneys "of counsel" or "on the brief".

6:2-1.13 Extensions of time

Upon notice to the State Board, extensions of time for filing briefs, **or exceptions, objections or replies to the report of the legal committee,** may be obtained by consent of all parties for a period of time not to exceed an accumulative total of 30 days for all extensions in one case. **Requests for extensions without the consent of all parties may be granted for a period not to exceed a total of 10 days for any party in one case. Extensions of time, which are opposed, or a combination of opposed and unopposed, may not exceed an accumulative total of 30 days for all extensions in one case.** Further extensions of time may be obtained only by leave of the State Board upon a showing of good cause.

6:2-1.14 Functions of legal committee

(a) The legal committee shall supervise the preparation of and make available the entire record to the **State** Board, which shall include:

1. The entire record before the commissioner;

2. The commissioner's decision;

3. The appellant's briefs and further memoranda; and

4. The respondent's answering briefs and further memoranda.

(b) The legal committee shall transmit to each member of the **State** Board the following:

1. The commissioner's decision;

2. The appellant's briefs and further memoranda;

3. The respondent's answering briefs and further memoranda; and

4. The report of the legal committee, if any, and any exceptions, objections or replies to the report of the legal committee.

6:2-1.15 Decision of State Board

(a) Oral argument, either before the legal committee or the **State** Board, will be granted at the discretion of the committtee or the **State** Board only if the respective body is convinced that a party has sufficient reason or additional information not contained in the record to justify that this procedure is necessary for a fair determination of the case. Such reasons must be presented in writing by the party requesting oral argument. Even when reasons are proffered by a party, the committee and/or the **State** Board can exercise its discretion to deny oral argument when not convinced of the necessity for this procedure to make a fair determination of the case.

(b) Whenever there is a written report of the legal committee, it shall be submitted to all **State** Board members, and to all parties, and the parties may, concurrently within 10 days of such delivery or mailing, file written exceptions, objections or replies thereto with the **State** Board.

(c) The entire **State** Board shall make a final determination with respect to each controversy by resolution in open meeting.

6:2-1.16 Filing for stays from commissioner's decisions

(a) After the filing of a notice of appeal to the State Board from a determination of the commissioner, a motion for stay shall be made first to the commissioner.

(b) A motion for stay to the commissioner shall be done by notice of motion with supporting affidavit, two copies of which shall be filed with the commissioner and a copy served on each party to the action.

(c) The motion and affidavit shall set forth fully that portion of the commissioner's decision with respect to which a stay is sought, the factual basis on which the application for stay is founded, and the reasons favoring the stay.

(d) Any party opposing the application for stay shall file and serve within 10 days of receipt of such application an answering affidavit in the same manner, setting forth the reasons why the application for stay should be denied.

(e) Unless otherwise ordered by the commissioner, there shall be no oral argument on an application for stay.

(f) If motion for stay is denied by the commissioner, it may be made again to the State Board. If motion is granted before the commissioner, a motion to dissolve the stay may be made to the State Board.

(g) A motion for stay to the State Board shall be done by notice of motion with supporting affidavit, 15 copies of which shall be filed with the legal committee of the State Board, and a copy served on each party to the action. A motion to dissolve a stay granted by the commissioner shall be made in the same manner.

(h) Unless otherwise ordered by the **State** Board, there shall be no oral argument on an application for stay.

6:2-1.17 Motions for clarification of a State Board decision

(a) A motion for clarification shall be taken within 10 days after the State Board has filed its decision in said controversy. The

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decision of the State Board shall be deemed filed three days after the date of mailing to the parties.

(b) Motion for clarifiction shall state the grounds upon which it is made, and the relief or order sought and shall be supported by an affidavit. Answer or opposition to said motion shall be made within 10 days after the filing of said motion.

6:2-1.18 Notice of motion to appear as amicus curiae

An application for leave to appear as amicus curiae shall be made by motion stating with specificity, the identity of the applicant, the issue intended to be addressed, the nature of the public interest therein and the nature of the applicant's special interest, involvement or expertise in respect thereof. The State Board shall grant the motion if it is satisified under all the circumstances that the motion is timely, the applicant's participation will assist in the resolution of an issue of public importance, and no party to the litigation will be unduly prejudiced thereby. The order granting the motion shall fix a briefing schedule. An amicus curiae who has been granted a leave to appear in a case before the commissioner may, without seeking further leave, file a brief and appear in an appeal taken to the State Board from the judgment or order entered therein.

6:2-1.19 Appeal from decision of commissioner on school budget cap waiver applications

(a) An appeal to the State Board of Education from a decision of the Commissioner of Education, made pursuant to N.J.S.A. 18A:7A-25 on a cap waiver application, shall be taken within seven days of the filing of the commissioner's decision. The appeal shall be taken by filing with the commissioner and the legal committee of the State Board a notice identifying the decision and stating that an appeal is taken to the State Board from it or such part of it as may be specified.

(b) The commissioner shall certify the record of the cap waiver determination to the State Board within three days after the filing of the notice of appeal, and remit the record, so certified, together with the notice of appeal with two extra copies of his [/] **or** her decision to the chairperson of the legal committee of the State Board.

(c) Within three days of the filing of the notice of appeal, the appellant may submit to the legal committee of the State Board 15 copies of the arguments upon which the appellant will rely. The arguments may be presented in letter form and shall state the reasons that a thorough and efficient system of education cannot be provided without each of the line items from which the appeal is taken. If no arguments are submitted within the three-day period, the State Board will determine the appeal solely on the basis of the record certified to it by the commissioner.

6:2-1.20 Interlocutory orders, decisions or actions

An application for leave to appeal an interlocutory order, decision or action of the commissioner, or his or her representative, shall be made by filing a notice of motion for leave to appeal to the State Board of Education, within five days after the action or service of the interloctory decision or order. Appellant shall serve and file a letter brief within 10 days after service of notice of motion for leave to appeal. Respondent shall serve and file an answering letter brief within 10 days after service of appellant's brief.

(a)

STATE BOARD OF EDUCATION

Special Education

Proposed New Rule: N.J.A.C. 6:28
Proposed Repeal: N.J.A.C. 6:28

Authorized By: New Jersey State Board of Education, Saul Cooperman, Secretary.

Authority: N.J.S.A. 18A:4-15, 18A:7A-1 et seq., 18A:7B-1 et seq., 18A:7C-1 et seq., 18A:40-4, 18A:46-1 et seq., 18A:46A-1 et seq., 18A:48-8, 39:1-1, U.S. P.L. 93-112, Sec. 504 and 94-142.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-613.

The agency proposal follows:

Summary

The State Board of Education, pursuant to the authority of N.J.S.A. 18A:4-15, 18A:7A-1 et seq., 18A:7B-1 et seq., 18A:7C-1 et seq., 18A:40-4, 18A:46-1 et seq., 18A:46A-1 et seq., 18A:48-8, 39:1-1, U.S. P.L. 93-112, Sec. 504 and 94-142, proposes to repeal in its entirety the existing text of N.J.A.C. 6:28 (R.1983, d.348), and replace the rules on special education with the new text contained herein.

In accordance with the "sunset" and other provisions of Executive Order No. 66(1978), the State Board of Education readopted N.J.A.C. 6:28 with amendments on August 3, 1983 (see 15 N.J.R. 732(a), 15 N.J.R. 1470(a)). Given the large volume and conflicting nature of the public comments on the proposed rules and the pressure of the expiration date, the State Board of Education elected to adopt N.J.A.C. 6:28 for one year, concluding September 6, 1984. This new proposal was developed in response to the need to amend N.J.A.C. 6:28 in consideration of the public comment and within the year.

These proposed amendments incorporate public comment in light of the Federal requirements of P.L. 94-142, the best interests of New Jersey's educationally handicapped pupils and the tenets of good professional practice. An attempt has been made to reduce the quantity of explanation and regulation to that necessary for the proper functioning of a public special education system. The reordering of the material, compared with previous editions of N.J.A.C. 6:28, was done to increase the usefulness of the document.

The past effectiveness of the rules has been very positive, based on the quality of programs reported to the Department of Education. Many of the special education programs in the State have been cited by national agencies as exemplary. The growth of services and programs, since the inception of special education legislation, attests to the effectiveness of the rules. There are greater numbers

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of handicapped children receiving and completing their education today than in the past. The rules should be amended to continue to support needed services and programs for handicapped children. The amended rules have been stated more clearly and refined to reflect the changes in professional practices regarding the emphasis on program development, rather than classification and labeling, limitation on unnecessary evaluations, protection of the rights of parents and pupils, and effective procedures for the development of individualized education programs. The amended rules also reflect provisions of recent legislation regarding programs for children below the age of three.

N.J.A.C. 6:28-1, General Provisions

This subchapter includes the general requirements which apply to all publicly funded programs for educationally handicapped pupils. Also described are both the process and content for special education plans to be submitted by every public and private provider of special education to the Department of Education.

Definitions are provided in this subchapter in order to allow readers to understand the text as they review it. The use of simple standard language throughout the chapter has limited the number of definitions necessary.

N.J.A.C. 6:28-2, Procedural Safeguards

This subchapter describes all of the rights and protections available to parents and school districts to assure the provision of appropriate services and programs to educationally handicapped pupils. In order to meet more clearly the Federal requirements for surrogate parents, parental notice, consent and participation, and proper management of any disciplinary action involving handicapped pupils, sections have been added in these areas.

This subchapter now contains all the procedural safeguards including the above sections, native language requirements, protection in evaluation procedures, pupil records appeals and due process hearings that had previously been scattered throughout these rules. Administrative reviews will now be the responsibility of the district board of education, mediation will be conducted by the Department of Education and due process hearings by the Office of Administrative Law.

N.J.A.C. 6:28-3, Services

This subchapter addresses all requirements regarding the composition and responsibilities of the child study team, the identification, evaluation, determination of eligibility, development of individualized education programs and provision of related services for educationally handicapped pupils.

N.J.A.C. 6:28-4, Programs

This subchapter describes the requirements for placement of pupils and provision of varieties of instructional programs. Special attention is paid to secondary and vocational program options. Transition of pupils from elementary to secondary programs and the management of diplomas and graduation are also included.

N.J.A.C. 6:28-5, Approved Clinics and Agencies

General requirements for the establishment and ongoing approval of clinics and agencies eligible to provide services to the public schools are included in this subchapter.

N.J.A.C. 6:28-6, Services for Nonpublic School Pupils

This subchapter contains the rules for provision of services for nonpublic school pupils pursuant to L. 1977, c.192 and 193. Regulations which had previously been detailed in two subchapters have been combined and simplified in this edition.

N.J.A.C. 6:28-7, Programs by Educational Services Commissions, Jointure Commissions, Regional Day Schools, County Special Services School Districts, The Marie H. Katzenbach School for the Deaf and Private Schools

This subchapter describes the general requirements, approval procedures and provisions for providing programs in the listed settings. A major change from previous editions of N.J.A.C. 6:28 is the combination of rules for several of these providers in the same subchapter.

N.J.A.C. 6:28-8, Programs Operated by Departments of New Jersey State Government

This subchapter contains the general requirements for special education programs operated by the State. The special regulations that differ these programs from those operated by the district boards of education are delineated here.

N.J.A.C. 6:28-9, Monitoring, Corrective Action and Complaint Investigation

This subchapter is new in these rules. It covers the procedures that will be used by the Department of Education to investigate substantiated complaints regarding special education programs and services to monitor these programs and services and to initiate corrective action.

N.J.A.C. 6:28-10, Early Intervention Programs

This subchapter describes the newly-required approval requirements for funding early intervention programs for handicapped children from birth through age three. The substance of the applications for funding will be delineated by the Department of Education in each year's request for proposals.

Social Impact

The social impact of the special education rules on the public has been profound. The quality of programs and the growth of the number of handicapped children served are due to public support of special education. The social conditions which existed at the time these rules initially were adopted have changed, however, the public's expectations for educating the handicapped have not. Public advocacy groups were largely responsible for affecting legislation for the handicapped in the past. Presently, there is large scale support for programs from a variety of sources including legislators, parents, former pupils and community–based groups. The parents of handicapped pupils are accustomed to the level of services being offered today and want to maintain and improve quality programs.

A schedule of the growth of handicapped children counted for United States P.L. 94-142 follows:

Year	P.L. 94-142, Child Count
1978	142,121
1979	144,424
1980	141,994
1981	151,303
1982	158,951

Economic Impact

The amended rules will not have a significant economic impact that would increase State or local expenditures. The rules incorporate provisions for implementation of L. 1981, c.415, which mandates that district boards of education provide information to their communities regarding early intervention programs available to children below the age of three.

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A schedule of total State aid for educating handicapped pupils from 1978 to 1982 is listed below. The State aid includes categorical aid, transportation costs, pilot preschool programs and aid to the Katzenbach School for the Deaf.

Fiscal Year	Total State Aid
1978	$107,000,000
1979	124,000,000
1980	136,000,000
1981	162,000,000
1982	186,000,000

Full text of the proposed new rule follows.

SUBCHAPTER 1. GENERAL PROVISIONS

6:28-1.1 General requirements

(a) The rules in this chapter, adopted by the State Board of Education, supersede all existing rules pertaining to educationally handicapped pupils.

(b) The purpose of these rules is to:

1. Ensure that all educationally handicapped pupils have available to them a free, appropriate public education which includes special education and/or related services;

2. Ensure that the rights of educationally handicapped pupils and their parents are protected;

3. Assist public and private agencies providing educational services to handicapped pupils; and

4. Ensure the evaluation of the effectiveness of the education for these pupils.

(c) The rules in this chapter shall apply to all public and private agencies providing publicly funded educational programs and services to handicapped pupils.

1. Programs and services shall be provided to pupils between age three and 21.

2. Programs and services may be provided to pupils below the age of three and above the age of 21.

3. Each district board of education also shall provide, upon request, information regarding services available through other State, county and local agencies to parents of handicapped children below the age of three.

(d) Each district board of education is responsible for providing a system of special education and/or related services which shall:

1. Be provided at public expense, under public supervision, and with no charge to the parent(s);

2. Include preschool, elementary school and/or secondary school programs;

3. Be administered, supervised and provided by appropriately certified professional staff members;

4. Be located in State approved facilities that are accessible to the handicapped; and

5. Meet all requirements of this chapter.

(e) Each district board of education, independently or through joint agreements, shall employ child study teams, speech correctionists and other school personnel in numbers sufficient to ensure provision of required programs and services pursuant to this chapter.

(f) When a district board of education provides its educational programs through another New Jersey public school district, responsibility for the requirements of this chapter shall be according to the following:

1. In a formal sending-receiving relationship, when all the pupils of a district board of education attend schools operated by another district board of education, the receiving school shall be responsible for determining the pupil's eligibility and the individualized education program.

2. In other than formal sending-receiving relationships, a contractual agreement shall be made between district boards of education which specifies responsibility for providing instruction, related services and child study team services to educationally handicapped pupils.

(g) All public and private agencies which provide educational programs and services to handicapped pupils shall establish written policies regarding the compilation, maintenance, access to and confidentiality of pupil records in conformance with N.J.A.C. 6:3-2.

(h) All special education programs and related services provided under this chapter shall be subject to review and approval by the Department of Education.

(i) All public and private agencies which provide educational programs and services to handicapped pupils shall maintain documentation of compliance with this chapter.

6:28-1.2 Plans for special education

(a) Each district board of education, jointure commission, county special services school district, educational services commission, approved private school and State-operated program for the educationally handicapped shall develop a written plan for special education. The plan shall be in conformance with the State plan for the educationally handicapped. Plans for special education shall be submitted for approval to the Department of Education through its county office for a period not to exceed three years.

(b) The development of the plan for special education shall include the participation of professional staff serving the district, community members, and handicapped individuals and groups representing the handicapped population. The plan shall be presented at a public meeting prior to approval by the district board of education.

(c) The plan shall include:

1. The special education needs, goals, objectives and plan of action of the district;

2. A tabulation of the numbers of educationally handicapped pupils according to their classifications and type of program, served in public school programs, in State facilities and through programs and services for nonpublic school pupils;

3. A tabulation of the professional staff employed to identify, evaluate, determine eligibility, develop individualized education programs, provide related services and instruct educationally handicapped pupils and the full-time equivalence of their assignments;

4. A description of the process by which the district provides the full range of special education programs and services (see N.J.A.C. 6:28-3.1 through 4.4);

5. An assurance that an appropriate individualized education program is being implemented for each educationally handicapped pupil (see N.J.A.C. 6:28-4.1);

6. A description of the procedure used to identify, screen and refer potentially handicapped pupils (see N.J.A.C. 6:28-3.2, 3.3);

7. The criteria and process used to evaluate the district special education programs and services (see N.J.A.C. 6:28-4.1);

8. The administrative review process used by the district to settle parental disputes (see N.J.A.C. 6:28-2.6);

9. A district-wide comprehensive system of personnel development which includes:

i. A needs assessment procedure;

ii. The annually established plans to meet these needs;

iii. The personnel development completed during the past year; and

iv. The description of the procedures used to evaluate training.

10. An assurance that the plan has been prepared in accordance with the paragraphs above.

(d) Annually, the district board of education shall submit assurances that paragraphs 1, 3, 4, 5, 6, 7, 8, 9 and 10 of (c) above continue to be applicable. If modifications have been made to any of those paragraphs, the district shall submit the new material and the annual assurance for the changed paragraph(s) to the Department of Education through its county office.

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(e) Annually the district board of education shall update and submit (c)1 and (c)9ii, iii above to the Department of Education through its county office.

(f) Upon request, additional reports shall be made available to the Department of Education.

6:28-1.3 Definitions

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

"Adaptive behavior" means the ability to demonstrate personal independence and social responsibility according to age and sociocultural group expectations.

"Department of Education" means the Commissioner of Education or designee.

"Educationally handicapped pupil" means a pupil who has been determined to be eligible for special education and/or related services.

"Individualized education program" means a plan written jointly by the school personnel and parent(s). This plan sets forth measurable goals and objectives and describes an integrated program of individually designed educational activities and/or related services necessary to achieve the stated goals and objectives. This plan establishes the rationale for the pupil's educational placement, serves as the basis for program implementation and shall comply with the mandates set forth in this chapter.

"Least restrictive environment" means a setting which is as similar as possible to the regular setting in which the pupil would be educated if not considered handicapped. Such a setting is selected in light of a pupil's special education needs.

"Native language" means the language normally used by a person with a limited ability to speak or understand the English language.

"Parent(s)" means the natural parent(s) or the legal guardian(s), foster parent(s), surrogate parent(s) or person acting in the place of a parent with whom the pupil legally resides. Where parents are separated or divorced, parent means the person who has legal custody of the pupil.

"Parental consent" means a written agreement of a parent(s) to a specific action regarding the provision of special education and/or related services.

"Preschool" means between the ages of three and five.

"Pupil" means a person who is or was enrolled in a public school.

"Pupil age" means the school age of a pupil as defined by the following:

1. "Age three" means the attainment of age three by the month and day established as the kindergarten entrance cut off date by the district board of education.

2. "Age five" means the attainment of age five by the month and day established as the kindergarten entrance cut off date by the district board of eduction.

3. "Age 21" means the attainment of the twenty-first birthday before July 1. Educationally handicapped pupils attaining age 21 during the school year shall be provided required services for the balance of that school year.

"Referral" means the making of a written request that a child study team conduct an evaluation. Referral does not include informal reviews or consultations by child study team members or assessments by teachers.

"Related services" for educationally handicapped pupils means counseling for pupils, conseling and/or training for parents relative to the education of a pupil, speech correction, recreation, occupational therapy, physical therapy, transportation and any other services required in a pupil's individualized education program.

SUBCHAPTER 2.PROCEDURAL SAFEGUARDS

6:28-2.1 General requirements

(a) Each district board of education shall provide a free, appropriate public education program and related services for all handicapped pupils in the least restrictive environment.

(b) When an educationally handicapped pupil between the ages of 16 and 21 voluntarily, and before receiving a high school diploma, leaves a public school program, he or she may reenroll at any time up to and including the school year of the pupil's twenty-first birthday. The district board of education shall then provide a free, appropriate public education and/or related services pursuant to this chapter.

(c) After a pupil has been identified as potentially handicapped and parental consent for initial evaluation has been received, the district board of education shall within 90 calendar days evaluate, determine eligibility, and develop and implement an individualized education program for the pupil.

(d) When a district board of education requests parental consent for initial evaluation or sends a notice to reevaluate, parents shall receive a copy of their procedural safeguard rights under this subchapter and N.J.A.C. 1:6A.

(e) Upon determination of a pupil's eligibility for special education and/or related services, parents shall receive a copy of this chapter.

(f) Upon receipt of parental requests, each district board of eduction shall provide copies of special education law (N.J.S.A. 18A:46-1 et seq.), special education rules (N.J.A.C. 6:28), pupil records rules (N.J.A.C. 6:3-2) and due process rules (N.J.A.C. 1:6A).

(g) Each district board of education shall develop a written policy to prevent the needless public labeling of educationally handicapped pupils.

(h) Pending the outcome of a conflict resolution effort or due process hearing according to this subchapter, no change shall be made to a pupil's classification, program or placement unless emergency relief is granted by the Office of Administrative Law pursuant to N.J.A.C. 6:28-2.7.

6:28-2.2 Surrogate parents

(a) Each district board of education shall ensure that the rights of a pupil are protected through the provision of a surrogate parent to assume all parental rights under this chapter, when either:

1. The parent(s) cannot be located after reasonable efforts; or

2. The pupil is a ward of the State of New Jersey.

(b) Each district board of education shall establish a method for selecting and training surrogate parents.

(c) The person serving as a surrogate parent shall have:

1. No interest that conflicts with those of the pupil he or she represents;

2. Knowledge and skills that ensure adequate representation of the pupil.

(d) The person(s) serving as a surrogate parent may not otherwise be an employee of the local school district. A surrogate parent may be paid solely to act in that capacity.

6:28-2.3 Parental notice, consent and participation

(a) Written notice which meets the requirements of this section shall be provided to a parent(s) when a district board of education:

1. Requests parental consent to refer a pupil to the child study team or for initial implementation of a special education program and/or related services;

2. Schedules a conference to determine a pupil's eligibility for special education and/or related services or schedules a conference to develop an individualized education program. Such notice shall be provided at least 15 calendar days prior to the proposed conference unless the parent(s) consents to a shorter time period.

i. Notice regarding an eligibility or individualized education program conference(s) shall indicate the purpose, time, location and participants.

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ii. Such conference(s) shall be scheduled at a time and location mutually agreed upon by the parent(s) and district representative.

3. Plans to conduct a reevaluation. Such notice shall be provided at least 15 calendar days prior to the proposed reevaluation.

4. Denies the written request of a parent to initiate or change a special education program or service pursuant to this chapter. Such notice shall be provided within 30 calendar days of receipt of the parental request.

(b) Each notice shall be clearly written and shall include:

1. A description of the action proposed or denied by the district board of education including:

i. An explanation of why it is taking such action;

ii. A description of any options the district board of education considered and the reasons why those options were rejected;

2. A description of the procedures and factors used by the district board of education in determining whether to propose or deny an action;

3. A full explanation of the parental rights to appeal and the process for appealing a district board of education's proposal or denial of an action pursuant to N.J.A.C. 6:28-2.7 and N.J.A.C. 1:6A.

(c) A district board of education shall take steps to ensure that the parent(s) participate in:

1. The evaluation of the pupil;

2. The decision to determine the pupil's eligibility for special education and/or related services;

3. The development of an individualized education program pursuant to N.J.A.C. 6:28-3.6.

6:28-2.4 Native language

(a) Written notice to the parent(s), evaluation of a pupil and parent conferences required by this chapter shall be conducted in the language used for communication by the parent and pupil unless it is not feasible to do so.

1. Foreign language interpreters or translators and sign language interpreters for the deaf shall be provided, when necessary, by the district board of education at no cost to the parent(s).

2. The determination of the language for communication and written justification for its choice shall be documented in the pupil record.

3. If it is not feasible to translate the individualized education program or eligibility reports into another language, the professional(s) making this decision shall ensure and document that the parent(s) is given an English language copy of the report(s) and appropriate explanation of its contents in the language of the parent.

6:28-2.5 Protection in evaluation procedures

(a) Each district board of education shall ensure that evaluation procedures used to determine eligibility and placement of handicapped pupils are selected and administered according to the following criteria:

1. A multidisciplinary team of professionals, each employing several evaluation procedures, shall conduct each initial evaluation and reevaluation.

2. Evaluation procedures shall be used by personnel certified and trained in the administration and interpretation of such procedures.

3. Evaluation procedures selected shall have been validated for the purpose(s) for which they are administered.

4. Evaluation procedures shall be selected and administred so that the pupil's cultural background and language abilities are taken into consideration.

5. Evaluation procedures are selected, administered and interpreted so that when a pupil has sensory, manual or communication impairments the results accurately reflect the ability which that procedure purports to measure, rather than the impairment.

(b) A parent may request an independent child study team evaluation if there is disagreement with the evaluation provided by a district board of education.

1. Such independent child study team evaluation(s) shall be provided at no cost to the parent(s) unless the district board of education initates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing.

2. Any independent child study team evaluation purchased at public expense shall meet the criteria for evaluations as required by N.J.A.C. 6:28-3.4.

3. Any independent evaluation submitted to the district child study team shall be considered in making decisions regarding special education and/or related services.

6:28-2.6 Conflict resolution efforts

(a) Conflict resolution efforts shall include local district administrative review and Department of Education mediation and shall be provided in accordance with the following:

1. Attempts to resolve conflicts between a parent(s) and a school district prior to a request for a due process hearing are encouraged; however, a request for a conflict resolution effort is not a prerequisite to a hearing.

2. If either party is unwilling to particiapte in a conflict resolution effort, a request for a due process hearing under N.J.A.C. 6:28-2.7 may be made directly to the Department of Education.

3. Parents or the district board of education may request an administrative review or a mediation conference any time prior to a request for a hearing.

4. Either party may be accompanied and advised at an administrative review and/or mediation conference by legal counsel or other person with special knowledge or training with respect to educationally handicapped pupil needs.

5. If the conflict resolution effort is successful, the conclusions shall be incorporated into a written agreement, signed by each party.

(b) Attempts to resolve conflicts through an administrative review by the local district shall be provided as follows:

1. Each district board of education shall establish an administrative review procedure consistent with the following:

2. Within 20 calendar days after a written request for an administrative review is received, the responsible agent of the district shall conduct an administrative review which shall be:

i. Informal;

ii. Held at a time and place convenient to the parties in the dispute.

(c) Attempts to resolve conflicts through mediation by the Department of Education shall be provided as follows:

1. A request for mediation shall be made in writing to the Department of Education with a copy to the other party .

2. The Department of Education shall provide a mediation conference within 20 calendar days after receipt of a written request at which time:

i. Issues shall be determined;

ii. Options explored;

iii. Conflict resolution attempts made within the confines of New Jersey law and code.

3. The role of the Department of Education in mediation is not judgmental.

6:28-2.7 Due process hearings

(a) The parent(s) may request a hearing after receiving a written notice of propsed or denied action or after 30 calendar days have elapsed from the date of the parent's written request for an action under this chapter. The district board of education, through its chief school administrator, may request a hearing when it is unable to obtain required parental consent to a proposed action.

1. A request for a due process hearing shall be made in writing to the Department of Education with a copy of the other party.

2. The Department of Education shall acknowledge receipt of the request and provide information regarding free and low cost legal services to both parties.

3. Immediately upon receiving the Department of Education's

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acknowledgement, the parties shall exchange relevant records and information pursuant to the time limits in N.J.A.C. 1:6A-3.3.

4. Within seven calendar days of receipt of the written request, the Department of Education shall conduct a settlement conference as part of the due process hearing.

5. If agreement between the parties is not reached at the settlement conference, the matter is transmitted to the Office of Administrative Law for a hearing in accordance with N.J.A.C. 1:6A.

6. The decision of the administrative law judge is final, binding on both parties and to be implemented without undue delay.

(b) The district board of education, through its chief school administrator, or the parent(s) may apply in writing for emergency relief as part of a request for a hearing, or at any time after such request. The applicant shall provide copies of the request of the other party.

1. Prior to transmittal of the hearing request to the Office of Administrative Law, application for emergency relief shall be made to the Department of Education. After transmittal, application for emergency relief shall be made to the Office of Administrative Law.

2. The Office of Administrative Law shall process and consider the application for emergency relief after all parties have had an opportunity to be heard. If it is determined that irreparable harm might otherwise result, emergency relief may be granted pending the full hearing decision.

6:28-2.8 Disciplinary action

(a) Educationally handicapped pupils are subject to the same disciplinary procedures as nonhandicapped pupils; however, no educationally handicapped pupil may be subject to any form of disciplinary action if the pupil's behavior is a manifestation of his or her educational handicap or if the program that is being provided is inappropriate to meet the pupil's educational needs, except as follows:

1. On a temporary basis, if there is ongoing peril of physical harm to self or others or of substantial disruption of the educational process; or

2. If there is a component of disciplinary action set forth in the pupil's written individualized education program.

(b) When an educationally handicapped pupil is suspended, the principal shall forward, at the time of suspension, written notification and description of the reasons(s) for such action to the parents(s) with a copy to the child study team.

(c) When the suspension of an educationally handicapped pupil exceeds a total of 10 school days accumulated in a school year, that pupil shall be referred to the child study team in order to:

1. Determine if the behavior which resulted in the suspension was related to the pupil's handicapping condition;

2. Determine if the pupil's individualized education program is appropriate; and

3. Prepare and forward to the principal and parent(s) a written report with recommendations.

(d) Before an educationally handicapped pupil can be considered for expulsion, the pupil shall be referred to the child study team for reevaluation pursuant to this chapter.

(e) Before a noneducationally handicapped pupil is considered for explusion, the pupil shall be referred to the child study team for a comprehensive evaluation pursuant to this chapter.

(f) The child study team shall submit a written report to the chief school administrator and the pupil's parent(s) stating the results of the reevaluation or comprehensive evaluation required by N.J.A.C. 6:28-2.8(d) or (e).

1. This report shall indicate whether the pupil's behavior is related to a handicapping condition and if the pupil's education program needs modification.

2. All decisions resulting from this report are subject to due process procedures pursuant to this chapter and N.J.A.C. 1:6A.

6:28-2.9 Pupil records

(a) All pupil records shall be maintained in accordance with N.J.A.C. 6:3-2.

(b) The parent(s) or adult pupil shall be permitted to review and appeal the contents of the pupil's education records maintained by the district board of education under this chapter.

1. A parent(s) or adult pupil appealing the contents of education records shall notify the chief school administrator in writing of the specific challenge.

2. Within 30 calendar days of receipt of the written request, the chief school administrator shall ensure that a meeting with the parent(s) or adult pupil has been held, a decision has been reached and copies of the decision have been given to each party.

3. If the matter is not resolved satisfactorily, the chief school administrator shall inform the parent(s) or adult pupil that he or she may appeal, in accordance with the procedures described in N.J.A.C. 6:24.

SUBCHAPTER 3. SERVICES

6:28-3.1 Child study teams

(a) A child study team is an interdisciplinary group of appropriately certified persons who shall:

1. Evaluate and determine eligibility of pupils for special education and/or related services;

2. Coordinate the development, monitor and evaluate the effectiveness of the individualized education programs;

3. Deliver related services to educationally handicapped pupils;

4. Provide preventive and support services to nonhandicapped pupils;

5. Provide service to the general education staff regarding techniques, materials and programs for pupils experiencing difficulties in learning. Services include, but are not limited to, the following:

i. Consultation with school staff and parents;

ii. The design, implementation and evaluation of techniques to prevent and/or remediate educational difficulites.

(b) A child study team shall consist of a school psychologist, a learning disabilities teacher-consultant and a school social worker. For pupils age three to five, the child study team shall include a speech correctionist. All members of the child study team shall be employees of a district board of education, have an identifiable, apportioned time commitment to the local school district and shall be available during the hours pupils are in attendance.

(c) The child study team shall act in consultation with a school physician and any other professional staff member(s) or consultant(s) deemed appropriate by the child study team, the parent(s) or the chief school administrator.

6:28-3.2 Identification

(a) Each district board of education shall adopt written procedures for identifying and screening those pupils between the ages of three and 21 who reside within the local school district who may be educationally handicapped and who are not receiving special education and/or related services as required by this chapter.

(b) These procedures shall include criteria to identify pupils who may be experiencing physical, emotional, cognitive or social difficulties.

(c) The identification procedures shall provide for participation of instructional, administrative and other professional staff of the local school district, parents and agencies concerned with the welfare of pupils.

(d) A pupil new to the local school district and identified, but not classified as educationally handicapped, by the school district from which the pupil came shall be placed in a regular public school program. If the chief school administrator, after consultation with the child study team, determines that such placement of the pupil may do serious harm to the pupil or to others, the pupil may be placed on home instruction for a period not to exceed 30 calendar

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days pending evalution and determination of special education eligibility.

6:28-3.3 Referral

(a) Pupils identified as being potentially educationally handicapped and considered to require services beyond those available within the regular public school program shall be referred to the child study team in comformance with written procedures adopted by the district board of education. Referral to the child study team shall take place after written parental consent has been received.

(b) The parent(s) of a pupil being considered for referral to a child study team shall receive written notification in accordance with the procedural safeguards described in N.J.A.C. 6:28-2.3.

(c) When parental consent for a pupil's referral to the child study team is withheld, a district board of education may request a due process hearing pursuant to N.J.A.C. 6:28-2.7.

(d) Audiometric screening shall be conducted for every pupil referred to the child study team according to N.J.A.C. 6:29-8.

(e) Prior to any decision regarding referral of a pupil to a child study team for determination of eligibility for special education programs or services, interventions in the regular public school programs to alleviate educational problems shall be provided to the pupil and written documentation by the staff of the regular program shall be made of their effect. Parents shall be informed of the interventions attempted and receive a copy of the written documentation. Prereferral intervention is not required for a pupil whose educational problem(s) is such that direct referral to the child study team can be supported.

(f) When a parent identifies a child age three to five as potentially preschool handicapped, the district board of education shall use a screening procedure to determine if the child should be referred to the child study team for comprehensive evaluation. Such screening procedures shall be in accordance with guidelines established by the Department of Education.

(g) When a child who has been enrolled in an early intervention program becomes age three, as defined in N.J.A.C. 6:28-1.3, the district board of education shall accept the child as identified under this section and proceed with referral.

(h) When the Division of Youth and Family Services, Department of Human Services, identifies a potentially educationally handicapped pupil for whom a local school district is responsible, that district shall accept the pupil's identification by the Division of Youth and Family Services and shall refer the pupil to its child study team in accordance with this subchapter.

6:28-3.4 Comprehensive evaluation

(a) Following receipt of parental consent for referral of a pupil, the child study team shall meet and determine the need for a comprehensive evaluation and design an evaluation plan. Prior to the development of the evaluation plan, a determination of the pupil's communication skills and dominance, in English and the native language, shall be completed. The evaluation plan shall include:

1. The specific information to be obtained;

2. The evaluation procedures necessary to obtain this information;

3. The language(s) or method of communication to be used in the evaluation process;

4. The designation of a child study team member as case manager.

(b) All evaluations leading to a determination of a pupil's eligibility for special education and/or related services shall be completed without undue delay consistent with the timelines established in N.J.A.C. 6:28-2.1.

(c) All evaluations specified in this chapter shall:

1. Be conducted on an individual basis;

2. Use information from group tests only to supplement individual evaluations;

3. Be conducted in the language(s) or method of communication determined in the evaluation plan;

4. Consider the pupil's sociocultural background and adaptive behavior in home, school and community.

(d) The chief school administrator or designee shall request that the parent(s) provide information to the child study team to be considered as part of the evaluation data.

(e) A comprehensive evaluation shall consist of the following:

1. A comprehensive health appraisal for pupils age three to 21 shall be performed by a physician employed by the district board of education.

i. The comprehensive health appraisal shall include, but not be limited to, an assessment of prenatal, perinatal, postnatal factors, developmental and early childhood illnesses and injuries and a review of health screenings.

ii. The school physician shall examine the pupil, including all body systems, and write a summary indicating the effect of any current health problem or medical treatment on the pupil's learning.

iii. If the parent(s) of the pupil chooses to employ a private physician, a report of this comprehensive health appraisal shall be completed on a form developed by the school physician.

iv. The school nurse shall review and summarize all other available health information regarding the pupil and transmit it to the child study team.

2. A psychological assessment shall be the responsibility of a school psychologist employed by the district board of education. The psychological assessment shall include observation of the pupil in other than a testing session and teacher conferences. The assessment also shall include an appraisal of the current, cognitive, social, adaptive and emotional status of the pupil.

3. An educational assessment shall be the responsibility of a learning disabilities teacher-consultant employed by the district board of education. It shall include observation of the pupil in an academic setting, review of the pupil's educational history, conferences with the pupil's teacher(s), and an evaluation and analysis of the pupil's academic performance and learning characteristics.

4. A social assessment shall be the responsibility of a school social worker employed by the district board of education. The social assessment shall include observation of and communication with the pupil. It shall also include an evaluation of the pupil's social functioning and emotional development and of the home, school and community factors which influence the pupil's learning and behavior in the educational setting.

5. The child study team shall include pertinent information from the parent(s) and certified school personnel when rendering evaluation and eligibility decisions.

(f) In addition to evaluations conducted by the school physician and the child study team, a determination of certain handicapping conditions requires the evaluation by specialists as listed in N.J.A.C. 6:28-3.5.

(g) Examination results and findings of other specialists shall be included in the comprehensive evaluation where appropriate.

(h) The requirements for evaluation by the child study team do not apply to a pupil confined at home or to a hospital by a physician or to a pupil with a mild speech articulation problem when the nature of that problem does not warrant a comprehensive evaluation by a child study team.

(i) If the reports and evaluations of other New Jersey public school district child study team members, a Department of Education approved clinic, agency or professional in private practice are accepted by members of the child study team, such acceptance shall be noted in writing and shall become part of the report(s) of the child study team member(s). If a report or evaluation is rejected, a written rationale shall be provided.

(j) A reevaluation to determine the status of each educationally handicapped pupil shall be conducted at least every three years. Reevaluation shall be conducted sooner if conditions warrant. The child study team shall determine which evaluations are needed based upon demonstrated pupil progress in meeting the goals and objectives of the individualized education program. The child study

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team shall then design an evaluation plan as described in N.J.A.C. 6:28-3.4. The parent(s) shall be notified in writing of the evaluation plan. When a change in classification is being considered, written documentation supporting this decision shall be developed by the child study team.

(k) By June 30 of a pupil's last year in a program for the preschool handicapped, the child study team shall review available assessment information and obtain the additional evaluations necessary to determine eligibility and, if appropriate, classification according to N.J.A.C. 6:28-3.5.

6:28-3.5 Determination of eligibility

(a) When an evaluation is completed, the child study team and parent(s) shall meet with the school principal and referring staff member(s), if they choose to participate, in order to:

1. Develop a collaborative evaluation summary;

2. Determine whether the pupil is eligibile for special education and/or related services;

i. If a pupil is determined to be eligible for special education and/or related services, the collaborative evaluation summary shall become the basis for the current educational status statement of the individualized education program.

3. Determine a classification category as defined in (d) below;

(b) Whether or not a pupil is determined eligible for special education and/or related services, the parent(s) and the referring staff member shall be given a written summary, signed by the child study team, of all decisions and any recommended course(s) of action.

(c) The child study team after parental notification shall terminate a principal's eligibility when sufficient written documentation is presented to indicate that the pupil no longer requires special education and/or related services.

(d) Classification of pupils determined to be eligible for special education and/or related services shall be based on the evaluations of the child study team, the school physician and such other specialists as noted and shall be according to the following definitions:

1. "Auditorily handicapped" means an inability to hear within normal limits due to physical impairment or dysfunction of auditory mechanisms characterized by i. or ii. below. Evaluations by a specialist qualified in the field of audiology and a speech and language evaluation by a certified speech correctionist are required.

i. "Deaf" means loss of hearing which is so severe that the pupil is impaired in processing linguistic information through hearing, with or without amplification, and education is adversely affected;

ii. "Hard of hearing" means loss of hearing which may be permanent or fluctuating and adversely affects a pupil's education, but which does not warrant classification of a pupil as "deaf."

2. "Chronically ill" means a temporary or permanent health condition which makes it impractical to receive adequate instruction through a regular school program and characterized by i. or ii. below. Evaluation by the school physician or his or her review of the medical report of another physician is required. The school nurse shall assist in the accumulation of the data necessary to determine eligibility.

i. "Chronic illness" means a condition such as tuberculosis, cardiac condition, leukemia, asthma, seizure disorders or other medical disability.

ii. "Eligibile for home instruction" means a temporary illness or injury which requires individual instruction to be provided to a pupil confined to home or hospital for at least a two-week period of time as determined by the school physician.

3. "Communication handicapped" means impaired native speech or language which is outside the range of acceptable variation, adversely affects a pupil's educational performance and is not due primarily to hearing impairment as defined under "auditorily handicapped." It is characterized by i. or ii. below. An evaluation by a certified speech correctionist is required.

i. "Communication handicapped" means a severe speech or language disorder which interferes with the ability to use oral language to communicate;

ii. "Eligible for speech correction" means a mild to moderate disorder in language, articulation, voice or fluency with requires instruction by a speech correctionist.

4. "Emotionally disturbed" means the exhibiting of behavioral disorders over an extended period of time which adversely affects educational performance and may be characterized by any of the following: an inability to build or maintain satisfactory interpersonal relationships; behaviors inappropriate to the circumstances; a general or pervasive mood of depression; and/or the development of physical symptoms or irrational fears. An evaluation by a psychiatrist experienced in working with children is to be obtained if determined necessary by the child study team.

5. "Mentally retarded" means cognitive, social and academic functioning which is seriously below age expectations. Such functioning is comprehensive in nature being demonstrated in home, school and community settings, and characterized by one of the following:

i. "Educable" means a level of cognitive development and adaptive behavior in home, school and community settings that are moderately below age expectations with respect to all of the following:

(1) The quality and rate of learning;

(2) The use of symbols for the interpretation of information and the solution of problems;

(3) Performance on an individually administrated test of intelligence that falls within a range of two to three standard deviations below the mean.

ii. "Trainable" means a level of cognitive development and adaptive behavior that is severely below age expectations with respect to all of the following:

(1) The ability to use symbols in the solution of problems of low complexity;

(2) The ability to function socially without direct and close supervision in home, school and community settings;

(3) Performance on an individually administered test of intelligence that falls three standard deviations or more below the mean.

iii. "Eligible for day training" means a level of functioning profoundly below age expectations whereby on a consistent basis the pupil demonstrates an inability to understand and respond to simple verbal or nonverbal communication, demonstrates an inability to make known basic wants or needs, and requires total personal care and supervision.

6. "Multiply handicapped" means the presence of two or more educationally handicapping conditions which interact in such a manner that programs designed for the separate handicapping conditions will not meet the pupil's eductional needs. All evident educational handicaps shall be documented. Eligibility for speech correction as defined in this section shall not be one of the handicapping conditions which forms the basis for the classification of a pupil as "multiply handicapped." Evaluations by all specialists required in this subsection for the separate handicapping conditions being considered for the determination of "multiply handicapped" are required.

7. "Neurologically or perceptually impaired" means impairment in the ability to process information due to physiological, organizational or integrational dysfunction which is not the result of any other educationally handicapping condition or to environmental, cultural or economic disadvantage and is characterized by i. or ii. below.

i. "Neurologically impaired" means a specific impairment or dysfunction of the nervous system which adversely affects the education of a pupil. An evaluation by a physician qualified in the field of neurology is required.

ii. "Perceptually impaired" means a specific learning disability manifested in a disorder in understanding and learning, which affects the ability to listen, think, speak, read, write, spell and/or

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compute to the extent that special education is necessary for achievement in an educational program.

8. "Preschool handicapped" means functioning to a degree of deviation not characteristic of a child's chronological age and which seriously impairs or has a high predictability of seriously impairing normal development.

9. "Orthopedically handicapped" means a condition which, because of malformation, malfunction or loss of bones, muscle or body tissue, necessitates special education and/or related services. An evaluation by a physician qualified to conduct an orthopedic evaluation is required.

10. "Socially maladjusted" means a consistent inability to conform to the standards for behavior established by the school. Such behavior is disruptive to the education of the pupil or other pupils and is not due to emotional disturbance as defined in 4. above. An evaluation by a psychiatrist experienced in working with children is to be obtained if determined necessary by the child study team.

11. "Visually handicapped" means an inability to see within normal limits as characterized by i. or ii. below. An evaluation by a specialist qualified to determine visual disability is required. Visually handicapped pupils eligible for special education and/or related services shall be reported to the Commission for the Blind and Visually Impaired.

i. "Blind" means a loss of acuity or field restriction so great that a pupil cannot rely on sight to learn.

ii. "Partially sighted" means a field restriction or loss of visual acuity which adversely affects a pupil's education, but which does not warrant classification of a pupil as "blind." A partially sighted pupil is able to use sight to learn.

6:28-3.6 Individualized education program

(a) The individualized education program for each educationally handicapped pupil shall consist of a basic plan and an instructional guide.

(b) The basic plan of the individualized education program shall be written upon completion of the child study team's evaluation and the determination that the pupil is eligible for special education and/or related services such that no undue delay results in meeting the timelines set forth inN.J.A.C. 6:28-2.1.

(c) The basic plan of the individualized education program shall be developed at a meeting attended by the child study team, the parent(s), teacher(s) having knowledge of the pupil's educational performance and the pupil, when appropriate. The referring certified school personnel, the school principal or designee and other appropriate individuals may participate in the meeting. A curriculum consultant from the Division of Mental Retardation, Department of Human Services, shall be included for those pupils classified as "eligible for day training."

1. Prior to the meeting to develop the basic plan, the chief school administrator or designee shall provide written notification to the parent(s) in accordance with N.J.A.C. 6:28-2.3.

2. The meeting shall be scheduled at a mutually agreed upon time and place. If the parent(s) cannot attend the meeting(s), the chief school administrator or designee shall ensure parental participation, including the use of individual or conference telephone calls. Records shall be maintained of all attempts to secure parental participation.

3. Arrangements shall be made for a qualified interpreter to assist parents who are deaf or whose native language is other than English.

4. School personnel and parent(s) of an educationally handicapped pupil shall be allowed to use an audio-tape recorder during the individualized education program meetings.

(d) When a pupil has been determined eligible for special education and/or related services and classified by a school physician or speech correctionist, the individualized education program shall be developed at a meeting attended by either the school physician or speech correctionist, the parent(s) and, when appropriate, the pupil and/or a member(s) of the child study team. A school nurse shall attend the meeting on behalf of the school physician if so designated by the school physician.

(e) The basic plan of the individualized education program shall include, but not be limited to:

1. A statement of the pupil's eligibility for special education and/or related services;

2. A statement of current educational status, drawn from the collaborative evaluation summary, which describes the pupil's present levels of educational performance and adaptive behavior, including academic achievement, cognitive functioning, personal and social development, physical and health status, and where appropriate, language proficiency, communication style, physical education and recreation needs, prevocational, vocational and self-help skills;

3. A statement of annual goals which describes the educational performance expected to be achieved under the pupil's individualized education program. Annual goals shall be related to the special education and/or regular education curriculum;

4. A statement of objectives, which describes specific measurable steps between the current educational status and the annual goals;

5. A description of the pupil's educational program which includes:

i. A rationale for the type of educational program and placement selected;

ii. An explanation of why the type of program and placement is the least restrictive environment appropriate in light of the pupil's needs. Determination of a pupil's least restrictive environment shall also include the following:

(1) When an appropriate program is not available in the school which the pupil would attend if not handicapped, the placement shall be in an appropriate educational setting as close to his or her home as possible.

(2) In selecting the least restrictive environment, consideration shall be given to any potentially harmful effect on the pupil.

iii. A description of the extent to which the pupil will participate in regular educational programs. The participation of an educationally handicapped pupil in regular school programs or activities shall be based on the nature and extent of the pupil's eductional needs. Appropriate curricular or instructional modifications shall be stipulated. Precautionary arrangements shall be made to protect the safety and well-being of the pupil.

iv. A description of exemptions from regular education program options and/or graduation requirements;

v. A statement and rationale for the length of time the pupil is to be in an educational program including an extended academic year when appropriate;

vi. A statement specifying the language to be used for instruction, if other than English;

vii. A statement which describes the specific related services, including the date when they will begin and the length of time they will be provided;

viii. A statement describing the roles of specific school personnel and their responsibilities for implementing the various aspects of the individualized education program;

ix. The procedure and schedule to determine if the pupil's goals and objectives are being met.

(f) Following the development of the basic plan, the case manager shall coordinate the development of the instructional guide.

(g) The instructional guide shall be developed jointly by the teacher(s) responsible for implementing the pupil's instructional program and the case manager. The parent(s) of the educationally handicapped pupil and other appropriate certified school staff members may participate in the development of the instructional guide.

(h) The instructional guide shall be completed within 20 calendar days after the program has been implemented.

(i) The instructional guide shall include, but not be limited to the following:

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1. A planned schedule of time the pupil will be served by specialists, special education teachers, bilingual or English as a second language teachers and regular education teachers;
2. Instructional strategies fitted to the pupil's learning style;
3. Techniques and activities designed to support the personal and social development of the pupil;
4. Any special equipment and instructional media and materials needed for learning.

(j) Annually, or more often if necessary, the case manager, parent(s), teacher(s) and the pupil, if appropriate, shall meet to review and revise the instructional guide and the basic plan of the individualized education program as specified in this subchapter.
1. For preschool handicapped pupils, this meeting shall occur twice a year or more frequently, if necessary.
2. This meeting shall occur by June 30 of a handicapped pupil's last year in a preschool program.
3. This meeting shall occur by June 30 of a handicapped pupil's last year in an elementary school program and shall include input from the staff of the secondary school.

(k) A copy of the individualized education program shall be signed by members of the child study team and provided to the parent(s) in their native language in accordance with N.J.A.C. 6:28-2.4.
(l) The basic plan of the individualized education program shall be implemented within 90 calendar days after receipt of parental consent to refer the pupil to the child study team. If parental consent for the initial placement is withheld, the district board of education may appeal the parental refusal in accordance with the procedures for a due process hearing pursuant to N.J.A.C. 6:28-2.7.

6:28-3.7 Related services required by the individualized education program

(a) Related services shall be provided to an educationally handicapped pupil in accordance with his or her individualized education program and may include the following:
1. Counseling services shall be provided in the following manner:
i. Counseling services for an educationally handicapped pupil shall be provided within the public schools during the school day by certified school psychologists, social workers and guidance counselors.
ii. Counseling and/or training services for parents shall be provided to assist them in understanding the special educational needs of their child.
2. Occupational and physical therapy shall be provided in the following manner.
i. Occupational and/or physical therapy shall be provided by educationally certified or licensed therapists.
ii. A district board of education may contract with approved clinics and agencies for the provision of occupational and/or physical therapy.
3. Recreation shall be provided by certified school personnel during the school day or by Department of Health qualified recreation specialists when school is not in session.
4. Speech correction for a pupil classified other than "eligible for speech correction," may be provided as a related service. Additional classification as "eligible for speech correction" is not required.
5. Transportation shall be provided in the following manner:
i. The district board of education shall provide transportation as required in the individualized education program or as prescribed by the school physician. Such services shall include special transportation equipment, transportation aides and special arrangements for other assistance to and from and in and around the school.
ii. When a residential placement for educational reasons is made by a district board of education, transportation shall be provided consistent with the school calendar of the approved private school.
iii. When transportation is to be provided for an educationally handicapped pupil, the case manager shall provide the transportation coordinator and the bus driver with specific information including safety concerns, mode of communication, health and behavioral characteristics of the pupil assigned.
iv. When public school transportation is provided for handicapped pupils below the age of five on a school bus, as defined by N.J.A.C. 6:21-9.1, safety belts or restraint systems are not required. If a small school vehicle is used, as defined by N.J.A.C. 6:21-9.1, safety belts or restraint systems are required.
6. Other related services, as necessary, shall be specified in the pupil's individualized education program.

(b) Consistent with professional practice, school personnel may give advice regarding the need for additional services which are not required by this chapter. Such advice places no obligation on the district board of education to provide or fund such services.

6:28-3.8 Services to pupils in programs operated by the State of New Jersey

(a) For a pupil classified as eligible for day training attending an approved day program, the district board of education shall provide the services described in N.J.A.C. 6:28-3.2 through 3.6.
(b) For a pupil in residence in a State facility, the responsible district board of education shall:
1. Maintain the educational records sent by the State facility in accordance with N.J.A.C. 6:3-2.
2. Facilitate the entry of the pupil into the local district program, as appropriate.

(c) For a pupil in a program operated by or under contract with the Department of Education, the district board of education retains responsibility for programs and services under this chapter.

SUBCHAPTER 4. PROGRAMS

6:28-4.1 General requirements

(a) Each district board of education shall provide educational programs and related services for handicapped pupils in accordance with their individualized education programs.
(b) Special education programs shall be consistent with the special education plan submitted by the district board of education and approved by the Department of Education.
(c) A district board of education proposal to establish, change or eliminate special education programs or services shall be approved by the Department of Education through its county office.
(d) Appropriate facilities shall be provided for educationally handicapped pupils in accordance with N.J.A.C. 6:22-1.
(e) Appropriate written curricula shall be developed and appropriate materials shall be provided for educationally handicapped pupils.
(f) The length of the school day and the academic year for educationally handicapped pupils shall be at least as long as that established for all pupils.
1. Programs for the preschool handicapped shall be in operation five days per week, one day of which may be used for parent training and at least four days of which shall provide a minimum of 10 hours of pupil instruction.
2. An extended academic year program shall be comparable to the special education program offered during the regular academic year.

(g) All professional personnel serving educationally handicapped pupils shall hold the appropriate New Jersey certification or license commensurate with their assignments.
(h) A classroom aide, under the direction of a principal, special education teacher, general education teacher or other appropriately certified personnel, may assist in a special education program. The job description of a classroom aide shall be approved by the Department of Education through its county office.
(i) The district board of education through its chief school administrator or designee shall be responsible for the placement of an educationally handicapped pupil in conformance with the pupil's individualized education program.
1. When an educationally handicapped pupil transfers from one

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New Jersey school district to another, and immediate review of the individualized education program cannot be conducted, the pupil shall be placed in a program consistent with the current individualized education program for a period not to exceed 30 calendar days.

2. When appropriate, an educationally handicapped pupil shall be grouped with or participate with noneducationally handicapped pupils or less severely handicapped pupils in activities that are part of the educational program.

3. When the individualized education program of a handicapped pupil does not describe any restrictions, the pupil shall be included in the regular school program provided by the disrict board of education.

i. This includes participation in health and physical education, industrial arts, fine arts, music, home economics, vocational and other regular education programs, intramural and interscholastic sports, extracurricular and co-curricular activities.

ii. When instruction in these areas is provided to groups consisting solely of educationally handicapped pupils, the size of the groups and the age range shall conform with the requirements for special class programs described in this subchapter.

(j) Each district board of education, through appropriate personnel, shall establish and implement a plan to evaluate special education programs and services in conformance with the requirements of N.J.S.A. 18A:7A-1-16 and this chapter.

6:28-4.2 Program implementation

(a) Educational program options shall include the following:

1. Instruction in school which complements regular or special class programs through the following means:

i. Modification of a regular classroom program, including, but not limited to, academic instruction, vocational, home economics, art, music, physical education and health education programs;

ii. Supplementary instruction;

iii. Resource room;

iv. Speech correction;

2. A special class program in the pupil's local school district;

3. A special education program in the following settings:

i. Another local school district;

ii. A vocational and technical school;

iii. A county special services school district;

iv. An educational services commission;

v. A jointure commission.

4. Programs in hospitals, convalescent centers or other medical institutions provided by agreement between one or more school districts;

5. A State of New Jersey operated program;

6. Vocational rehabilitation facilities;

7. An approved privately operated special class in the continental United States, when it is not appropriate to provide services pursuant to paragraphs 1 through 6 above. Placement in a privately operated special class shall only be made with the prior written approval of the Department of Education through its county office.

8. Individual instuction at home or in school, excluding home instruction for medical reasons, with the written approval of the Department of Education through its county office, when it is not appropriate to provide a special education program for an educationally handicapped pupil in accordance with paragraphs 1 through 7 above.

(b) The following program criteria shall be met:

1. Supplementary instruction and speech correction provided to educationally handicapped pupils in addition to the regular instructional program shall meet the following criteria:

i. Speech correction may be given individually or in groups not to exceed three pupils.

ii. Supplementary instruction other than speech correction, may be given individually or in groups not to exceed five pupils.

iii. A teacher providing supplementary instruction shall be appropriately certified for the subject or level in which instruction is given.

2. Resource room programs shall be instructional centers offering individual and small group instruction in place of regular classroom instruction and meet the following criteria:

i. An educationally handicapped pupil in a resource room shall be enrolled on a regular public school class register with his or her chronological peers. Instructional responsibility for a pupil in such programs shall be shared between the resource room teacher, and the regular class teachers(s) dependent on the nature of the program and the services provided.

ii. Depending on the type of resource room program, the resource room teacher shall hold certification as teacher of the handicapped, or teacher of blind or partially sighted, or teacher of deaf or hard of hearing.

iii. A resource room teacher shall be provided one hour per day or, in the secondary or departmentalized program one instructional period per day, for consultation with the regular teaching staff.

iv. Types of resource room programs shall be designated as follows:

(1) Single handicap program for pupils with the same classification;

(2) Mixed handicap program for pupils with different classifications;

(3) Open program for nonhandicapped and handicapped pupils.

v. The number of pupils who can be present in a resource room at any given time shall not exceed five. The total number of elementary school pupils who can be assigned to a resource room teacher shall be no more than 20. In a secondary school no more than 25 pupils shall be assigned.

vi. The maximum amount of time per day a pupil shall participate in a resource room program at the elementary level is two hours; at the secondary level, two instructional periods.

3. Special class programs shall meet the following criteria:

i. An educationally handicapped pupil in a special class program shall be enrolled on a special class register.

ii. Pupils shall be the primary instructional responsibility of the special education teacher. Such teachers shall work cooperatively with other teachers to whom the educationally handicapped pupil may be assigned for **portions of his or her educational program.**

iii. Depending on the classification of the pupils assigned to the special class program, the special class teacher shall hold certification as teacher of the handicapped, or teacher of blind or partially sighted, or teacher of deaf or hard of hearing.

iv. The age span in special class programs shall not exceed four years.

v. A special class program shall serve pupils who have the same classification. Class sizes shall not exceed the following:

(1) Auditorily handicapped – 8 pupils;

(2) Chronically ill – 15 pupils;

(3) Communication handicapped – 8 pupils;

(4) Emotionally disturbed – 8 pupils;

(5) Mentally retarded, **educable - 15 pupils;**

(6) Mentally retarded, trainable – 10 pupils;

(7) Multiply handicapped – 8 pupils;

(8) Neurologically impaired – 8 pupils;

(9) Orthopedically handicapped – 10 pupils;

(10) Perceptually impaired – 12 pupils;

(11) Preschool handicapped – 8 pupils (classroom aide required);

(12) Socially maladjusted – 12 pupils;

(13) Visually handicapped – 8 pupils.

vi. The above maximum class sizes may be increased no more than one-third with the addition of a classroom aide by obtaining prior written approval from the Depatment of Education through its county office.

4. A preschool handicapped program shall meet the following criteria:

i. A preschool handicapped pupil shall be enrolled on a special class program register.

ii. All teachers of educationally handicapped preschool pupils shall hold a teacher of the handicapped certificate and nursery

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school endorsement.

(1) Substandard certificates may be obtained in accordance with N.J.A.C. 6:11-4.4 to teachers employed in programs for educationally handicapped or nursery school certification and are working to acquire the other.

(2) Classes for preschool handicapped pupils who are auditorily handicapped or visually handicapped shall be taught by teachers holding nursery school and teacher of blind or partially sighted, or teacher of deaf or hard of hearing certification.

5. Enrollment in secondary special class programs may be increased by one-half the maximum class size for pupils with the same classification as noted in 3.v. above. For instructional purposes, no group shall contain more than the maximum number of educationally handicapped pupils with the same classification as indicated in 3.v. and vi. above.

i. An educationally handicapped pupil enrolled on the register of a secondary special class program shall receive a minimum of three instructional periods with the certified teacher of the handicapped who maintains primary instructional responsibility for the pupil. The remainder of the pupil's instruction may be provided in the following settings, as appropriate.

(1) A class period(s) consisting solely of educationally handicapped pupils instructed by a regular education teacher where an adapted general education curriculum is used. In such classes enrollment for each period shall be limited to 10 educationally handicapped pupils.

(2) A regular education class instructed by an appropriately certified subject area teacher. The number of educationally handicapped pupils who are enrolled on a special class register who can attend any given instructional period in such classes shall be limited to four.

ii. Vocational education programs shall be made available to an educationally handicapped pupil at the secondary level consistent with his or her individualized education program. For the pupil placed in a vocational program outside of the local district, responsibility shall be as follows:

(1) In a full-time county vocational school, all responsibility for programs and services rests with the receiving district.

(2) In a shared-time county vocational school and in an area vocational technical school, primary responsibility rests with the sending district board of education. Vocational personnel shall participate in the individualized eduction program and eligibility decisions.

6. Instruction provided in lieu of classroom instruction for pupils classified by the school physician as eligible for home instruction shall meet the following criteria:

i. Instruction shall be provided at the pupil's place of confinement.

ii. The pupil shall be carried on an individual instruction register.

iii. Instructional services shall begin within seven calendar days after eligibility has been established.

iv. The teacher providing instruction shall be appropriately certified for the subject or level in which the instruction is given.

v. The pupil shall receive a program that meets the requirements of the district board of education for promotion and graduation.

vi. Instruction shall be provided for no fewer than five hours per week. The five hours of instruction per week shall be accomplished in no fewer than three visits by a teacher on three separate days. When instruction is provided by direct communication to a classroom program by telephone or television, this instruction shall be in addition to the basic five hours of instruction by a teacher.

7. A pupil classified as educationally handicapped by a child study team may have the individualized education program implemented through instruction at home when it can be demonstrated that no other program option is appropriate at that time.

i. Prior written approval to provide home instruction shall be obtained from the Department of Education through its county office.

ii. Approval shall be obtained for a maximum of 60 calendar days.

iii. Subparagraphs ii, iv, v and vi of paragraph 6 above shall apply to the home instruction program of pupils classified by the child study team.

(c) Any exceptions regarding the requirements of this subchapter shall be made only with prior written approval of the Deparment of Education through its county office.

6:28-4.3 Transition of an educationally handicapped pupil from an elementary to a secondary school

Transition from elementary school to the secondary school shall be based on the recommendation of the child study team and shall be consistent with the pupil's individualized education program. Transition shall be determined by factors including number of years in school; social, academic and vocational development; chronological age; and need for the opportunities of the secondary school.

6:28-4.4 Diplomas and graduation

(a) A handicapped pupil who entered a high school program prior to September 1981 and who successfully completes his or her individualized education program shall receive the secondary diploma of the local school district responsible for his or her education.

(b) An educationally handicapped pupil who entered a high school program in September 1981 or thereafter shall meet the high school graduation requirements pursuant to N.J.A.C. 6:8-4.2, unless exempted in his or her individualized education program. The individualized education program must specifically address these graduation requirements. Fulfillment of the individualized education program requirements would qualify the educationally handicapped pupil for a State endorsed diploma.

(c) If a pupil attends a school other than that of the school district of residence which is empowered to grant a diploma, the pupil shall have the choice of receiving the diploma of the school attended or the diploma of the school district of residence.

(d) If a district board of education grants an elementary school diploma, an educationally handicpaped pupil who fulfills the requirements of his or her individualized education program shall qualify for a diploma.

(e) Educationally handicapped pupils shall have the opportunity to participate in graduation exercises and related activities on a nondiscriminatory basis.

SUBCHAPTER 5. APPROVED CLINICS AND AGENCIES

6:28-5.1 General requirements

(a) Clinics and agencies approved by the Department of Education are organizations which provide contracted services to district boards of education as delineated in this subchapter.

(b) In order to provide services to a district board of education pursuant to these rules, clinics and agencies shall be approved by the Department of Education.

(c) Services provided shall be restricted to the following:

1. For public school pupils, clinics and agencies may provide:

i. Child study team diagnostic services; and

ii. The related services of occupational therapy and physical therapy.

2. For nonpublic school pupils, clinics and agencies may provide:

i. Evaluation, determination of eligibility for special education and/or related services, classification and the development of an individualized education program;

ii. Supplementary instruction, speech correction and home instruction for pupils determined eligible for such services; and

iii. English as a second language pursuant to N.J.A.C. 6:31-1.4 and compensatory education pursuant to N.J.A.C. 6:8-1 for pupils eligible for such services.

3. Medical clinics and agencies approved by the New Jersey Department of Health or appropriate State agency outside of New Jersey may conduct diagnostic medical services. These agencies do not have to obtain Department of Education approval nor do district

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boards of education have to receive prior approval of the Department of Education to purchase the diagnostic medical services.

(d) District boards of education shall purchase services listed under (c)1. and 2. above from approved clinics and agencies with the prior written approval of the Department of Education through its county office according to the following:

1. A request for approval to purchase services shall include the proposed terms of the contract.

2. The district board of education shall be notified of approval or disapproval within 30 calendar days of the request.

3. The approval shall be for one year.

6:28-5.2 Approval procedures

(a) Approval of clinics and agencies shall include, but not be limited to, submission of the following criteria:

1. A valid certificate of incorporation or certificate of formation, certificate of trade, or business name, any licenses or permits required by laws, regulations, ordinances in effect within the state, county or municipality where the clinic or agency provides its services;

2. A description of the scope and nature of services to be offered;

3. A list of professional staff who will provide services which indicates each individual's certification or license for the function he or she will fulfill;

i. All staff shall be appropriately certified or licensed.

ii. All educational certificates shall be recorded with the Department of Education through the county office in which the clinic or agency is located.

iii. Professional staff employed by a clinic or agency who work full time for a district board of education shall not provide service for the clinic or agency during the hours of that individual's public school employment.

iv. An employee of a local school district shall not provide service to a pupil who is the responsibility of his or her employing district board of education.

4. A description of the facility or facilities in which services shall be provided;

5. Fiscal information concerning the cost and method of payment for services;

6. Assurance of an adequate accounting system in accordance with generally accepted accounting principles;

7. Assurance of a system for the collection, maintenance, confidentiality and access of pupil records which is in conformance with N.J.A.C. 6:3-2.

(b) Any clinic or agency may appeal the approval decision to the commissioner for a hearing in accordance with rules set forth in N.J.A.C. 6:24. Such hearing shall be governed by the provisions of the Administrative Procedure Act (see N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., as supplemented by N.J.A.C. 1:1).

SUBCHAPTER 6. SERVICES FOR NONPUBLIC SCHOOL PUPILS

6:28-6.1 General requirements

(a) Each district board of education shall provide pupil evaluation to determine eligibility for special education and/or related services, compensatory education, supplementary instruction, home instruction and instruction in English as a second language for pupils enrolled in nonpublic schools.

(b) Each district board of education shall provide the programs and services required by this subchapter by itself, or through joint agreements with other district boards of education or through contract with clinics and agencies approved under N.J.A.C. 6:28-5.

(c) Contracts with clinics and agencies to provide programs and services covered by this subchapter shall be approved by the county superintendent of schools.

6:28-6.2 Definitions

"Nonpublic school" means an elementry or secondary school, other than a public school, within the State, providing education in grades kindergarten through 12, or any combination of them, in which a pupil may fulfill compulsory school attendance and which complies with the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352).

"Nonpublic school pupil" means any pupil who is enrolled full time in a nonpublic school. A pupil who boards at a nonpublic school shall be considered a resident of the district in which the parent(s) resides.

6:28-6.3 Provision of programs and services

(a) Identification, referral, evaluation, determination of eligibility, development of individualized education programs and provision of speech correction, home instruction and supplementary instruction shall be provided in accordance with this chapter.

(b) English as a second language shall be provided in accordance with N.J.A.C. 6:31-1.4.

(c) Compensatory education shall be provided in accordance with N.J.A.C. 6:8-1.

(d) All programs and services required by this subchapter shall be provided only with parental consent.

(e) All procedural safeguards specified in N.J.A.C. 6:28-2 apply to nonpublic school pupils.

(f) Personnel providing a program or service under this subchapter shall meet appropriate certification requirements and shall not be employed by the nonpublic school in which the pupil is enrolled.

(g) Programs and services for nonpublic school pupils shall be provided in facilities approved by the Deparment of Education through its county superintendent of schools.

(h) Public and nonpublic school pupils may be grouped for speech correction and the other instructional programs provided under this subchapter, when appropriate.

(i) When the provision of programs and/or services under this subchapter requires transportation, the district board of education shall provide the transportation and the cost shall be paid from State aid received under this subchapter by the district board of education.

(j) The district board of education shall maintain all records of nonpublic school pupils receiving programs and/or services under this subchapter according to N.J.A.C. 6:3-2.

6:28-6.4 Fiscal management

(a) Each district board of education shall provide programs and services under this subchapter up to the amount of State aid received for that year, pursuant to N.J.S.A. 18A:46A-1 et seq.

(b) Each district board of education shall maintain an accounting system for nonpublic programs and services in accordance with procedures established by the Department of Education.

(c) Up to six percent of the total State aid received for the provision of programs and services under this subchapter may be used for administrative costs.

(d) At the close of each school year, the district board of education shall report to the Department of Education the total district cost for programs and services provided under this subchapter. In the event that the expenditures were less than the amount of State aid received, the district's State aid for the subsequent year shall be reduced by the amount of unexpended funds.

(e) Each district board of education shall receive State aid for programs and services required by this subchapter for the succeeding school year, as determined by the Department of Education and as available from appropriated funds for nonpublic school programs and services.

6:28-6.5 End of the year report

(a) Annually, the distict board of education shall submit to the Department of Education a report describing the programs and services provided under this subchapter.

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(b) The end of the year report shall include the numbers of pupils provided each program or service and other information as required by the Department of Education.

SUBCHAPTER 7. PROGRAMS BY EDUCATIONAL SERVICES COMMISSIONS, JOINTURE COMMISSIONS, REGIONAL DAY SCHOOLS, COUNTY SPECIAL SERVICES SCHOOL DISTRICTS, THE MARIE H. KATZENBACH SCHOOL FOR THE DEAF AND PRIVATE SCHOOLS

6:28-7.1 General requirements

(a) Educational services commissions, jointure commissions, regional day schools, county special services school districts, the Marie H. Katzenbach School for the Deaf and private schools shall obtain prior written approval from the Department of Education to provide programs for educationally handicapped pupils through contracts with district boards of education.

1. Approval shall be based upon the criteria established by the Department of Education.

2. Monitoring and approval shall be conducted on an ongoing basis by the Department of Education.

3. Approval for private schools shall be obtained annually.

(b) "District board of education" as used in this subchapter means the local district legally responsible for the pupil's education.

(c) Programs for educationally handicapped pupils provided under this subchapter shall be operated in compliance with the requirements of this chapter.

1. Exceptions regarding pupil placement shall be made with the prior written approval of the Department of Education through its county office in the county in which the responsible district board of education is located.

2. Exceptions from all other requirements in this subchapter shall be made only with prior written approval from the Department of Education.

(d) All special education programs in this subchapter shall prepare and submit a special education plan according to N.J.A.C. 6:28-1.2.

6:28-7.2 Approval procedures

(a) At least six months prior to the initiation of a program for educationally handicapped pupils, an application shall be submitted to the Department of Education.

(b) The Department of Education shall determine if the program is needed or in conflict with an existing or planned program.

(c) The Department of Education shall notify the applicant of its approval decision no later than three months after receipt of the application.

(d) An appeal of the decision by staff of the Department of Education shall be made to the commissioner pursuant to N.J.A.C. 6:24.

(e) The application for approval to establish a program for educationally handicapped pupils shall include, but not be limited to:

1. A statement of need indicating the number and age of educationally handicapped pupils to be served by category of handicap, and the existing programs and services available to these pupils;

2. A rationale for each new program;

3. The projected program for each group of educationally handicapped pupils with the same handicapping condition including:

i. The objectives of the program;

ii. The organizational structure, including projected number of personnel by title and certification;

iii. The administrative policies and procedures;

iv. The nature and scope of the program and services to be offered and the number and type of educationally handicapped pupils to be served;

v. A description of the proposed curriculum;

4. A copy of the approval of the facility by the Department of Education through its county office;

5. An assurance that health, safety and necessary emergency procedures will be followed; and

6. Additionally for each private school, an affidavit that its program and services for the educationally handicapped is nonsectarian.

6:28-7.3 Responsibilities of district boards of education

(a) The educational program of a handicapped pupil provided through contractual agreements as described in N.J.A.C. 6:28-7.1(a), shall be considered the educational program of the district board of education. The district board of education shall be responsible for the services required in subchapter three of these rules.

1. Contracts may be made between district boards of education and program providers for the services required in subchapter three of these rules.

i. A district board of education representative(s) shall participate in any decision-making meeting(s) unless this is documented not to be feasible.

ii. The distict board of education's child study team shall review any child study team reports developed under the contract pursuant to N.J.A.C. 6:28-3.4(i).

(b) The placement of an educationally handicapped pupil in a program as described in N.J.A.C. 6:28-7.1(a) shall be made only with the prior written approval of the Department of Education through its county office.

1. A district board of education shall seek approval to place an educationally handicapped pupil in such a program only when it can assure that the individualized education program can be implemented in that setting.

2. Prior to placement in a program in New Jersey, a representative of the district board of education and, if possible, the parent(s) shall visit the school.

3. If an eductionally handicapped pupil has available a free, appropriate education offered by a district board of education and the parent(s) chooses to place the pupil in a private school, neither the State nor the distict board of education shall be responsible for the cost of the private school placement.

4. When a district board of education is able to demonstrate to the Department of Education through its county office that the individualized education program of an educationally handicapped pupil cannot be provided by a public or private day school program, the pupil shall be placed in a residential private school at no cost to the parent(s). The district board of education shall be responsible for special education costs, room and board.

5. Placement of an educationally handicapped pupil in a residential private school by a public agency, other than the district board of education, shall be subject to rules governing such agencies and to this chapter. The distict board of education shall pay the day special education costs.

i. When the pupil has been placed by a public agency empowered to make such placement, the placement shall meet the individualized education program requirements of the pupil.

ii. The chief school administrator or designee shall participate with the public agency in the placement decision when a district board of education is expected to be responsible for the special education costs.

6:28-7.4 Provision of programs

(a) An educational program provided under this subchapter shall conform to the requirements of N.J.A.C. 6:28-4 and to the pupil's individualized education program. Physical education, industrial arts, fine arts, home economics, health services and other educational services shall be provided on a basis comparable to that provided in the pupil's local school distict.

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(b) Educational programs shall be open to observation at any time to the representatives of the sending district board of education and of the Department of Education.

(c) With prior written approval of the Department of Education, a school described in N.J.A.C. 6:28-7.1(a) may operate an extended academic year program.

6:28-7.5 Termination or withdrawal from an educational program

(a) Prior to the termination or withdrawal of any educationally handicapped pupil from an approved program described in N.J.A.C. 6:28-7.1(a), there shall be an individualized education program review conference which shall include participation of appropriate personnel from the receiving school and the pupil's parent(s). Fifteen calendar days prior written notice of termination or withdrawal shall be made by the parent(s), the district board of education or the school providing the program to the other parties.

(b) When an educationally handicapped pupil completes his or her individualized education program, the pupil shall receive a diploma pursuant to N.J.A.C. 6:28-4.4.

6:28-7.6 Fiscal management

(a) A district board of education shall pay tuition for all special education programs and required services provided only after receiving individual pupil placement approval.

(b) The district board of education shall establish a written contract for each handicapped pupil it places in a program approved under this subchapter. The contract shall include written agreement concerning tuition charges, costs, terms, conditions, services and programs to be provided for the educationally handicapped pupil.

(c) Daily transportation costs shall be paid by the district board of education.

(d) Transportation for pupils in residence at the Marie H. Katzenbach School for the Deaf shall be the responsibility of the Katzenbach School.

(e) Individual tuition for handicapped pupils shall be based on the total allowable program costs of the provider.

(f) Annual program budgets shall be submitted for approval to the Department of Education by each provider on forms distributed by the department.

1. All providers under this subchapter shall submit a certified audit to the Department of Education at the end of each school year.

2. The certified audit of actual expenditures shall be used in establishing the tuition rate for that school year.

6:28-7.7 Records

(a) All providers under this subchapter shall conform to the requirements of N.J.A.C. 6:3-2 pertaining to pupil records. In addition:

1. All pupil records maintained by a provider under this subchapter shall be returned to the responsible district board of education when a pupil's program is terminated.

2. Requests for access to pupil records by authorized organizations, agencies or persons as defined in N.J.A.C. 6:3-2 shall be directed to the chief school administrator or designee of the local school distict having responsibility for the handicapped pupil.

3. The daily attendance record of all pupils in approved programs under this subchapter shall be maintained in registers provided by the Department of Education and made available to the distict board of education upon request. Habitual tardiness or prolonged absences shall be reported to the chief school administrator of the local school district.

(b) Pupil progress reports shall be submitted at least three times a year or as stipulated in the contract.

SUBCHAPTER 8. PROGRAMS OPERATED BY OTHER DEPARTMENTS OF NEW JERSEY STATE GOVERNMENT

6:28-8.1 General requirements

(a) The requirements of this chapter shall apply to all educational programs provided for handicapped pupils by a department of New Jersey State government, except as otherwise provided in this subchapter.

1. This shall include but not be limited to the Department of Corrections and the Department of Human Services.

2. This shall not include the Department of Education.

(b) All educationally handicapped pupils shall receive an educational program based on an individualized education program. A pupil who has an individualized habilitation plan or an individual treatment plan, as defined by the Department of Human Services, shall have the individualized education program incorporated into the plan.

(c) Once a pupil has been placed in a State-operated or contracted residential facility, the placing State agency is responsible for the identification, evaluation, determination of eligibility, development and implementation of the individualized education program.

(d) All educationally nonhandicapped pupils in State facilities shall receive an educational program according to N.J.A.C. 6:8 (Thorough and Efficient System of Free Public Schools).

(e) All other general education rules apply to educational programs in which a department of New Jersey State government serves pupils.

(f) Educational programs and services shall be provided for each pupil between the ages of three and 21 who does not hold a high school diploma.

(g) An education program shall be scheduled for at least four hours per day and no fewer than 180 days each year.

(h) Activities shall not be scheduled that conflict with educational programs. Pupils shall not be excused from attending educational programs except for reasons of illness, religious observance, court appearance or other compelling personal circumstances.

(i) Attendance is compulsory for all pupils except for a pupil age 16 or above who waives this right. A waiver may be revoked at any time by the pupil. For a pupil below the age of 18, a waiver is not effective unless accompanied by parental consent.

(j) Each State facility shall develop a special education plan according to N.J.A.C. 6:28-1.2 which additionally shall include:

1. A list of all State and Federal funding sources;

2. A separate budget statement for each educational program in each State facility.

6:28-8.2 Pupil records

(a) In addition to the records provisions of N.J.A.C. 6:3-2, all educational records shall be maintained in files separate from juvenile justice and other institutional records required to be safeguarded from public inspection by N.J.S.A. 2A:4-5.

(b) All educational records must be transmitted to the responsible public school district, as defined in N.J.S.A. 18A:7B-12, in order to assure credit for work completed by the pupil. District boards of education shall grant appropriate credit and diplomas for educational work completed by pupils enrolled in State facilities.

6:28-8.3 Procedural safeguards

(a) A due process hearing request may be made to the Department of Education for a pupil confined in a residential facility operated by or under contract to a department of State government on issues of classification or the components of an education program but not placement.

(b) A request for an administrative review shall be made directly to the appropriate department of State government.

1. Each department shall develop written administrative review procedures which shall be approved by the Department of Education.

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(c) Mediation efforts by the Department of Education as described in N.J.A.C. 6:28-2 may be requested for handicapped pupils.
(d) The educational rights of nonhandicapped pupils to procedural safeguards are the same as nonhandicapped pupils in local district schools in New Jersey.
(e) A handicapped pupil shall not be suspended or expelled from an educational program for manifestations or consequences of the pupil's handicap, except on an emergency basis to prevent imminent danger of injury to the pupil or others.
(f) Surrogate parents shall be appointed in accordance with N.J.A.C. 6:28-2.

6:28-8.4 Provisions of programs
(a) Educational programs shall be provided in physical locations separate from sleeping areas, except where appropriate for instructional or medical reasons. School facilities shall comply with rules pursuant to N.J.A.C. 6:8-4.8(b).
(b) A State facility may recommend placement of a pupil in a local school district if the pupil is capable of participating in an educational program offered by that district board of education. The district board of education may accept or reject the pupil. If accepted, tuition shall be paid by the State facility to the district board of education.
(c) Educational certificates for professional staff shall be on file in the respective department's education office.
1. Classroom teachers of the handicapped shall hold certificates as teacher of the handicapped.
2. All other educational staff shall hold the certification determined appropriate by the directors of the offices of education in the departments operating educational programs.
3. The appropriateness of certification will be reviewed annually by the Department of Education.
(d) Class size for all pupils enrolled in State-operated programs shall not exceed the following:
1. Residential youth center – 10 pupils;
2. Child treatment center or psychiatric hospital – 8 pupils;
3. Training school or correctional facility – 10 pupils;
4. Day training center – 9 pupils per classroom with a pupil to staff ratio of three to one;
5. Residential facilities for the retarded – in accordance with N.J.a.C. 6:28-4.
(e) Day training programs shall be provided in the following manner:
1. The Department of Human Services shall provide educational programs and related services for pupils classified as eligible for day training in State-operated or contracted facilities.
2. A day training program is responsible for carrying out the individualized education program.
3. In classes for pupils classified as eligible for day training, the age range may exceed four years. If a pupil is placed in a class in which he or she is not within the four-year age range of the other pupils, the rationale for placement shall be noted in the individualized education program.
4. An educational program for pupils classified as eligible for day training in a State residential facility shall be commensurate with those in a day training center.
5. No exception shall be granted regarding class size in classes for pupils classified as eligible for day training.
(f) An educational plan shall be developed for each school age pupil leaving a State facility by that facility which shall include:
1. The current individualized education program or a description of the general education program.
2. Any other educational information necessary to formulate an appropriate educational program when the pupil returns to a local district.

6:28-8.5 Eligibility to receive State funds
(a) The Departments of Corrections and Human Services shall submit annually to the Department of Education the resident enrollment of pupils in State education programs on the last school day of September.
(b) The Commissioner of Education shall notify the Commissioners of the Departments of Corrections and Human Services of the entitlement for the following fiscal year under the State Facilities Education Act N.J.S.A. 18A:7B-1 et seq.
(c) The Department of Education shall forward first-quarter State Facilities Education Act funds to the Department of Corrections and the Department of Human Services by July 1. All subsequent funding for the fiscal year shall be contingent upon acceptance of the special education plan or annual update by the Department of Education.
(d) The determination of the district of residence for funding purposes shall be in accordance with N.J.S.A. 18A:7B-12.
(e) Annually each department of State government shall submit a composite education program budget for all programs and services under its jurisdiction.

6:28-8.6 Program review and approval
(a) Annually the Department of Education shall review all educational programs in State facilities for compliance with New Jersey Statutes Annotated, New Jersey Administrative Code and adherence to their approved special education plan and budget.
(b) All educational programs and fiscal information shall be available for audit by the Department of Education.

SUBCHAPTER 9. MONITORING, CORRECTIVE ACTION AND COMPLAINT INVESTIGATION

6:28-9.1 Monitoring and corrective action
(a) The Department of Education shall monitor all programs and services required by this chapter for compliance with New Jersey Statutes Annotated, New Jersey Administrative Code and the approved special education plan.
(b) The monitoring process shall include, as necessary:
1. Review of data and reports;
2. Conducting on-site visits;
3. Comparison of a sample of individualized education programs with the programs and services offered;
4. Audit of Federal and State funds.
(c) After the monitoring process is completed, a report shall be written and sent to the public or private agency.
(d) If the public or private agency receives a review report that indicates noncompliance, an improvement plan shall be developed by the agency and submitted to the Department of Education for approval.
(e) The improvement plan shall be submitted according to a format provided by the Department of Education and shall include, but not be limited to, the following:
1. Objectives and strategies for correcting each noncompliance item cited, including resources needed;
2. Target dates for correction of noncompliance.
(f) The Department of Education shall review the improvement plan and notify the agency if it is acceptable.
(g) When an improvement plan is not submitted or found unacceptable or not implemented, the Department of Education shall notify the agency of the sanctions that it intends to apply.
(h) An appeal of the decision by staff of the Department of Education shall be made to the Commissioner of Education under N.J.A.C. 6:24-1.

6:28-9.2 Complaint procedures
(a) The Director of the Division of Special Education shall be responsible for implementing the procedures to review, investigate and take action on any written complaint of substance received by the Department of Education regarding the provision of special education or related services by any public or private agency covered under this chapter. The procedures may include:
1. Referral by the director to the county office of the Department

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of Education for fact finding, and if possible, a negotiated settlement;
2. Monitoring by the Division of Special Education in accordance with N.J.A.C. 6:28-9.1.

SUBCHAPTER 10. EARLY INTERVENTION PROGRAMS

6:28-10.1 General requirements
(a) This subchapter applies to all agencies that receive public funds from the Department of Education for the provision of early intervention programs to handicapped children between birth and age three. Early intervention programs shall be comprehensive, interdisciplinary programs that address a child's education, health and human service needs.
(b) Early intervention programs shall be approved annually by the Department of Education.
(c) Approved early intervention programs shall be funded to the extent provided by appropriations to the Department of Education for these purposes and based on guidelines established by the Department of Education.
(d) The Department of Education, in consultation with the Departments of Health and Human Services, shall monitor and review annually the programs and services of each approved early intervention program pursuant to N.J.A.C. 6:28-9.

6:28-10.2 District board of education responsibilities
(a) Each district board of education shall have a procedure to ensure that parents of all potentially eligible children within its jurisdiction are provided information regarding early intervention programs. This procedure shall include, but not be limited to, a variety of activities to disseminate information to the community.
(b) When a child who has been enrolled in an early intervention program becomes age three as defined in N.J.A.C. 6:28-1.3, the district board of education shall consider the child as identified under N.J.A.C. 6:28-3.2 and shall initiate referral procedures.

6:28-10.3 Approval process
(a) At least six months prior to the inititation of an early intervention program, an application shall be submitted to the Department of Education.
(b) The Department of Education, in consultation with the Departments of Health and Human Services, shall review and determine eligibility for funding of an early intervention program.
(c) The Department of Education shall notify the early intervention program of the approval decision no later than three months after receipt of the application.
(d) An appeal of the decision by staff of the Department of Education shall be made to the Commissioner of Education pursuant to N.J.A.C. 6:24-1.
(e) An application for funding of an early intervention program shall include:
1. A program plan which incorporates the following:
i. A statement of need indicating the number of children to be served and the existing programs and services available to them;
ii. The screening procedures;
iii. The assessment procedures;
iv. The intervention plan;
v. A family involvement plan;
vi. The personnel development policies;
vii. A procedure for interagency coordination;
viii. The program evaluation process.
2. Projected number of personnel by title and certification;
3. The administrative policies and procedures;
4. A copy of the approval of the facility by the Department of Education through its county office;
5. A copy of procedures for health, safety and necessary emergency procedures;
6. An assurance that the fiscal management system includes:
i. An annual written budget; and
ii. An annual audit performed by a certified public accountant;
7. A copy of the written policy describing compliance with all pupil record requirements according to N.J.A.C. 6:3-2.
8. A copy of the procedure used to notify appropriate local school districts of the need for services for a child age three;
9. For each private agency, an affidavit that its early intervention program is nonsectarian; and
10. All other information required for approval.

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WASTE MANAGEMENT

DIVISION OF WATER RESOURCES

Hazardous Waste Land Disposal

Proposed New Rules: N.J.A.C. 7:14A-4.7 and 6.15; N.J.A.C. 7:26-10.6 and 10.8
Proposed Amendments: N.J.A.C. 7:14A-4.4, 6.1 and 6.2; 7:26-1.4, 11.3 and 12.2

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.
Authority: N.J.S.A. 13:1B-3, 13:1E-6, and 58:10A-4.
DEP Docket No. 064-83-11.

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

January 4, 1984 at 7:00 P.M.
Cherry Hill Township Municipal Building
Room 208
Council Chambers
Cherry Hill, New Jersey

January 11, 1984 at 7:00 P.M.
Rutgers University
Labor Education Center Auditorium
Ryder's Lane and Clifton Avenue
New Brunswick, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 19, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Susan Savoca
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, NJ 08625

At the close of the period for comments, the Department of Environmental Protection may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.
This proposal is known as PRN 1983-620.

The agency proposal follows:

Summary

The Department of Environmental Protection (the

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"Department") is proposing new regulations in response to federal rulemaking under the federal Resource Conservation and Recovery Act of 1976 ("RCRA"). RCRA mandates a cradle to grave system of managing hazardous waste. Section 3006 of RCRA specifically provides for states to operate their own hazardous waste programs in lieu of the federal program after obtaining authorization to do so from the United States Environmental Protection Agency (U.S.E.P.A.). Although New Jersey had already established its own hazardous waste management regulations prior to the promulgation in May 1980 of the federal RCRA regulations, the State has decided to obtain federal authorization to administer the comprehensive federal program.

On September 4, 1980, the Department initiated the rulemaking steps necessary to obtain the federal authorization by its publication in the New Jersey Register of the notice of proposal of the regulations necessary to obtain Phase I, Interim Authorization. Subsequent to September 1980, the Department has continued to take the rulemaking steps which will lead to final authorization to administer the RCRA program. On February 2, 1983, the Department received Phase I, Interim Authorization. In May of 1983, the Department submitted its draft application for Phase II, Components A and B, Interim Authorization and expects to complete this application by late 1983. The Department anticipates submitting the draft application for Final Authorization by January 1984. In order to complete the application for Final Authorization, all State regulations relevant to and required by RCRA must be adopted by May 1984.

On July 26, 1982, the U.S.E.P.A. promulgated interim final land disposal standards (at 47 F.R. 32274), which became effective on January 26, 1983. The regulations which the Department is proposing today will lead to the State adoption of land disposal regulations and will take the Department one step closer to obtaining final authorization. RCRA directs that, in order to receive final authorization, the state hazardous waste regulations must be equivalent to and consistent with the federal program, with the state being allowed to set more stringent standards as long as the "equivalent to and consistent with" standard is met. Therefore, this proposal strongly reflects the federal requirements for the land disposal of hazardous waste.

The proposed amendments contain minimum design and operating standards for the following types of hazardous waste land disposal methods: landfills, surface impoundments, and land treatment units. The standards are intended to ensure that owners and operators minimize the formation of leachate and the migration of leachate to the adjacent subsurface soils, to the groundwater, and to surface waters and are therefore preventative in nature.

The Major Hazardous Waste Facilities Siting Act, N.J.S.A. 13:1E-49 et seq., and the rules adopted pursuant thereto at N.J.A.C. 7:26-13, provide for siting criteria for new major commercial land emplacement or impoundment facilities. The act mandates that only those secure landfills which are designed to allow 99.9 percent extraction of all hazardous waste stored or disposed of therein and which prevent any significant adverse impact on the environment or public health may be approved by the Department. In addition, such secure landfills may be approved only upon a finding that all alternatives to the proposed facility design are technologically or economically impracticable and that all hazardous waste to be treated, stored or disposed of in the proposed facility can be effectively monitored. The rules adopted pursuant to the act impose additional, more specific siting criteria which must be met prior to designation by the Hazardous Waste Siting Commission of a site for a new major commercial hazardous waste facililty of this type.

Owners and operators of new hazardous waste landfills and owners and operators of existing hazardous waste landfills upon which a final disposition of a permit application has been made will be required to comply with the regulations proposed today as N.J.A.C. 7:26-10.8. These hazardous waste landfills will be required to be designed, constructed, and operated so as to prevent any migration of leachate out of the landfill to the adjacent subsurface soil, groundwater, and surface water. Double liners, leachate collection and removal systems, leak detection systems, gas monitoring systems, run-on and run-off control systems, and groundwater monitoring systems are required. Strict control is exerted over the disposal of hazardous waste liquids and lab packs. Upon closure, two feet of final cover and two top liners must be installed.

Proposed N.J.A.C. 7:26-12.2(f)5 sets forth the additional hazardous waste landfill permit requirements necessitated by proposed N.J.A.C. 7:26-10.8. Also included in the rule proposal is an amendment to the definition of "hazardous waste landfill" set forth in N.J.A.C. 7:26-1.4 to clarify that a waste pile is not a type of hazardous waste landfill for the purposes of N.J.A.C. 7:26.

The proposed rules concerning hazardous waste landfills are based on the federal requirements set forth in 40 C.F.R. Part 264.300 through 264.316 and on the RCRA Guidance Document for Landfill Design. In certain areas, the State proposal is either more stringent than the federal requirements or addresses specifics which the federal requirements do not cover. The differences between the federal requirements and the proposal reflect the need to protect the waters of the State, particularly the groundwater which is a significant source of potable water and where, in general, the depth to the groundwater is not sufficient to provide adequate natural protection. The following is a listing of the significant differences between the federal and State requirements:

1. Proposed N.J.A.C. 7:26-10.8 requires all hazardous waste landfills to have a double liner system, whereas 40 C.F.R. 264.301 requires only a single liner. The Department's experience has demonstrated that single liners do not provide sufficient reliability to minimize the potential for off-site migration of contamination.

2. Proposed N.J.A.C. 7:26-10.8 requires that all hazardous waste landfills have a groundwater protection system (the system proposed today as N.J.A.C. 7:14A-6.15), however 40 C.F.R. 264.302 allows an exemption where the landfill is double lined.

3. Where the Department has specified proposed criteria concerning minimum thickness for liners, it has required liners of greater thickness than the RCRA Guidance Document.

4. Proposed N.J.A.C. 7:26-10.8(c)1vii requires a 12 inch separation between the double liners in order to provide protection for the leak detection system required in proposed N.J.A.C. 7:26-10.8(d)4. However, 40 C.F.R. 264.300 does not require leak detection systems unless there is a double liner system and a resulting exemption from the groundwater protection system under 40 C.F.R. 264.302.

5. Proposed N.J.A.C. 7:26-10.8(d) requires all hazardous waste landfills, without exception, to have double liners and a leachate collection and removal system, whereas 40 C.F.R. 264.301(b) allows for an exemption from the federally required single liner and leachate collection and removal requirements.

6. Proposed N.J.A.C. 7:26-10.8(d)5 requires gas monitoring, whereas the federal RCRA regulations do not address such a requirement.

Proposed N.J.A.C. 7:26-10.6 will apply to new hazardous waste surface impoundments and existing hazardous waste surface impoundments upon which a final disposition of a permit application has been made. The new rule has been developed in accordance with 40 CFR 264.220 through 264.230 and is intended to prevent discharge onto the land and into the ground and surface waters (except discharges authorized by a N.J.P.D.E.S. permit). Existing surface impoundments must have at least one liner, while new surface impoundments must have two liners and leak detection systems which meet certain specifications. All surface impoundments shall be designed so as to include two feet of freeboard, dikes, run-on controls, and groundwater monitoring systems as safeguards. Operational controls include the prevention of overtopping, run-on diversion, and prohibition of incompatible wastes. The structural integrity of the diking must be certified by a registered professional engineer. When the liquid level drops

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suddenly or the dike leaks, the surface impoundment must be removed from service and cannot be restored to service until the system has been repaired. At closure of new surface impoundments, standing liquids, hazardous waste and residues, the liners, and underlying contaminated soil must be removed. At closure, existing surface impoundments may retain the hazardous waste and the liner upon the Department's approval of a containment plan for total and permanent entombment in such a fashion as to ensure that no release shall occur.

Like the proposed rules on hazardous waste landfills, the proposed rules on hazardous waste surface impoundments are founded on the federal requirements and are, in general, equivalent. However, the proposed State rules are more stringent than the federal rules in several ways, including the following:

1. The federal regulations exempt existing portions of surface impoundments from the single liner requirement (40 C.F.R. 264.220(a)), whereas the State proposal requires all portions of surface impoundments to have at least a single liner (N.J.A.C. 7:26-10.6(b)2).

2. Proposed N.J.A.C. 7:26-10.6(b)1 requires, without exemption, new surface impoundments to have a double liner system and all existing surface impoundments to have a single liner system; 40 C.F.R. 264.220(b) allows an exemption from the single liner requirement.

3. 40 C.F.R. 264.222 exempts double-lined surface impoundments from groundwater monitoring requirements. The State proposal requires all owners or operators of surface impoundments to implement a groundwater monitoring program (N.J.A.C. 7:26-10.6(d)).

4. The State proposal bans all incompatible wastes (N.J.A.C. 7:26-10.6(e)6), while the federal regulations allow incompatible wastes under certain circumstances.

Proposed amendments to the permit requirements of N.J.A.C. 7:26-12.2(f)3 will make appropriate changes to reflect proposed N.J.A.C. 7:26-10.6.

It should be pointed out that N.J.A.C. 7:26-11 (subchapter 11) also contains requirements for hazardous waste landfills and surface impoundments. However, subchapter 11 is based on 40 C.F.R. 265 and sets forth standards for existing hazardous waste landfills and surface impoundments upon which no final disposition of the permit application has been made. Proposed N.J.A.C. 7:26-10.6 and 10.8 are consistent with the requirements already promulgated in subchapter 11, except for the surface impoundment closure requirements at N.J.A.C. 7:26-11.3(e). Therefore, the Department is proposing to amend N.J.A.C. 7:26-11.3(e) to conform with the surface impoundment closure requirements proposed today as N.J.A.C. 7:26-10.6(h).

U.S.E.P.A., at 40 CFR 264.270 through 264.282, has set forth its requirements for the land treatment of hazardous waste. The Department's proposal regarding such land treatment will be codified at N.J.A.C. 7:14A-4.7. Land treatment involves the application of waste, most commonly oily waste, on the soil surface or the incorporation of waste into the upper layers of the soil in order to degrade, transform or immobilize the hazardous constituents present in hazardous waste. Unlike hazardous waste landfills and surface impoundments, land treatment does not use highly impermeable liners to contain waste. Rather, land treatment relies on the dynamic physical, chemical, and biological processes occurring in the upper layers of the soil for the degradation, transformation, and immobilization of hazardous constituents. The goal of land treatment is to reduce the hazardousness of waste applied in or on the soil. Migration of hazardous constituents into the environment is controlled by using a defined layer of surface and subsurface soils, referred to as the treatment zone, to degrade, transform or immobilize the hazardous constituents contained in the leachate.

The proposed land treatment regulations apply to owners and operators of new and existing land treatment units that treat or dispose of hazardous waste by land spreading. The proposal specifies such matters as the depth of the treatment zone, the design and operational standards, the guidelines for the growing of food crops on the treatment zone, the record keeping provisions, closure and post-closure care requirements, and special requirements for ignitable, reactive and incompatible wastes. The proposed State regulations are more stringent than the federal counterpart in that 40 C.F.R. 280(e) provides for an exemption from the groundwater monitoring requirement under certain circumstances, whereas the State proposal does not allow for such an exemption.

The proposal also contains the groundwater monitoring and response requirements applicable to hazardous waste landfills, surface impoundments, and land treatment facilities. These regulations are proposed as N.J.A.C. 7:14A-6.15 and are based on the federal regulations codified at 40 C.F.R. 264.90 to 264.100. The State proposal requires graduated levels of monitoring and corrective action responsibilities that increase as the evidence of groundwater contamination increases and is concerned with hazardous waste leachate constituents that have actually entered the groundwater and are at a point where adverse environmental impacts are most imminent.

The groundwater monitoring proposal, in essence, addresses the remedy for situations in which the preventive measures of the design and operating standards have not sufficed to eliminate threats to human health and the environment. The requirements of the proposal will result in the detection, evaluation, and, if necessary, correction of groundwater contamination. The proposal contains the requirements for the monitoring and response program that will serve as a backup to the other groundwater protection measures in the proposal. The requirements define a general set of responsibilities that the owner or operator must meet but also allow considerable flexibility in how the monitoring and response programs may be created.

When there is no evidence of groundwater contamination, the owner or operator is simply required to monitor to detect whether contaminants have entered the groundwater. Once there is evidence of contamination, the owner or operator has the responsibility of defining the potentially dangerous component of the waste release and monitoring to assure that the level of hazardous constituents in the groundwater does not exceed concentrations that could adversely affect human health and the environment. If the contamination causes increases that exceed a specified groundwater protection standard, corrective action measures must be taken to achieve compliance with that standard.

The proposed groundwater monitoring regulations apply to owners and operators of facilities that treat, store or dispose of hazardous waste in surface impoundments, hazardous waste landfills, land treatment units, and waste piles. Although waste piles will be entirely prohibited in New Jersey (see the recently proposed amendment to N.J.A.C. 7:26-9.2(b)4 in the New Jersey Register on November 7, 1983), the Department recognizes the need to require groundwater monitoring for those waste piles in existence prior to the ban and for illegal waste piles. The regulations establish the maximum concentrations of constituents, the criteria for locating monitoring wells, the compliance period, guidelines for well construction and sample collection, guidelines to determine if pollution migration has occurred, corrective action, and closure and post-closure guidelines. The proposal is more stringent than the federal requirements due to the broader scope of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

To be consistent with the New Jersey Pollutant Discharge Elimination System permit program, the proposed State regulations also cover discharges of non-hazardous groundwater contaminants from hazardous waste land disposal facilities whereas the federal requirements cover only hazardous constituents. The Department has also reserved the right to utilize this permitting strategy for other facilities where the nature of the waste and potential impact warrant this level of scrutiny.

The proposal also amends the application requirements set forth in N.J.A.C. 7:14A-4.4 to reflect the proposed new rules concerning

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land treatment and surface impoundments, N.J.A.C. 7:14A-4.7 and 7:26-10.6, respectively. The proposal also adds a new paragraph, N.J.A.C. 7:14A-6.1(a)4, and amends N.J.A.C. 7:14A-6.2(a) to clarify the scope and application of N.J.A.C. 7:14A-6.

Both the design and operating standards and the groundwater monitoring and response program will be implemented through the issuance of permits.

Social Impact

This proposal will provide for the minimization of the formation of leachate and minimization of the migration of leachate to the adjacent subsurface soils, to groundwater, to surface water and emissions to the atmosphere. The proposal will increase the likelihood of prevention of contamination while also ensuring that owners and operators detect any groundwater contamination at an early date and take corrective action when such contamination is detected.

The proposal and subsequent adoption of land disposal regulations does not mean that new hazardous waste land disposal facilities will be developed in New Jersey. It should be noted that these rules are being prepared to regulate existing facilities and provide criteria which could be applied in conjunction with siting criteria in the event that permit applications for such facilities are submitted.

While acknowledging that the land disposal of hazardous wastes is not the most environmentally sound method of disposal, the Department also recognizes that alternative methods for the volumes of hazardous waste that must be disposed each year are either not yet available, not yet developed, or not yet operational. Thus, the Department seeks, by providing design and operational standards and groundwater monitoring and response requirements, to assure the citizens that the risk of contamination eminating from the facilities will be minimal and that hazardous waste will be disposed of in properly constructed facilities.

Economic Impact

The proposal will apply to new and existing hazardous waste landfills, surface impoundments and land treatment programs. At the present time, there are only three existing hazardous waste landfills in New Jersey and all three are non-commercial, on-site facilities. These landfills already meet the double liner requirement of proposed N.J.A.C. 7:26-10.8(b). The major impact of the proposed landfill rules will, therefore, fall on future hazardous waste landfill owners and operators. At the present time, there are approximately 40 surface impoundment facilities and less than 10 land treatment units in New Jersey.

The proposed State regulations are substantially equivalent to and consistent with the federal regulations on which they are based. Thus, the economic impact is not expected to significantly change the financial burden on owners and operators and will be increased only to the extent that the State regulations are more stringent than their federal counterparts. The additional costs to owners and operators is considered to be justified when compared to the health and environmental costs which will be avoided through implementation of the rules. The economic impact analysis developed by U.S. EPA and published in the preamble to the federal interim final land disposal regulations at 47 F.R. 32337 to 32348 on July 26, 1982 is applicable to the State regulations as well.

By regulating and providing for proper in-state disposal of hazardous waste, hazardous waste generators can be expected to realize a reduction in the cost of hazardous waste transportation as they will not have to transport the waste long distances to out-of-state facilities.

Additionally, the early detection of groundwater contamination provides the owner or operator the lead time needed to develop corrective action measures that will be most cost-effective. It will also reduce the costs associated with remedying long-term, widespread contamination. A cost comparison between the cost to monitor and the cost to cleanup or decontaminate would indicate that it is considerably less expensive to monitor and prevent groundwater contamination than it is to decontaminate after pollution occurs. Such a cost comparison does not take into account the potential administrative, civil, or criminal liability which could be incurred due to the contamination of the State's water resources.

Environmental Impact

The design and operating standards and the groundwater monitoring requirements will provide for the disposal of hazardous waste in a manner that will minimize the risks to the environment. It is the objective of the Department to eliminate the improper disposal of hazardous waste and the resultant environmental degradation resulting from disposal at facilities that do not provide appropriate environmental safeguards.

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

7:26-1.4 Definitions

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

. . .

"Hazardous waste landfill" means a solid waste facility or part of a facility where hazardous waste is placed in or on land and which is not a land treatment facility, a surface impoundment, [or] an injection well**, or a waste pile**.

. . .

7:26-10.6 [Reserved]**Surface impoundments**

(a) General requirements applicable to all surface impoundments:

1. This section applies to owners or operators of facilities that store, treat or dispose of hazardous waste in surface impoundments as defined in N.J.A.C. 7:14A-1.9 or N.J.A.C. 7:26-1.4.

2. The requirements of this section apply to hazardous waste surface impoundments upon which a final disposition of a permit application has been made in accordance with N.J.A.C. 7:26-12.

3. Surface impoundments utilized for the purpose of treating, storing or disposing of hazardous waste shall be designed, operated and maintained in such a manner as to prevent discharges onto the land, into the ground and surface waters, and into the ambient air environment of this State.

4. All surface impoundments, whether or not they treat, store or dispose of hazardous waste, require a permit issued in accordance with N.J.A.C. 7:14A.

5. Where N.J.A.C. 7:26-10.1 and 10.2 conflict with N.J.A.C. 7:14A, N.J.A.C. 7:26 will prevail.

6. Owners or operators of hazardous waste surface impoundments shall comply with all relevant and applicable provisions of N.J.A.C. 7:26-13.

(b) A surface impoundment that is used for storage, treatment or disposal of hazardous waste shall have a liner system that is designed, constructed, and installed to prevent any migration of wastes out of the surface impoundment to the adjacent subsurface soil or groundwater or surface water during the active life of the surface impoundment (including the closure period as described in N.J.A.C. 7:26-9.8(i)).

1. A new surface impoundment shall be designed with a liner system in accordance with the following:

i. A surface impoundment shall have a minimum of two liners installed to cover all surrounding earth likely to be in contact with the waste or leachate;

ii. The primary or upper liner shall consist of a synthetic material at least 30 mils (.03 inches) thick with a maximum saturated hydraulic conductivity of 3.23 x 10^{-9}ft/sec (1 x 10^{-7} cm/sec), under maximum anticipated hydrostatic head;

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iii. The secondary or lower liner shall consist of soil at least three feet (.091 meters) thick with a maximum saturated hydraulic conductivity of 3.28 x 10^{-9}ft/sec (1 x 10^{-7} cm/sec), under maximum anticipated hydrostatic head or shall consist of a synthetic material at least 30 mils (.03 inches) thick with a maximum saturated hydraulic conductivity of 3.28 x 10^{-9}ft/sec (1 x 10^{-7}cm/sec), under maximum anticipated hydrostatic head;

iv. The lower liner shall be placed on a foundation capable of providing support;

v. Each liner shall be suitable for the purposes intended and shall be compatible with the hazardous waste placed in the surface impoundment;

vi. The liners shall be constructed of materials having appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure head, physical contact with the waste to which they are exposed, climatic conditions, and the stress of installation;

vii. The distance between the primary and secondary liners shall be a minimum of 12 inches (30.5 centimeters) and shall be filled with a permeable material which will rapidly convey fluids;

viii. The bottom surface of the secondary liner shall be no less than five feet (2.28 meters) above the seasonally high groundwater table; and

ix. A surface impoundment shall have a secondary collection system (leak detection system) constructed between the primary and secondary liner that is designed to monitor for any failure of the primary liner and to collect and remove all leachate that may pass through as a result of primary liner failure.

x. Upon completion of construction or installation, the owner or operator shall obtain a certification by a New Jersey licensed professional engineer stating that the systems contained in this subsection have been constructed in accordance with approved engineering plans and specifications and there are no damages or imperfections present.

2. An existing surface impoundment does not have to meet the design standards of (b)1, above, but shall be underlain by a minimum of one liner, that shall consist of soil or synthetic material with a maximum saturated hydraulic conductivity of 3.28 x 10^{-9} ft./sec. (1 x 10^{-7} cm/sec).

(c) A surface impoundment that is used for treatment, storage or disposal of hazardous waste shall have the following design characteristics and shall be constructed in accordance therewith:

1. A surface impoundment shall be designed to prevent discharge into the land, the groundwater, and to the surface water (except discharges authorized by a permit issued in accordance with N.J.A.C. 7:14A) during the active life of the surface impoundment including the closure period;

2. A surface impoundment shall be designed and constructed to prevent overtopping resulting from normal or abnormal operations, overfilling, wind and wave action, rainfall, run-on, human error, and malfunctions of level controllers, alarms, and other equipment and to provide:

i. At least 60 centimeters (two feet) of freeboard; or

ii. An amount of freeboard other than 60 centimeters (two feet) based on documentation, acceptable to the Department, that the specified amount of freeboard will prevent overtopping;

3. A surface impoundment shall be designed with dikes which have sufficient structural integrity to prevent massive failure without dependence on any liner system included in the surface impoundment design;

4. Earthen dikes shall have a protective cover to minimize wind and water erosion and to preserve the structural integrity of the dike;

5. A surface impoundment shall be designed so that any flow of waste into the impoundment can be immediately shut off in the event of an unauthorized discharge to the environment; and

6. The surface impoundment shall be designed with a run-on control system capable of preventing flow onto the surface impoundment during peak discharge from at least a 24-hour, 25 year storm.

7. Upon completion of construction or installation, the owner or operator shall obtain a certification by a New Jersey licensed professional engineer stating that the systems contained in this subsection have been constructed in accordance with approved engineering plans and specifications and there are no damages or imperfections.

(d) The owner or operator of a surface impoundment shall implement a groundwater monitoring program in accordance with N.J.A.C. 7:14A-6 which shall be carried out during the active life of the facility, the closure period, and during the post-closure period.

(e) Operational and maintenance standards for surface impoundments include the following:

1. A surface impoundment shall be operated and maintained to prevent any overtopping due to normal or abnormal operations, wind and wave action, run-on, overfilling, precipitation, human error, and malfunctions of equipment or any combination thereof to comply with (c)2, above;

2. A surface impoundment shall be operated to maintain at least the amount of freeboard specified by the Department in the permit issued in accordance with N.J.A.C. 7:26-12. The amount of freeboard shall be at least 60 centimeters (two feet), or an amount other than 60 centimeters (two feet) based on documentation acceptable to the Department that the specified amount of freeboard will prevent overtopping;

3. Earthen dikes shall be operated and maintained in accordance with the design requirements of (c)3, above, and shall be kept free of:

i. Vegetation with root systems which could displace the earthen materials upon which the structural integrity of the dike is dependent; and

ii. Burrowing animals which could remove earthen materials upon which the structural integrity of the dike is dependent or which could create leaks through burrows in the dike;

4. Run-on shall be diverted away from a surface impoundment to comply with (c)6, above;

5. Ignitable or reactive waste shall not be placed in a surface impoundment unless either:

i. The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that:

(1) The resultant waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under N.J.A.C. 7:26-8.9 and N.J.A.C. 7:26-8.11, respectively; and

(2) There is compliance with N.J.A.C. 7:26-9.4(e); or

ii. The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; or

iii. The surface impoundment is used solely for emergencies;

6. Incompatible wastes, or incompatible wastes and materials shall not be placed in the same surface impoundment;

7. Special requirements for ignitable and reactive wastes include the following:

i. As required by N.J.A.C. 7:26-9.4(b), the waste analysis plan shall include analysis needed to comply with (e)5, above; and

ii. The owner or operator shall include the results of each waste analysis and trial test and any documented information in the operating record of the facility required by N.J.A.C. 7:26-9.4(i);

8. Where there has been evidence that there has been contamination of soil or groundwater, the owner or operator shall conduct a groundwater decontamination program which is sufficient to enable the owner or operator to meet the

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groundwater monitoring permit limits in N.J.A.C. 7:14A and the groundwater quality standards in N.J.A.C. 7:9-6; and

9. The operation of a hazardous waste surface impoundment shall not result in odors being detected off-site by sense of smell in any area of human use or occupancy.

(f) Inspection and testing requirements for surface impoundments include the following:

1. During construction and installation, liners and final covers (as required by (b), above, and (h), below) shall be inspected for uniformity, damage, and imperfections (for example, holes, cracks, thin spots and foreign materials) and as follows:

i. Earth material liner systems and final covers shall be tested for compaction density, moisture content, and permeability after placement;

ii. Earth material liner systems and final covers shall be inspected for lenses, cracks, channels, root holes, and other structural non-uniformities; and

iii. Synthetic liner materials (for example, membrane, sheets, and coatings) shall be inspected to ensure tight seams and joints and the absence of tears and blisters;

2. At least once each operating day during the active life and on at least two days each week during the closure period, the owner or operator shall inspect:

i. A surface impoundment which contains free liquids a day to ensure compliance with (e)1 and 2, above, and to detect any leaks or other failure of the surface impoundment;

ii. Each surface impoundment to detect evidence of sudden drops in the level of the contents of the surface impoundment;

iii. Each surface impoundment, including dikes, berms, and vegetation surrounding the dike, to detect any evidence of, or potential for, leaks from the impoundment, erosion of dikes, and to ensure compliance with (e)3, above;

iv. The leak detection system for the presence of liquids; and

v. Equipment for malfunctions or improper operating of overtopping control systems to ensure compliance with (e)1 and 2, above;

3. The owner or operator shall remedy any deterioration or malfunction, or condition of permit non-compliance found as required by N.J.A.C. 7:26-9.4(f); and

4. Prior to the issuance of a permit and after any extended period of time (at least six months) during which the surface impoundment was not in service, the owner or operator shall obtain a certification from a registered professional engineer that the impoundment's dike, including that portion of any dike which provides freeboard, has structural integrity. The certification shall establish that the dike:

i. Will withstand the stress of the pressure exerted by the types and amounts of wastes to be placed in the impoundment; and

ii. Will not fail due to scouring or piping, without dependence on any liner system included in the surface impoundment construction.

(g) An owner or operator shall comply with the containment system repairs and contingency plan requirements as follows:

1. A surface impoundment shall be removed from service in accordance with (g)2, below, when:

i. The level of liquids in the impoundment suddenly drops and the drop is not known to be caused by changes in the flows into or out of the impoundment;

ii. Liquid is detected in the leak detection system; or

iii. The dike leaks;

2. If the surface impoundment is removed from service as required by (g)1, above, the owner or operator shall:

i. Immediately shut off the flow or stop the addition of wastes into the impoundment;

ii. Immediately contain any leakage which has occurred or is occurring;

iii. Immediately cause the leak to be stopped;

iv. If the leak cannot be stopped, empty the impoundment;

v. Notify the Department in writing within seven days after detecting a problem with the surface impoundment; and

vi. Take any other necessary steps to stop or prevent catastrophic failure;

3. As part of the contingency plan required in N.J.A.C. 7:26-9.7, the owner or operator shall specify:

i. A procedure for complying with the requirements of (g)2, above;

ii. A containment system evaluation and repair plan describing testing and monitoring techniques;

iii. Procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure;

iv. A schedule of actions to be taken in the event of a possible failure;

v. A description of the repair techniques to be used in the event of a leak due to a containment system failure or deterioration which does not require the impoundment to be removed from service; and

vi. A description of the method by which the materials which were previously stored in the surface impoundment will be stored while repairs to the impoundment are being performed;

4. No surface impoundment that has been removed from service in accordance with (g)1, above, may be restored to service, unless:

i. The containment system has been repaired;

ii. The containment system has been certified by a registered professional engineer as meeting the design specifications approved in the permit; and

iii. Approval has been obtained from the Department;

5. A surface impoundment that has been removed from service in accordance with (g)1, above, and that is not being repaired shall be closed in accordance with (h)1 through 5, below; and

6. All wastes removed from the impoundment shall be managed as a hazardous waste in compliance with all applicable requirements of N.J.A.C. 7:26.

(h) An owner or operator of a surface impoundment shall comply with the following closure requirements:

1. Unless (h)2 below applies, at closure the owner or operator shall remove the following from the impoundment:

i. Standing liquids;

ii. Hazardous waste and hazardous waste residues;

iii. The liner; and

iv. Underlying and surrounding contaminated soil;

2. For existing surface impoundments, as defined in N.J.A.C. 7:26-1.4, the removal of the materials specified in (h)1ii and iii, above, may be deferred pending the approval by the Department of a containment plan for a total, permanent entombment of referenced materials in such a fashion that no release of contaminants into the environment shall ever occur. In order to obtain such approval, the owner or operator shall:

i. Provide evidence that there has not been any contamination of soil or ground water to date;

ii. Provide sufficient financial responsibility, as deemed necessary by the Department, to maintain in perpetuity the integrity of the entombment;

iii. Stabilize remaining waste or waste residue to a bearing capacity sufficient to support final cover;

iv. Cover the surface impoundment with a final cover with a design in accordance with (h)3 below;

v. Maintain the integrity and effectiveness of the final cover, including making repairs to the liner (required at (h)3iii, below) as necessary to correct the effects of settling, subsidence, erosion and other events;

vi. Maintain and monitor the groundwater monitoring system and comply with all other requirements of (d), above;

vii. Prevent run-on and run-off from eroding or otherwise damaging the final cover; and

viii. Comply with the post-closure requirements of N.J.A.C.

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7:26-9.9.

3. For existing surface impoundments that will be closed in accordance with (h)2, above, the owner or operator shall place final cover over the surface impoundment which will provide long-term minimization of migration of liquids into the closed impoundment. The final cover shall function with minimum maintenance and consist of the following:

i. A vegetative top cover with the following design characteristics:

(1) A soil material with a minimum thickness of two feet (.6 meters);

(2) The soil shall compact well, not crack excessively when dry, and support a vegetative cover that will effectively minimize erosion; and

(3) Seed bed preparation and planting operations for the vegetative cover shall be done as soon as weather permits and seasonal conditions are suitable for the establishment of the type of vegetation to be used;

ii. A drainage layer with the following design characteristics:

(1) Consist of a material with a minimum thickness of one foot (.3 meters) with a maximum saturated hydraulic conductivity of 3.28×10^{-5} ft/sec (1×10^{-3} cm/sec); and

(2) Be designed to allow for an effective drainage path for flow through the vegetative top cover to minimize head on the liner system;

iii. A liner system constructed with the following design characteristics:

(1) A minimum of two liners;

(2) The upper liner shall consist of a synthetic material at least 30 mils (.03 inches) thick with a maximum saturated hydraulic conductivity of 3.28×10^{-9}ft/sec (1×10^{-7}cm/sec) under maximum hydrostatic head;

(3) The lower liner shall consist of a soil material at least three feet (.91 meters) thick with a maximum saturated hydraulic conductivity of 3.28×10^{-9} ft/sec (1×10^{-7} cm/sec) under maximum hydrostatic head or shall consist of a synthetic material at least 20 mils (.02 inches) thick with a maximum saturated hydraulic conductivity of 3.28×10^{-9}ft/sec (1×10^{-7}cm/sec) under maximum hydrostatic head;

(4) The distance between the upper and lower liner shall be a minimum of six inches (15 centimeters) and shall be filled with a bedding material, which is free of foreign material which could damage the liner; and

(5) The lower liner shall be underlain by a minimum of six inches (15 centimeters) of bedding material which is free of foreign materials;

4. At closure, any component of the containment system or any appurtenant structures or equipment containing or contaminated with hazardous waste or hazardous waste residues shall be decontaminated or removed; and

5. At closure, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of N.J.A.C. 7:26 unless the owner or operator can demonstrate in accordance with N.J.A.C. 7:26-8 that the solid waste removed from the surface impoundment is not a hazardous waste.

7:26-10.8 [(Reserved)]Hazardous waste landfills

(a) The requirements of this section apply to owners and operators of hazardous waste landfills upon which a final disposition of a permit application has been made in accordance with N.J.A.C. 7:26-12.

(b) A landfill that is used for the disposal of hazardous waste shall be in compliance with the applicable provisions of N.J.A.C. 7:14A, including the permit provisions contained therein, and shall also comply with all relevant and applicable provisions of N.J.A.C. 7:26-13.

(c) A landfill that is used for the disposal of hazardous wastes shall have a liner system that is designed, constructed, and installed to prevent any migration of wastes out of the landfill to the adjacent subsurface soil or groundwater or surface water during the active life of the landfill including the closure period as described in N.J.A.C. 7:26-9.8(i).

1. A new landfill shall be designed with a liner system in accordance with the following:

i. The liner system shall consist of a minimum of two liners which shall be installed to cover all surrounding earth likely to be in contact with waste or leachate;

ii. The primary or upper liner shall consist of a synthetic material at least 40 mils (.04 inches) thick with a maximum saturated hydraulic conductivity of 3.28×10^{-9} ft./sec (1×10^{-7}cm/sec), under maximum anticipated hydrostatic head;

iii. The secondary or lower liner shall consist of soil at least five feet (1.5 meters) thick with a maximum saturated hydraulic conductivity of 3.28×10^{-9}ft/sec (1×10^{-7} cm/sec) under maximum anticipated hydrostatic head or shall consist of synthetic material at least 40 mils (.04 inches) thick with a maximum saturated hydraulic conductivity of 3.28×10^{-9}ft/sec (1×10^{-7}cm/sec), under maximum anticipated hydrostatic head;

iv. The secondary or lower liner shall be placed on a foundation capable of providing support to the liner;

v. Each liner shall be suitable for the purposes intended and shall be compatible with the hazardous waste placed in the landfill;

vi. The liners shall be constructed of materials having appropriate chemical properties and sufficient strength and of sufficient thickness to prevent failure due to pressue head, physical contact with the waste to which they are exposed, climatic conditions, and the stress of installation;

vii. The distance between the primary and secondary liners shall be a minimum of 12 inches (30.5 centimeters) and shall be filled with a permeable material which will rapidly convey fluids;

iii. The bottom surface of the secondary liner shall be no less than five feet (1.5 meters) above the seasonally high groundwater table;

ix. A one foot (30.5 cm.) layer of sand/gravel shall be placed on top of the primary liner to provide protection for the liner and to allow for an effective drainage path for the leachate; and

x. Upon completion of construction or installation, the owner or operator shall obtain a certification by a New Jersey licensed professional engineer stating that the systems contained in this subsection have been constructed in accordance with approved engineering plans and specifications and there are no damages or imperfections.

2. An existing hazardous waste landfill does not have to meet the specific liner design requirements in (c)1i through x, above, but shall be underlain by a minimum of two liners.

(d) Landfills that are used for the disposal of hazardous wastes shall have the following systems:

1. A leachate collection and removal system, which shall include a system for either the treatment or the disposal, or both, of collected leachate, to handle all leachate generated within the landfill and which must be:

i. Designed to ensure that the leachate depth over the primary liner does not exceed one foot (30 cm);

ii. Constructed of materials that are chemically resistant to the waste managed in the landfill and the leachate expected to be generated;

iii. Constructed of material of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and by any equipment used at the landfill;

iv. Designed and operated to function without clogging through the scheduled post-closure period; and

v. Constructed such that any leachate formed will flow by gravity into collection sumps from which the leachate will be removed, treated, and/or disposed;

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2. A secondary collection system (leak detection system) constructed between the primary and secondary liner and designed to monitor for any failure of the primary liner and to collect and remove all leachate that may pass through as a result of primary liner failure;

3. A gas monitoring system, a gas monitoring program, and a gas venting program as specifically required by the Department. If gas is detected migrating outside the boundary of the landfill, the Department shall be notified immediately and an abatement program acceptable to the Department shall be submitted within 30 days of detection. The requirements of N.J.A.C. 7:27 are applicable;

4. A run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 24-hour, 25 year storm; and

5. A run-off management system to collect and control at least the water volume resulting from a 24-hour, 25 year storm.

6. Upon completion of construction or installation, the owner or operator shall obtain a certification by a New Jersey licensed professional engineer stating that the systems contained in this subsection have been constructed in accordance with approved engineering plans and specifications and there are no damages or imperfections present.

(e) Operational standards for hazardous waste landfills include the following:

1. Collection and holding facilities associated with run-on and run-off shall be managed after storms to maintain design capacity of the system;

2. Run-off from active portions of a hazardous waste landfill shall be collected in the run-off management system and managed as a solid waste pursuant to N.J.A.C. 7:26 and as a discharge pursuant to 7:14A if discharged to surface waters or groundwaters of the State;

3. Leachate collected in the collection sumps required in (d)1iv, above, shall be removed, treated, and/or disposed of in accordance with the regulations concerning hazardous waste contained in N.J.A.C. 7:26 and in accordance with the regulations contained in N.J.A.C. 7:14A;

4. The owner or operator of a hazardous waste landfill shall prevent the migration of pollutants into the surface or groundwater;

5. A groundwater monitoring program shall be established to prevent the contamination of groundwater pursuant to N.J.A.C. 7:14A-6.15 and shall be carried out during the active life of the facility, the closure period, and during the post-closure period;

6. The owner or operator of a hazardous waste landfill containing hazardous waste which is subject to dispersal by wind shall:

i. Cover or otherwise manage the hazardous waste landfill so that wind dispersal of hazardous waste is eliminated; and

ii. Apply daily or intermediate cover, if determined to be necessary and required by the Department;

7. No waste disposal or disposal operation shall occur within 200 feet (60.6 meters) of the property boundary;

8. Ignitable, corrosive and reactive waste shall not be placed in a hazardous waste landfill, unless the waste is treated, rendered, or mixed before placement in the hazardous waste landfill so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable, corrosive or reactive waste under N.J.A.C. 7:26-8.9, 7:26-8.10, and N.J.A.C. 7:26-8.11, respectively;

9. Incompatible wastes, or incompatible wastes and materials, as defined in N.J.A.C. 7:26-1.4, shall not be placed in the same hazardous waste landfill cell;

10. The following shall not be placed in a hazardous waste landfill:

i. Bulk liquids;

ii. Non-containerized liquid waste; or

iii. Waste containing free liquid;

11. A container holding liquid waste or waste containing free liquids shall not be placed in a hazardous waste landfill, unless:

i. The container is very small, such as an ampule; or

ii. The container is a lab pack as described in (g), below, and is disposed of in accordance with (g), below;

12. All empty containers, as defined in N.J.A.C. 7:26-8.4(b), shall be crushed flat, shredded, or similarly reduced in volume before disposal in a hazardous waste landfill;

13. The owner or operator of a hazardous waste landfill shall neither accept nor dispose of hazardous wastes subsequent to the detection of any liquid in the secondary collection system unless the owner of operator has obtained written authorization from the Department for continued disposal.

i. The owner or operator shall comply with any conditions contained in said authorization; and

ii. The owner or operator shall again cease acceptance and disposal when the circumstances regarding the liquid in the secondary detection system change adversely;

14. If leachate is detected in the secondary collection system, it shall be pumped out and disposed of properly;

15. The leachate collection and removal system shall be operated so that the leachate depth over the primary liner does not exceed one foot (30 cm);

16. Except as otherwise provided by (e)11, above, containers may not be placed in a hazardous waste landfill unless:

i. The container is very small, such as an ampule; or

ii. The container is at least 90 percent full when placed in the landfill;

17. The operation of a hazardous waste landfill shall not result in odors being detected off-site by sense of smell in any area of human use or occupancy;

18. The owner or operator of a hazardous waste landfill shall control insects and rodents when necessary and when determined to be necessary and required by the Department; and

19. The owner or operator of a hazardous waste landfill shall prevent dust from interfering with landfill operation or from causing safety hazards and nuisances.

(f) The owner or operator of a hazardous waste landfill shall include the following items as part of the operating record required in N.J.A.C. 7:26-9.4(i):

1. A map showing the locations, dimensions, and depth of each cell, with respect to permanently surveyed benchmarks;

2. The contents of each cell; and

3. The approximate location of each hazardous waste within each cell.

(g) Small containers of hazardous waste in overpacked drums (such as lab packs) may be placed in a hazardous waste landfill if the following conditions are met:

1. Hazardous waste shall be packaged in non-leaking inside containers which shall be:

i. Designed and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the contained waste;

ii. Tightly and securely sealed; and

iii. Of the size and type specified in the federal Department of Transportation (U.S. DOT) hazardous materials regulations (49 C.F.R. Parts 173, 178, and 179);

2. The inside containers shall be overpacked in an open head U.S. DOT-specification (40 C.F.R. Parts 178 and 179) metal shipping container of no more than 416-liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of absorbent material to completely absorb all of the liquid contents of the inside containers.

i. The metal outer container shall be full after packing with inside containers and absorbent material.

ii. The absorbent material used shall not be capable of reacting dangerously with, being decomposed by, or being ignited by the

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contents of the inside containers in accordance with N.J.A.C. 7:26-9.4(e);

3. Incompatible wastes, as defined in N.J.A.C. 7:26-1.4, shall not be placed in the same outside container; and

4. Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in N.J.A.C. 7:26-8.11, shall be treated or rendered non-reactive prior to packaging in accordance with (g)1, 2 and 3, above. Cyanide- and sulfide-bearing reactive waste may be packed in accordance with (g)1, 2 and 3, above, without first being treated or rendered non-reactive.

(h) Inspection and testing requirements for hazardous waste landfills include the following:

1. During construction and installation, liners and final covers (as required by (c), above and (i)2iii, below) shall be inspected for uniformity, damages, and imperfections (for example, holes, cracks, thin spots and foreign materials) and also as follows:

i. Earthen material liner systems and final covers shall be tested for compaction density, moisture content, and permeability after placement;

ii. Earthen material liner systems and final covers shall be inspected for imperfections including lenses, cracks, channels, root holes, and other structural non-uniformities; and

iii. Synthetic liner materials and final covers shall be inspected to ensure tight seams and joints and the absence of tears and blisters;

2. At least once each operating day during the active life of the landfill and at least on two days each week during the closure period, the owner or operator shall inspect the hazardous waste landfill to detect evidence of any of the following:

i. Improper operation of the run-on and run-off control systems;

ii. Improper operation of wind dispersal control systems;

iii. The presence of liquids in the leak detection system; and

iv. The presence of leachate in and proper functioning of leachate collection and removal systems.

(i) Closure and post-closure requirements for hazardous waste landfills include the following:

1. At final closure of the landfill or upon closure of any cell, the owner or operator shall place final cover over the hazardous waste landfill to provide long-term minimization of migration of liquids into the closed landfill;

2. The final cover shall function with minimum maintenance and shall consist of the following:

i. A vegetative top cover with the following design characteristics:

(1) Consist of a soil material with a minimum thickness of two feet (.60 meters);

(2) The soil shall compact well, not crack excessively when dry, and support a vegetative cover that will effectively minimize erosion; and

(3) Seed bed preparation and planting operations for the vegetative cover shall be done as soon as weather permits and seasonal conditions are suitable for the establishment of the type of vegetation to be used;

ii. A drainage layer with the following design characteristics:

(1) Consist of a material with a minimum thickness of one foot (.3 meters) with a maximum saturated hydraulic conductivity of 3.28×10^{-5} ft/sec (1×10^{-3} cm/sec); and

(2) Be designed to allow for an effective drainage path for flow through the vegetative top cover to minimize head on the liner system;

iii. A liner system constructed with the following design characteristics:

(1) A minimum of two liners;

(2) The upper liner shall consist of a synthetic material at least 30 mils (.03 inches) thick with a maximum saturated hydraulic conductivity of 3.28×10^{-9}ft/sec (1×10^{-7}cm/sec), under maximum hydrostatic head;

(3) The lower liner shall consist of soil at least three feet (.91 meters) thick with a maximum saturated hydraulic conductivity of 3.28×10^{-9} ft/sec (1×10^{-7} cm/sec), under maximum hydrostatic head or shall consist of a synthetic material at least 20 mils (.02 inches) thick with a maximum saturated hydraulic conductivity of 3.28×10^{-9}ft/sec (1×10^{-7}cm/sec), under maximum hydrostatic head;

(4) The distance between the upper and lower liner shall be a minimum of six inches (15 centimeters) and shall be filled with a bedding material which is free of foreign material which could damage the liner; and

(5) The lower liner shall be underlain by a minimum of six inches (15 centimeters) of bedding material which is free of foreign materials; and

iv. The design of the final cover shall accommodate settling and subsidence so that the cover's integrity is maintained;

3. In the closure plans required in N.J.A.C. 7:26-9.8, the owner or operator shall address the following objectives and indicate how they will be achieved:

i. Prevention of pollution migration from the landfill via groundwater, surface water, air, and methane gas through the ground;

ii. Prevention of surface water infiltration, including prevention of pooling; and

iii. Prevention of erosion.

4. The owner or operator shall consider at least the following factors in addressing the closure and post-closure objectives of (i)3i, ii, and iii, above.

i. Type and amount of hazardous waste and hazardous waste constituents in the landfill;

ii. The mobility and the potential rate of migration of the hazardous waste constituents;

iii. Site location, topography, and surrounding land use, with respect to potential effects of pollutant migration;

iv. Climate, including amount, frequency, and pH of precipitation;

v. Characteristics of the cover material including final surface contours, thickness, porosity and permeability, slope, length and run of slope, and type of vegetation on the cover;

vi. Geological and soil profiles of the site; and

vii. Surface and subsurface hydrology of the site;

5. In addition to the post-closure requirements of N.J.A.C. 7:26-9.9, the owner or operator of a hazardous waste landfill, shall:

i. Maintain the function and integrity of the final cover, including making repairs to the liner as necessary to correct the effects of settling, subsidence, erosion or other events, as specified in the approved closure plan;

ii. Continue to operate the leachate collection and removal system until the end of the post-closure period so that the leachate depth over the primary liner does not exceed one foot;

iii. Maintain and monitor the leak detection system and notify the Department within seven days if a leak is detected in the leak detection system and take all remedial action required by the Department;

iv. Prevent run-on and run-off from eroding or otherwise damaging the final cover;

v. Maintain and monitor the gas collection and control system to control the vertical and horizontal escape of gases;

vi. Maintain and monitor the ground water monitoring system and comply with the requirements of N.J.A.C. 7:14A-6.15;

vii. Protect and maintain surveyed benchmarks; and

viii. Restrict access to the hazardous waste landfill as appropriate for its post-closure use.

7:26-11.3 Surface impoundments

(a)–(d) (No change.)

(e) At closure, the owner or operator shall [remove from the impoundment:

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1. Standing liquids;
2. Waste and waste residues;
3. The liner, if any; and
4. Underlying and surrounding contaminated soil.] **comply with the requirements of N.J.A.C. 7:26-10.6(h)2 through 5.**

(f)–(g) (No change.)

7:26-12.2 Permit application

(a)–(e) (No change.)

(f) The following additional information is required from an owner or operator of specific types of hazardous waste management facilities that are used or to be used for storage or treatment:

1.–2. (No change.)

3. For facilities that store or treat hazardous waste in surface impoundments, except as otherwise provided in N.J.A.C. 7:26-10.6(a), the owner or operator shall submit detailed plans and specifications accompanied by an engineering report which [must] **shall** collectively include the information itemized in N.J.A.C. 7:26-12.2(f)3i through xi. For new [facilities] **surface impoundments**, the plans and specifications shall be in sufficient detail to provide complete information to a contractor hired to build the [facility] **surface impoundment** even if the owner or operator intends to construct the [facility] **surface impoundment** without hiring a contractor. For existing [facilities] **surface impoundments**, comparable detail shall be provided, but the form of presentation need not assume contractor construction except to the extent that the facility will be modified.

i. (No change.)

ii. Detailed drawings of the structure which is or will be provided to immediately stop flow into the impoundment to comply with N.J.A.C. 7:26-[10.6(h)]**10.6(c)5** or, if no structure is needed to comply with N.J.A.C. 7:26-10.6(h), a description of the means by which waste additions will be stopped.

iii. (No change.)

iv. A basis of design and design analysis of any dikes to comply with N.J.A.C. 7:26-[10.6(b)4]**10.6(c)3** and N.J.A.C. 7:26-[10.6(d)1] **10.6(c)4**. The design analysis shall show that any dike will meet the requirements of N.J.A.C. 7:26-[10.6(g)3]**10.6(f)4**.

v. Detailed design drawings and specifications of the liner(s) and the [leachate] **leak** detection, collection, and removal system and the basis of design and design analysis to comply with N.J.A.C. [7:26-10.6(b)3, N.J.A.C. 7:26-10.6(b)5, and N.J.A.C. 7:26-10.6(d)2, 3, and 4] **7:26-10.6(b) and (c)**.

vi. Liner installation instructions to comply with the requirements of N.J.A.C. 7:26-[10.6(g)1] **10.6(f)**. For existing facilities, when the owner or operator proposes to rely on existing liners, a description of the installation procedures used.

[vii. Design details of the leachate removal system, the basis of design, and a description of the operating procedures to be used to ensure free flow from the collection system in accordance with N.J.A.C. 7:26-10.6(c)3.]

[viii.]**vii.** Design plans and specifications and basis and design of any structures needed to comply with N.J.A.C. 7:26-[10.6(c)5] **10.6(c)6**.

[ix.] **viii.** A description of the maintenance and repair procedures proposed to comply with N.J.A.C. 7:26-[10.6(c)4] **10.6(e)3** and N.J.A.C. 7:26-9.4(f).

[x.]**ix.** A description of the operating procedures that will ensure compliance with N.J.A.C. 7:26-[10.6(j), (k) and (l)] **10.6(e)5, 6, and 7**.

[xi.]**x.** A certification by a licensed professional engineer which complies with N.J.A.C. 7:26-[10.6(g)3] **10.6(f)4**. The owner or operator of a new facility shall submit a statement by a licensed professional engineer that the engineer will provide such a certification upon completion of construction in accordance with the plans and specifications.

[xii]**xi.** Site geology and hydrology information including but not limited to:

(1)–(6) (No change.)

4. (No change.)

5. For facilities that dispose of hazardous waste in a landfill[: (Reserved)], **the owner or operator shall submit detailed plans and specifications accompanied by an engineering report which shall collectively include the information itemized in (f)5i through xi, below. For new hazardous waste landfills, the plans and specifications shall be in sufficient detail to provide complete information to a contractor hired to build the facility even if the owner or operator intends to construct the facility without having a contractor. For existing hazardous waste landfills, comparable detail shall be provided, but the form of presentation need not assume contractor construction except to the extent that the facility will be modified.**

i. Detailed design drawing and specifications of the liners and the leachate detection, collection, and removal system and leak detection system and the basis of design and design analysis to prevent pollution migration.

ii. Detailed plans and an engineering report describing how the landfill will control run-on and run-off.

iii. Detailed plans and an engineering report to show how the collection and holding facilities associated with run-on and run-off collection systems will be managed.

iv. Detailed plans and an engineering report to describe the control of wind dispersal of particulate, where applicable.

v. Liner installation instructions to be used. For existing facilities, when the owner or operator proposes to rely on existing liners, a description of the installation procedures used.

vi. A list of hazardous wastes placed or to be placed in each landfill cell to comply with the requirements of N.J.A.C. 7:26-10.8(f).

vii. Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with N.J.A.C. 7:26-10.8(i), and a description of how each landfill will be maintained and monitored after closure in accordance with N.J.A.C. 7:26-10.8(i).

viii. If containers of hazardous wastes are to be landfilled, an explanation of how the requirements of N.J.A.C. 7:26-10.8(e)11 or (e)16, as applicable, will be complied with.

ix. The owner or operator of a new facility shall submit a statement by a licensed professional engineer that the engineer will provide a certification upon completion of construction that construction has been completed in accordance with plans and specifications.

x. The following additional information regarding protection of groundwater is required from owners and operators of hazardous waste landfills:

(1) For existing hazardous waste landfills, a summary of the groundwater monitoring data obtained during the interim status period under N.J.A.C. 7:14A-6;

(2) For all hazardous waste landfills, identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate and the basis for such identification;

(3) For all hazardous waste landfills, on the topographic map required under (e)13, above, a delineation of the waste management area, the property boundary, and the proposed location of groundwater monitoring wells as required under N.J.A.C. 7:14A-6;

(4) For existing hazardous waste landfills, documentation showing the performance of the primary liner throughout the operating life of the landfill. This should include, at a minimum, a record showing all instances where liquid was detected in the secondary collection system;

(5) For existing hazardous waste landfills, a description of any plume of contamination that has entered the groundwater from the landfill at the time the application is submitted that:

(A) Delineates the extent of the plume on the topographic map required under (e)13, above; and

(B) Identifies the concentrations of the parameters in

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N.J.A.C. 7:14A-6.4(b) throughout the plume or identifies the maximum concentrations of the parameters in N.J.A.C. 7:14A-6.4(b).

(6) Detailed plans and an engineering report describing the proposed groundwater monitoring program to be implemented to meet the requirements of N.J.A.C. 7:14A-6 including the groundwater quality assessment program.

xi. A statement regarding the need for a gas monitoring and gas venting system, including plans and specifications and any permit application required by N.J.A.C. 7:27-8, if appropriate.

(g)–(j) (No change.)

7:14A-4.4 Application for a permit

(a) (No change.)

(b) For land treatment facilities only. In addition to complying with the requirements of N.J.A.C. 7:26-12 an applicant for a **hazardous waste** land treatment facility shall comply with N.J.A.C. 7:14A-10.8 [and 40 CFR 265.270 through 282] **and shall provide a description of design and operating procedures which demonstrates compliance with the requirements of N.J.A.C. 7:14A-4.7.**

(c) For surface impoundments only. In addition to complying with the requirements of N.J.A.C. 7:26-12.1, an applicant for a IWMF permit for a surface impoundment which treats[,] **or** stores [, or disposes of] hazardous waste [shall comply with N.J.A.C. 7:14A-10.7] **shall provide a description of design and operating procedures which demonstrates compliance with the requirements of N.J.A.C. 7:26-10.6.**

(d) (No change.)

7:14A-4.7 Standards for hazardous waste land treatment units

(a) The following applies to this section:

1. The regulations in this section apply to owners or operators of facilities that treat or dispose of hazardous waste in land treatment units, except as otherwise provided in (b), below.

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

"Closure period" means the period described in N.J.A.C. 7:26-9.8(i).

"Groundwater pollutant" means a hazardous waste or a hazardous waste constituent as defined in N.J.A.C. 7:26-8.16, those pollutants identified in N.J.A.C. 7:9-6, pollutants that may adversely affect groundwater quality or pose a threat to human health or safety, or pollutants that may be limited in a NJPDES permit.

"Hazardous waste constituent" means constituents identified in N.J.A.C. 7:26-8.16 that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

"Treatment zone" means the portion of the unsaturated zone below and including the land surface in which the owner or operator intends to maintain the conditions necessary for effective degradation, transformation, or immobilization of hazardous constituents.

(b) An owner or operator who has fully complied with the requirements for existing facilities as defined in N.J.A.C. 7:26-1.4 and N.J.A.C. 7:26-12 shall comply with the regulations specified in 40 CFR Part 265, subpart M, in lieu of the standards and requirements of this section, until final disposition of the permit application is made.

(c) All new hazardous waste land treatment facilities shall comply with the requirements of:

1. N.J.A.C. 7:26-10.3; and

2. N.J.A.C. 7:26-13, if applicable.

(d) The treatment program requirements are as follows:

1. An owner or operator subject to this section shall establish a land treatment program that is designed to ensure that hazardous constituents placed in or on the treatment zone (defined in (d)4, below) are degraded, transformed, or immobilized within the treatment zone and will create no discharge to the surface water or groundwater;

2. The permit will specify the elements of the treatment program and shall include:

i. The wastes that are capable of being treated at the unit based on the demonstration required by (e), below;

ii. Design measures and operating practices necessary to maximize the success of degradation, transformation, and immobilization processes in the treatment zone in accordance with (f)1, below; and

iii. Unsaturated zone monitoring provisions meeting the requirements of (k), below;

3. The permit will specify the hazardous constituents that shall be degraded, transformed, or immobilized under this section; and

4. The permit will specify the vertical and horizontal dimensions of the treatment zone. The maximum depth of the treatment zone shall be:

i. No more than 1.5 meters (five feet) from the initial soil surface; and

ii. More than one meter (three feet) above the seasonal high water table.

(e) The treatment demonstration requirements are as follows:

1. For each waste that will be applied to the treatment zone, the owner or operator shall demonstrate, prior to application of the waste, that hazardous constituents in the waste can be completely degraded, transformed, or immobilized in the treatment zone.

i. In making this demonstration, the owner or operator may use field tests, laboratory analyses, available data, or, in the case of existing units, operating data.

ii. If the owner or operator intends to conduct field tests or laboratory analyses in order to make the demonstration, the owner or operator shall obtain a permit pursuant to N.J.A.C. 7:14A-2.2(b)3.

iii. The permit will specify the testing, analytical, design, and operating requirements (including the duration of the tests and analyses, and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone, monitoring procedures, closure and clean-up activities) necessary to meet the requirements in (e)2, below.

2. Any field test or laboratory analysis conducted in order to make a demonstration under (e)1, above, shall:

i. Accurately simulate the characteristics and operating conditions for the proposed land treatment unit including:

(1) The characteristics of the waste including the presence of any hazardous waste constituents per N.J.A.C. 7:26-8.16;

(2) The climate in the area;

(3) The topography of the unit and of the surrounding area;

(4) The characteristics of the soil in the treatment zone including the texture, pH, cation exchange capacity, bulk density, permeability, and depth; and

(5) The operating practices to be used at the unit;

ii. Be designed to show that hazardous constituents in the waste to be tested will be completely degraded, transformed, or immobilized in the treatment zone of the proposed land treatment unit; and

iii. Be conducted in a manner that protects human health and the environment considering:

(1) The characteristics of the waste to be tested;

(2) The operating and monitoring measures taken during the course of the test;

(3) The duration of the test;

(4) The volume of waste used in the test; and

(5) In the case of field tests, the potential for migration of hazardous constituents and other groundwater pollutants to groundwater or surface water.

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(f) The permit will specify how the owner or operator will design, construct, operate, and maintain the land treatment unit in compliance with this section.

1. The owner or operator shall design, construct, operate, and maintain the unit to maximize the degradation, transformation, and immobilization of hazardous constituents and other groundwater contaminants in the treatment zone. The owner or operator shall design, construct, operate, and maintain the unit in accord with all design and operating conditions that were used in the treatment demonstration in (e), above. At a minimum, the permit will specify the following:

i. The rate and method of waste application to the treatment zone;

ii. Measures to control soil pH;

iii. Measures to enhance microbial or chemical reactions (for example, fertilization and tilling); and

iv. Measures to control the moisture content of the treatment zone.

2. The owner or operator shall design, construct, operate, and maintain the treatment zone to minimize run-off of hazardous constituents and other groundwater pollutants during the active life of the land treatment unit.

3. The owner or operator shall design, construct, operate, and maintain a run-on control system capable of preventing flow onto the treatment zone during peak discharge from at least a 24-hour, 25-year storm.

4. The owner or operator shall design, construct, operate, and maintain a run-off management system to collect and control, at least, the water volume resulting from a 24-hour, 25-year storm.

5. Collection and holding devices (for example, tanks or basins) associated with run-on and run-off control systems shall be emptied or otherwise managed expeditiously after storms to maintain the design capacity of the system.

6. If the treatment zone contains particulate matter which may be subject to wind dispersal, the owner or operator shall manage the unit to control wind dispersal.

7. The owner or operator shall inspect the unit weekly and after storms to detect evidence of:

i. Deterioration, malfunctions, or improper operation of run-on and run-off control systems; and

ii. Improper functioning of wind dispersal control measures.

(g)–(h) (Reserved)

(i) The permit may allow the growth of food-chain crops in or on the treatment zone only if the owner or operator satisfies the conditions of this subsection. The permit will specify the specific food-chain crops which may be grown.

1. The demonstration requirements for hazardous constituents other than cadmium are as follows:

i. The owner or operator shall demonstrate that there is no substantial risk to human health caused by the growth of such crops in or on the treatment zone by demonstrating, prior to the planting of such crops, that hazardous constituents other than cadmium:

(1) Will not be transferred to the food or feed portions of the crop by plant uptake or direct contact, and will not otherwise be ingested by food-chain animals (for example, by grazing); or

(2) Will not occur in greater concentrations in or on the food or feed portions of crops grown on the treatment zone than in or on identical portions of the same crops grown on untreated soils under similar conditions in the same region;

ii. The owner or operator shall make the demonstration required under (i)1 of this section prior to the planting of crops at the facility for all constituents identified in N.J.A.C. 7:26-8.16 that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone;

iii. In making a demonstration under (i)1 of this section, the owner or operator may use field tests, greenhouse studies, available data, or, in the case of existing facilities, operating data, and shall:

(1) Base the demonstration on conditions similar to those present in the treatment zone, including soil characteristics (for example, pH and cation exchange capacity), specific wastes, application rates, application methods, and crops to be grown; and

(2) Describe the procedures used in conducting any tests, including the sample selection criteria, sample size, analytical methods, and statistical procedures; and

iv. If the owner or operator intends to conduct field tests or greenhouse studies in order to make the demonstration required under (i)1 of this section, the owner or operator shall obtain a permit for conducting such activities.

2. The owner or operator shall comply with the following conditions if the only hazardous constituent in the wastes applied to the treatment zone is cadmium.

i. If food chain crops are to be grown, the following criteria shall be complied with:

(1) The pH of the waste and soil mixture shall be 6.5 or greater at the time of each waste application, except for waste containing cadmium at concentrations of 2 mg/kg (dry weight) or less;

(2) The annual application of cadmium from waste shall not exceed 0.5 kilograms per hectare (kg/ha) on land used for production of tobacco, leafy vegetables, or root crops grown for human consumption. For other food-chain crops, the annual cadmium application rate shall not exceed the limitations in the following chart:

Time Period	Annual Cd application rate (Kilograms per hectare)
Present to June 30, 1984	2.0
July 1, 1984 to Dec. 31, 1986	1.25
Beginning Jan. 1, 1987	0.5

(3) The cumulative application of cadmium from waste shall not exceed 5 kg/ha if the waste and soil mixture has a pH of less than 6.5; and

(4) If the waste and soil mixture has a pH of 6.5 or greater or is maintained at a pH of 6.5 or greater during crop growth, the cumulative application of cadmium from waste shall not exceed 5 kg/ha if soil cation exchange capacity (CEC) is less than 5 meq/100g and 10 kg/ha if soil CEC is 5-15 meq/100g, and 20 kg/ha if soil CEC is greater than 15 meq/100g; or

ii. If the cumulative application rate of cadmium exceeds those levels specified in (i)2i(3) and (4), above, then no food chain crops may be grown and future property owners shall be notified by a stipulation in the land record or property deed which states that the property has received waste at high cadmium application rates and that food-chain crops shall not be grown.

3. If the wastes applied to the treatment zone contain cadmium and other hazardous constituents, the owner or operator shall comply with (i)1, above, for the non-cadmium constituents and also comply with (i)2, above, for the cadmium constituent.

(j) (Rerserved)

(k) An owner or operator subject to this section shall establish an unsaturated zone monitoring program to discharge the following responsibilities:

1. The owner or operator shall monitor the soil and soil-pore liquid to determine whether hazardous constituents have migrated out of the treatment zone.

i. The permit will specify the hazardous constituents to be monitored. The hazardous constituents to be monitored are those specified under (d)3, above.

ii. The permit may require monitoring for principal hazardous constituents (PHCs) in lieu of the constituents specified in (d)3, above. PHCs are hazardous constituents

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contained in the wastes to be applied at the unit that are the most difficult to treat, considering the combined effects of degradation, transformation, and immobilization. The permit will establish PHCs if, based on waste analyses, treatment demonstrations, or other data, it is found that effective degradation, transformation, or immobilization of the PHCs will assure treatment at levels at least as equivalent for the other hazardous constituents in the wastes;

2. The owner or operator shall install an unsaturated zone monitoring system as follows:

i. The unsaturated zone monitoring system shall include soil monitoring using soil cores and soil pore liquid monitoring using devices such as lysimeters.

ii. The unsaturated zone monitoring system shall consist of a sufficient number of sampling points at appropriate locations and depths to yield samples that:

(1) Represent the quality of background soil-pore liquid quality and the chemical make-up soil that has not been affected by leakage from the treatment zone; and

(2) Indicate the quality of soil-pore liquid and the chemical make-up of the soil below the treatment zone;

3. The owner or operator shall establish a background value for each hazardous constituent to be monitored under (k)1, above. The permit will specify the background values for each constituent or specify the procedures to be used to calculate the background values.

i. Background soil values may be based on a one-time sampling at a background plot having characteristics similar to those of the treatment zone.

ii. Background soil-pore liquid values shall be based on at least quarterly sampling for one year at a background plot having characteristics similar to those of the treatment zone.

iii. The owner or operator shall express all background values in a form necessary for the determination of statistically significant increases under (k)6, below.

iv. In taking samples used in the determination of all background values, the owner or operator shall use an unsaturated zone monitoring system that complies with (k)2ii(1), above;

4. The owner or operator shall conduct soil monitoring and soil-pore liquid monitoring immediately below the treatment zone. The permit will specify the frequency and timing of soil and soil-pore liquid monitoring after considering the frequency, timing, and rate of waste application, and the soil permeability. The owner or operator shall express the results of soil and soil-pore liquid monitoring in a form necessary for the determination of statistically significant increases under (k)6, below;

5. The owner or operator shall use consistent sampling and analysis procedures as follows:

i. The sampling and analysis procedures shall be designed to ensure sampling results that provide a reliable indication of soil-pore liquid quality and the chemical make-up of the soil below the treatment zone; and

ii. At a minimum, the owner or operator shall implement procedures and techniques for:

(1) Sample collection;

(2) Sample preservation and shipment;

(3) Analytical procedures; and

(4) Chain of custody control;

6. The owner or operator shall determine whether there is a statistically significant change over background values for any hazardous constituents to be monitored under (k)1, above, below the treatment zone each time he conducts soil monitoring and soil-pore liquid monitoring under (k)4, above.

i. In determining whether a statistically significant increase has occurred, the owner or operator shall compare the value of each constituent, as determined under (k)4, above, to the background value for that constituent according to the statistical procedures specified in the facility permit under this paragraph.

ii. The owner or operator shall determine whether there has been a statistically significant increase below the treatment zone within a reasonable time period after completion of sampling. The permit will specify that time period after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of soil and soil-pore liquid samples.

iii. The owner or operator shall determine whether there is a statistically significant increase below the treatment zone using a statistical procedure that provides reasonable confidence that migration from the treatment zone will be identified. The permit will specify a statistical procedure that:

(1) Is appropriate for the distribution of the data used to establish background values; and

(2) Provides a reasonable balance between the probability of falsely identifying migration from the treatment zone and the probability of failing to identify real migration from the treatment zone;

7. If the owner or operator determines, pursuant to (k)6, above, that there is a statistically significant increase of hazardous constituents below the treatment zone, the owner or operator shall:

i. Submit written notification of this finding to the Department within seven days which indicates what constituents have shown statistically significant increases; and

ii. Within 90 days, submit to the Department an application for a permit modification to modify the operating practices at the facility in order to maximize the success of degradation, transformation, or immobilization processes in the treatment zone.

8. Where the owner or operator determines, pursuant to (k)6, above, that there is a statistically significant increase of hazardous constituents below the treatment zone, the following applies:

i. The owner or operator may demonstrate that a source other than the land treatment units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation;

ii. While the owner or operator may make a demonstration under this paragraph in addition to, or in lieu of, submitting a permit modification application under (k)7ii, above, the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in (k)7ii, above, unless the demonstration made under this paragraph successfully shows that a source other than the land treatment unit caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation; and

iii. In making a demonstration under this paragraph, the owner or operator shall:

(1) Notify the Department in writing within seven days of determining a statistically significant increase below the treatment zone that s/he intends to make a determination under this paragraph;

(2) Within 90 days, submit a report to the Department demonstrating that a source other than the land treatment unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation;

(3) Within 90 days, submit to the Department an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility; and

(4) Continue to monitor in accordance with the unsaturated zone monitoring program established under this section.

(l) The owner or operator shall include hazardous waste application dates and rates in the operating record required under N.J.A.C. 7:26-9.4(i) for each waste applied.

(m) Closure and post-closure care requirements for land treatment units include the following:

1. During the closure period, the owner or operator shall:

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i. Continue all operations (including pH control) necessary to maximize degradation, transformation, immobilization of hazardous constituents and other ground water contaminants within the treatment zone as required pursuant to (f)1, above, except to the extent such measures are inconsistent with (m)1viii, below;

ii. Continue all operations in the treatment zone to minimize run-off of hazardous constituents and other groundwater contaminants as required by (f)2, above;

iii. Maintain the run-on control system required under (f)3, above;

iv. Maintain the run-off management system required under (f)4, above;

v. Control wind dispersal of hazardous waste if required by (f)6, above;

vi. Continue to comply with any prohibitions or conditions concerning growth of food-chain crops under subsection (i), above;

vii. Continue unsaturated zone monitoring in compliance with (k), above, except that soil-pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone; and

viii. Establish a vegetative cover on the portion of the land treatment unit being closed at such time that:

(1) The cover will not substantially impede degradation, transformation, or immobilization of hazardous constituents and other groundwater contaminants in the treatment zone;

(2) It is capable of maintaining growth without extensive maintenance;

2. For the purpose of complying with N.J.A.C. 7:26-9.8, when closure is completed the owner or operator shall submit to the Department certification by an independent qualified soil scientist, in lieu of an independent registered professional engineer, that the land treatment unit has been closed in accordance with the specifications in the approved closure plan;

3. During the post-closure care period the owner or operator shall:

i. Continue all operations (including pH control) necessary to enhance degradation and transformation and sustain immobilization of hazardous constituents and other groundwater contaminants in the treatment zone to the extent that such measures are consistent with other post-closure care activities;

ii. Maintain a vegetative cover over closed portions of the land treatment unit;

iii. Maintain the run-on control system required by (f)3, above;

iv. Maintain the run-off management system required by (f)4, above;

v. Control wind dispersal of hazardous waste if required by (f)6, above;

vi. Continue to comply with any prohibitions or conditions concerning growth of food-chain crops under subsection (i) above; and

vii. Continue unsaturated zone monitoring in compliance with (k), above, except that soil-pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone;

4. The owner or operator is not subject to regulation under (m)1viii and (m)3, above, if the Department finds that the level of hazardous constituents in the treatment zone soil does not exceed the background value of those constituents by an amount that is statistically significant when using the test specified in (m)4iii, below. The owner or operator may submit such a demonstration to the Department at any time during the closure or post-closure care periods. For the purposes of this paragraph:

i. The owner or operator shall establish background soil values and determine whether there is a statistically significant increase over those values for all hazardous constituents specified in the facility permit under (d)3, above.

(1) Background soil values may be based on a one-time sampling of a background plot having characteristics similar to those of the treatment zone.

(2) The owner or operator shall express background values and values for hazardous constituents in the treatment zone in a form necessary for the determination of statistically significant increases under (m)4iii, below;

ii. In taking samples used in the determination of background and treatment zone values, the owner or operator shall take samples at a sufficient number of sampling points and at appropriate locations and depths to yield samples that represent the chemical make-up of soil that has not been affected by leakage from the treatment zone and the soil within the treatment zone, respectively; and

iii. In determining whether a statistically significant increase has occurred, the owner or operator shall compare the value of each constituent in the treatment zone to the background value for that constituent using a statistical procedure that provides reasonable confidence that constituent presence in the treatment zone will be identified. The owner or operator shall use a statistical procedure that:

(1) Is appropriate for the distribution of the data used to establish background values; and

(2) Provides a reasonable balance between the probability of falsely identifying hazardous constituent presence in the treatment zone and the probability of failing to identify real presence in the treatment zone.

(n) The owner or operator shall not apply ignitable or reactive waste to the treatment zone unless:

1. The waste is immediately incorporated into the soil so that:

i. The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under N.J.A.C. 7:26-8.9 or 8.11; and

ii. The requirements of N.J.A.C. 7:26-9.4(e) are met; or

2. The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

(o) The owner or operator shall not place incompatible wastes, or incompatible wastes and materials (see 40 CFR Part 264 Appendix V for examples), in or on the same treatment zone, unless N.J.A.C. 7:26-9.4(e) is complied with.

7:14A-6.1 General requirements

(a) Scope:

1. This subchapter describes the requirements for groundwater monitoring programs for all discharges, **past or present, actual or potential,** of pollutants, including hazardous and non-hazardous waste as defined in N.J.A.C. 7:14A-1.9, to groundwater or onto land which might flow or drain into the waters of the State. A new source shall not discharge to groundwater prior to installing a groundwater monitoring system which satisfies the requirements of this subchapter and has been approved by the Department. All permits for a DGW shall include requirements for groundwater monitoring programs.

2.–3. (No change.)

4. N.J.A.C. 7:14A-6.3 through 6.6 shall be applicable to:

i. Hazardous waste facilities (as defined in N.J.A.C. 7:26-1.4) prior to a final disposition of a permit application pursuant to N.J.A.C. 7:26-12 which have an actual or potential DGW;

ii. IWMF's which are existing facilities under N.J.A.C. 7:14A-4.3; and

iii. Any other activity, process or operation which has an actual or potential DGW, based on the criteria set forth at N.J.A.C. 7:14A-6.15(d)2.

5. N.J.A.C. 7:14A-6.15 shall be applicable to:

i. Hazardous waste facilities (as defined in N.J.A.C. 7:26-1.4) which have been issued a permit pursuant to N.J.A.C. 7:26-12; and

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ii. IWMF's which have been issued a permit pursuant to N.J.A.C. 7:14A-4.4(a).

iii. Any actual or potential discharges from an existing waste pile or any other accumulation of hazardous or non-hazardous materials, not withstanding the prohibition of waste piles in N.J.A.C. 7:26-9.2 and 7:26-9.3 in order to determine the extent of environmental or human health impact and the necessary degree of corrective action. Based on the criteria in N.J.A.C. 7:14A-6.15(d)2 the Department may require the institution of a detection monitoring program, compliance monitoring program, or corrective action program.

6. N.J.A.C. 7:14A-6.15 may also be applicable to any activity, process or operation where current or past practices have resulted in an actual or potential discharge of hazardous waste, hazardous waste constituents or other groundwater pollutants onto the land or into the groundwater as determined by the Department based on the criteria set forth in N.J.A.C. 7:14A-6.15(d)2. The Department may require a discharger to obtain a NJPDES permit in order to satisfy the requirements of this section.

(b) (No change.).

7:14A-6.2 [Applicability of] Hazardous waste monitoring

(a) [The] **As specified in N.J.A.C. 7:14A-6.1(a)4, the** owner or operator of a surface impoundment, landfill, overland flow disposal system or infiltration-percolation system [or other], land **treatment** facility or other means of land disposal or solid or liquid hazardous waste must implement a groundwater monitoring program approved by the Department and capable of determining the facility's impact on the quality of groundwater. The owner or operator must install, operate and maintain a groundwater monitoring system which meets the requirements of N.J.A.C. 7:14A-6.3, and must comply with N.J.A.C. 7:14A-6.4 [and 6.5] **through 6.6.** This monitoring program must be carried out during the active life of the facility, and, for disposal facilities, during the post-closure care period. An owner or operator may install, operate and maintain an alternate groundwater monitoring system other than the one described in N.J.A.C. 7:14A-6.3 and 6.4. If the owner or operator decides to use an alternate groundwater monitoring system, [he] **the owner or operator** must:

1.–2. (No change.)

7:14A-6.15 Criteria for groundwater protection and response for hazardous waste facilities and IWMFs subject to groundwater monitoring requirements

(a) The following apply to this section:

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

"Closure period" means the period described in N.J.A.C. 7:26-9.8(i).

"Compliance period" means the number of years equal to the active life of the waste management area (including any waste management activity prior to permitting and the closure period).

"Groundwater pollutant" means a hazardous waste or a hazardous waste constituent as defined in N.J.A.C. 7:26-8.16, those pollutants identified in N.J.A.C. 7:9-6, pollutants that may adversely affect groundwater quality or pose a threat to human health or safety, or pollutants that may be limited in a NJPDES permit.

"Point of compliance" means a vertical surface located at the hydraulically downgradient limit of the waste management area that extends down into the uppermost aquifer, uppermost zone of groundwater or any other groundwater or aquifer that may be impacted by the discharge underlying the regulated units.

"Regulated unit" means any surface impoundment, waste pile, land treatment unit or landfill, or part thereof, that receives hazardous waste or other potential groundwater pollutants after January 26, 1983.

"Waste management area" is the limit projected in the horizontal plane of the area on which hazardous waste will be placed during the active life of a regulated unit. It includes the horizontal space taken up by any liner, dike, or other barrier designed to contain hazardous waste in a regulated unit. If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.

2. The owner or operator is not subject to regulation under this section if the owner or operator is exempted under N.J.A.C. 7:26-9.1 (except 7:26-9.1(c)2) and N.J.A.C. 7:26-12.1 (except N.J.A.C. 7:26-12.1 (a)1, (b)3 and (b)6). The Department may, however require that an application for a NJPDES permit be submitted to the Department if the Department determines that there is an actual or potential discharge.

3. This section applies during the active life of the regulated unit (including the closure period).

4. After closure of the regulated unit, this section:

i. Does not apply if all groundwater pollutants, waste, waste residues, contaminated containment system components, contaminated groundwater and contaminated soils and subsoils are removed or decontaminated at closure;

ii. Applies during the post-closure care period if the owner or operator is conducting a detection monitoring program under (i), below; or

iii. Applies during the compliance period under (g), below, if the owner or operator is conducting a compliance monitoring program under (j), below, or a corrective action program under (k), below.

(b) The required programs are as follows:

1. Owners and operators subject to this section shall conduct a monitoring and response program as follows:

i. Whenever hazardous constituents under (d), below, from a regulated unit are detected at the compliance point under (f), below, the owner or operator shall institute a compliance monitoring program under (j), below. Further, the Department may require the compliance program to be implemented when the groundwater quality standards, N.J.A.C. 7:9-6, or a permit-specified limitation is exceeded.

ii. Whenever the groundwater protection standard for a hazardous constituent under (c), below, is exceeded, the owner or operator shall institute a corrective action program under (k), below. For nonhazardous constituents the Department may require the owner or operator to institute either a compliance monitoring program or a corrective action program based on the criteria identified in (d)2, below.

iii. Whenever hazardous constituents under (d), below, from a regulated unit exceed concentration limits under (e), below, in groundwater between the point of compliance under (f), below, and the downgradient facility property boundary, the owner or operator shall institute a corrective action program under (k), below. For nonhazardous constituents the Department may require the owner or operator to institute either a compliance monitoring program or a corrective action program based on the criteria identified in (d)2, below.

iv. In all other cases, the owner or operator shall institute a detection monitoring program under(i), below.

v. The Department may require additional monitoring wells to be installed within 30 days of the notification to the Department that the groundwater protection standard in (c), below, is exceeded in order to make the determination under (b)1iii, above.

vi. Any groundwater pollutants migrating beyond the waste management area are assumed to originate from a regulated unit unless the owner or operator can prove to the satisfaction

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of the Department that such waste, waste constituent or other groundwater pollutant originated from another source.

2. The Department will specify in the permit the specific elements of the monitoring and response program. The Department may include in the permit one or more of the programs identified in (b)1, above, as may be necessary to protect human health and the environment and will specify the circumstances under which each of the programs will be required. In deciding whether to require the owner or operator to be prepared to institute a particular program, the Department will consider the potential adverse effects on human health and the environment that might occur.

(c) The owner or operator shall comply with conditions specified in the permit that are designed to ensure that hazardous constituents or other groundwater contaminants under (d), below, entering the groundwater from a regulated unit do not exceed the concentration limits under (e), below, in the uppermost aquifer, uppermost zone of groundwater or any other groundwater or aquifer that may be impacted by the discharge underlying the waste management area beyond the point of compliance under (f), below, during the compliance period under (g), below. The Department will establish this groundwater protection standard in the permit. When hazardous constituents or other groundwater contaminants have entered the groundwater from a regulated unit the Department will modify the permit to include a new groundwater protection standard if it is necessary.

(d) The groundwater contaminant identification is as follows:

1. The Department will specify in the permit the hazardous constituents or other groundwater contaminants to which the groundwater protection standard of (c), above, applies.

2. The Department may exclude a hazardous waste constituent identified in N.J.A.C. 7:26-8.16 from the list of hazardous constituents specified in the permit if it finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to grant an exemption, the Department will consider the following:

i. Potential adverse effects on groundwater quality in an aquifer where the discharge is occurring or that may be hydraulically connected to the aquifer where the discharge is occurring, considering:

(1) The physical and chemical characteristics of the hazardous waste or other groundwater contaminants in the regulated unit, including its potential for migration;

(2) The hydrogeological characteristics of the facility and surrounding land;

(3) The quantity of groundwater and the rate and direction of groundwater flow;

(4) The proximity and withdrawal rates of groundwater users;

(5) The current and future uses of groundwater in the area;

(6) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality in so far as this is consistent with the State groundwater quality standards, N.J.A.C. 7:9-6;

(7) The potential for health risks caused by human exposure to hazardous waste constituents or other groundwater contaminants;

(8) The potential damage to wildlife, domestic animals, aquatic life, crops, vegetation, and physical structures caused by exposure to hazardous waste constituents or other groundwater contaminants;

(9) The persistence and permanence of the potential adverse effects; and

ii. Potential adverse effects on hydraulically-connected surface water quality, considering:

(1) The volume and physical and chemical characteristics of the hazardous waste and other groundwater contaminants in the regulated unit;

(2) The hydrogeological characteristics of the facility and surrounding land;

(3) The quantity and quality of groundwater, and the rate and direction of groundwater flow;

(4) The patterns of rainfall in the region;

(5) The proximity of the regulated unit to surface waters;

(6) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(7) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality in so far as it is consistent with the State surface water quality standards, N.J.A.C. 7:9-4;

(8) The potential for health risks caused by human exposure to hazardous waste constituents or other groundwater contaminants;

(9) The potential damage to wildlife, domestic animals, aquatic life, crops, vegetation, and physical structures caused by exposure to hazardous waste constituents or other groundwater contaminants; and

(10) The persistence and permanence of the potential adverse effects.

3. In making any determination under (d)2, above, about the use of groundwater in the area around the facility, the Department will consider any identification of underground sources of drinking water and State groundwater quality standards, N.J.A.C. 7:9-6.

(e) The Department will specify in the permit the concentration limits in the groundwater for hazardous constituents established under (d), above.

1. The concentration of a hazardous constituent:

i. Shall not exceed the natural background level for individual hazardous constituents as identified in N.J.A.C. 7:26-8.16 in the groundwater;

ii. For parameters not included in (e)1i, above, the concentration shall not exceed the concentration limit specified in the State groundwater quality standards, N.J.A.C. 7:9-6 or State surface water quality standards, N.J.A.C. 7:9-4;

iii. For any of the constituents listed in Table 1, shall not exceed the respective value given in that table if the background level of the constituent is below the value given in Table 1. Where the maximum concentrations specified in Table 1 conflict with the groundwater quality criteria in N.J.A.C. 7:9-6, the more stringent concentration limit will be applied;

iv. Must not exceed an alternate limit established by the Department under (e)2, below.

2. The Department may establish a concentration limit as an alternative to the limit in (e)1, above, for a hazardous constituent if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. In establishing alternate concentration limits, the Department will consider the factors specified in (d)2, above.

TABLE 1: MAXIMUM CONCENTRATION OF CONSTITUENTS FOR GROUNDWATER PROTECTION

Concentration	Maximum Concentration in Milligrams per liter
Arsenic	0.05
Barium	1.0
Cadmium	0.01
Chromium	0.05
Lead	0.05
Mercury	0.002
Selenium	0.01

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Silver	0.05
Endrin (1,2,3,4,10,10-hexachloro-1, 7-expoxy-1,4,4a,5,6,7,8,9a-octahydro-1, 4-endo, endo-5,8-dimethano naphthalene)	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer)	0.004
Methoxychlor (1,1,1-Trichloro-2,2-bis (p-methoxyphenylethane)	0.1
Toxaphene ($C_{10}H_{10}Cl_8$, Technical chlorinated camphene, 67-69 percent chlorine)	0.005
2,4-D (2,4-Dichlorophenoxyacetic acid)	0.1
2,4,5-TP Silvex (2,4,5-Trichlorophenoxy-propionac acid)	0.01

3. In making any determination under (e)2, above, about the use of groundwater in the area around the facility the Department will consider any identification of underground sources of drinking water and State groundwater quality standards.

4. The Department may utilize the criteria specified in Appendix F of N.J.A.C. 7:14A to establish concentration limits for parameters not contained in (e)1, above.

(f) The Department will specify in the permit the point of compliance at which the groundwater protection standard of (c), above applies and at which monitoring shall be conducted.

(g) The compliance period is as follows:

1. The compliance period begins when the owner or operator initiates a compliance monitoring program meeting the requirements of (j), below.

2. If the owner or operator is engaged in a corrective action program at the end of the compliance period specified in (g)1, the compliance period is extended until the owner or operator can demonstrate that the groundwater protection standard of (c), above, has not been exceeded for a period of three consecutive years.

(h) The owner or operator shall comply with the following requirements for any groundwater monitoring program developed to satisfy (i), (j), or (k), below:

1. The groundwater monitoring system shall consist of a sufficient number of satisfactory wells, as required in N.J.A.C. 7:14A-6.13 installed at appropriate locations and depths to yield groundwater samples that:

i. Represent the quality of background water that has not been affected by leakage or other discharges from a regulated unit; and

ii. Represent the quality of groundwater passing under the regulated unit and through the point of compliance.

2. If a facility contains more than one regulated unit, separate groundwater monitoring systems may not be required for each regulated unit provided that provisions for sampling the groundwater in the uppermost aquifer, uppermost zone of groundwater or any other groundwater or aquifer that may be impacted by the discharge will enable detection and measurement at the compliance point of hazardous constituents or other groundwater contaminants from the regulated units that have entered the groundwater.

3. All groundwater monitoring wells shall be constructed pursuant to N.J.A.C. 7:14A-6.13. In cases where the groundwater monitoring wells do not meet the requirements of the Department they shall be replaced within 30 days of receipt of notification from the Department that they are not satisfactory. The replacement wells shall be subject to Departmental approval.

4. The groundwater monitoring program shall also be consistent with N.J.A.C. 7:14A-6.12. Sampling and analysis procedures shall be designed to ensure monitoring results that provide a reliable indication of groundwater quality below the waste management area. At a minimum, the program shall include procedures and techniques for:

i. Sample collection;

ii. Sample preservation and shipment;

iii. Analytical procedures; and

iv. Chain of custody control.

5. The groundwater monitoring program shall include Department approved sampling and analytical methods that are appropriate for groundwater sampling in order to accurately measure hazardous constituents or other groundwater contaminants in groundwater samples.

6. The groundwater monitoring program shall include a determination of the groundwater surface elevation made prior to flushing, pumping or evacuating the well or sampling each time groundwater is sampled.

7. When required by the Department the groundwater monitoring program shall establish background groundwater quality for any or all of the hazardous constituents or other groundwater contaminants specified in the permit.

i. In the detection monitoring program under subsection (i), below, background groundwater quality shall be based on data from quarterly sampling of wells upgradient from the waste management area for one year.

ii. In the compliance monitoring program under (j), below, background groundwater quality for a hazardous constituent shall be based on data from upgradient wells that:

(1) Is available before the permit to conduct the compliance monitoring program is issued;

(2) Accounts for measurement errors in sampling and analysis; and

(3) Accounts, to the extent possible, for seasonal fluctuations in background groundwater quality if such fluctuations are expected to affect the concentration of the hazardous constituent.

iii. With Department approval, background quality may be based on sampling of wells that are not upgradient from the waste management area where:

(1) Hydrogeologic conditions do not allow the owner or operator to determine what wells are upgradient; or

(2) Sampling at other wells will provide an accurate indication of background groundwater quality that is as representative or more representative than that provided by the upgradient wells.

iv. In developing the data base used to determine a background value for each groundwater contaminant or constituent, the owner or operator shall take a minimum of one sample for each well and a minimum of four samples from the entire system used to determine background groundwater quality, each time the groundwater monitoring system is sampled.

8. The owner or operator shall use the following statistical procedure in determining whether background values or permit concentration limits have been exceeded:

i. If, in a detection monitoring program, the level of a constituent at the compliance point is to be compared to the constituent's background value and that background value has a sample coefficient of variation less than 1.00:

(1) The owner or operator shall take at least four portions for a sample at each well at the compliance point and determine whether the difference between the mean of the constituent at each well (using all portions taken) and the background value for the constituent is significant at the 0.05 level using the Cochran's Approximation to the Behrens-Fisher Student's t-test as set forth in Appendix IV of 40 C.F.R. 264. If the test indicates that the difference is significant, the owner or operator shall repeat the same procedure (with at least the same number of portions as used in the first test) with a fresh sample from the monitoring well. If this second round of analyses indicates that the difference is significant, the owner or

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operator shall conclude that a statistically significant change has occurred; or

(2) With Departmental approval, the owner or operator may use an equivalent statistical procedure for determing whether a statistically significant change has occurred. The Department will specify such a procedure in the permit if it finds that the alternative procedure reasonably balances the probability of failing to identify a non-contaminating regulated unit and the probability of failing to identify a contaminating regulated unit in a manner that is comparable to that of the statistical procedure described in (h)8i(1), above.

ii. In all other situations in a detection monitoring program and in a compliance monitoring program, the owner or operator shall use a Department-approved statistical procedure providing reasonable confidence that the migration of hazardous constituents from a regulated unit into and through the aquifer will be indicated. The Department will specify a statistical procedure in the facility permit that it finds:

(1) Is appropriate for the distribution of the data used to establish background values or concentration limits; and

(2) Provides a reasonable balance between the probability of falsely identifying a non-contaminating regulated unit and the probability of failing to identify a contaminating regulated unit.

(i) An owner or operator required to establish a detection monitoring program under this section shall, at a minimum, discharge the following responsibilities:

1. The owner or operator shall monitor for indicator parameters (such as, pH, specific conductance, total organic carbon, or total organic halogen), waste constituents, or reaction products that provide a reliable indication of the presence of hazardous constituents in groundwater. The Department shall specify the parameters or constituents to be monitored in the permit, after considering the following factors:

i. The type(s), quantities, and concentrations of constituents in wastes managed at the regulated unit;

ii. The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the waste management area;

iii. The detectability of indicator parameters, waste constituents, and reaction products in groundwater; and

iv. The concentrations or values and coefficients of variation of proposed monitoring parameters or constituents in the groundwater background.

2. The owner or operator shall install a groundwater monitoring system at the compliance point as specified in (f), above. The groundwater monitoring system shall comply with (h)1ii, 2 and 3, above.

3. The owner or operator shall establish a background value for each monitoring parameter or constituent specified in the permit pursuant to (i)1, above. The permit shall specify the background values for each parameter or specify the procedures to be used to calculate the background values.

i. The owner or operator shall comply with (h)7 in developing the data base used to determine background values.

ii. The owner or operator shall express background values in a form necessary for the determination of statistically significant increases under (h)8, above.

iii. In taking samples used in the determination of background values, the owner or operator shall use a groundwater monitoring system that complies with (h)1i, 2 and 3, above.

4. The owner or operator shall determine groundwater quality at each groundwater monitoring well at the compliance point as specified in the permit, but at least semi-annually during the active life of a regulated unit (including the closure period) and the post-closure care period. The owner or operator shall express the groundwater quality at each groundwater monitoring well in a form necessary for the determination of statistically significant increases under (h)8, above.

5. At least annually, the owner or operator shall determine the groundwater flow gradients, rates, and directions for all geologic formations or zones monitored.

6. The owner or operator shall use procedures and methods for sampling and analysis that meet the requirements of (h)4 and 5, above.

7. The owner or operator shall determine whether there is a statistically significant increase over background values for any parameter or constituent specified in the permit pursuant to (i)1, above, each time he determines groundwater quality at the compliance point under (i)4, above.

i. In determining whether a statistically significant increase has occurred, the owner or operator shall compare the groundwater quality at each groundwater monitoring well at the compliance point for each parameter or constituent to the background value for that parameter or constituent, according to the statistical procedure specified in the permit under (h)8, above.

ii. The owner or operator shall determine whether there has been a statistically significant increase at each groundwater monitoring well at the compliance point within a reasonable time period after completion of sampling. The Department will specify that time period in the permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.

8. If the owner or operator determines, pursuant to (i)7, above, that there is a statistically significant increase for parameters or constituents specified pursuant to (i)1, above, at any groundwater monitoring well at the compliance point, the owner or operator shall:

i. Notify the Department of this finding in writing within seven days. The notification shall indicate what parameters or pollutants have shown statistically significant increases;

ii. Immediately sample the ground water in all monitoring wells and determine the concentration of all constituents identified in N.J.A.C. 7:26-8.16 and other permit-limited pollutants that are present in groundwater;

iii. Establish a background value for each N.J.A.C. 7:26-8.16 hazardous constituent that has been found at the compliance point under (i)8ii as follows:

(1) The owner or operator shall comply with (h)7 in developing the data base used to determine background values;

(2) The owner or operator shall express background values in a form necessary for the determination of statistically significant increases under (h)8;

(3) In taking samples used in the determination of background values, the owner or operator shall use a groundwater monitoring system that complies with (h)1i, 2 and 3, above;

iv. Within 45 days, submit to the Department an application for a permit modification to establish a compliance monitoring program meeting the requirements of (j), below. The application shall include the following information:

(1) An identification of the concentration of any N.J.A.C. 7:26-8.16 constituents found in the groundwater at each groundwater monitoring well at the compliance point;

(2) Any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements of (j), below;

(3) Any proposed changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical procedures used at the facility necessary to meet the requirements of (j), below;

v. Within 90 days, submit to the Department an engineering feasibility plan for a corrective action program necessary to meet the requirements of (k), below.

9. If the owner or operator determines, pursuant to (i)7, that there is a statistically significant increase of parameters or constituents specified pursuant to (i)1, a violation of State

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groundwater quality standards, N.J.A.C. 7:9-6.1, or a violation of permit conditions at any groundwater monitoring well at the compliance point, the owner or operator may demonstrate to the satisfaction of the Department that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. While the owner or operator may make a demonstration under this paragraph in addition to, or in lieu of, submitting a permit modification application under (i)8iv, the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in (i)8iv unless the demonstration made under this paragraph successfully shows that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this paragraph, the owner or operator shall:

i. Notify the Department in writing within seven days of determining a statistically significant increase at the compliance point a violation of State groundwater quality standards, N.J.A.C. 7:9-6, or a violation of permit conditions that the owner or operator intends to make a demonstration under (i)9 of this section;

ii. Within 45 days, submit a report to the Department which demonstrates that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation;

iii. Within 45 days, submit to the Department an application for a permit modification to make any appropriate changes to the detection monitoring program at the facility; and

iv. Continue to monitor in accordance with the detection monitoring program established under this subsection.

10. If the owner or operator determines that the detection monitoring program no longer satisfies the requirements of this section, the owner or operator shall, within 45 days, submit an application for a permit modification to make any appropriate changes to the program.

11. The owner or operator shall assure that monitoring and corrective action measures necessary to achieve compliance with the groundwater protection standard under (c), above, are taken during the term of the permit.

(j) An owner or operator required to establish a compliance monitoring program under this subsection shall, at a minimum, discharge the following responsibilities:

1. The owner or operator shall monitor the groundwater to determine whether regulated units are in compliance with the groundwater protection standard under (c), above. The Department will specify the groundwater protection standard in the permit, including:

i. A list of the hazardous constituents identified under (d), above, and other groundwater pollutants;

ii. Concentration limits under (e), above, for each of the hazardous constituents. The Department may also set concentration limits for the other groundwater contaminants;

iii. The compliance point under (f), above; and

iv. The compliance period under (g), above.

2. The owner or operator shall install a groundwater monitoring system at the compliance point as required by (f), above. The groundwater monitoring system shall comply with (h)1ii, (h)2 and (h)3.

3. Where a concentration limit established under paragraph (j)1ii is based on background groundwater quality, the Department will specify the concentration limit in the permit as follows:

i. If there is a high temporal correlation between upgradient and compliance point concentrations of the hazardous constituents, the Department may establish the concentration limit through sampling at upgradient wells each time groundwater is sampled at the compliance point. In all other cases, the concentration limit will be the mean of the pooled data on the concentration of the hazardous constituent.

ii. If a hazardous constituent is identified on Table 1 under (e) and the difference between the respective concentration limit in Table 1 and the background value of that constituent under (h)8 is not statistically significant, the owner or operator shall at the Department's discretion use the background value of the constituent as the concentration limit. In determining whether this difference is statistically significant, the owner or operator shall use a statistical procedure providing reasonable confidence that a real difference will be indicated. The statistical procedure shall:

(1) Be appropriate for the distribution of the data used to establish background values; and

(2) Provide a reasonable balance between the probability of falsely identifying a significant difference and the probability of failing to identify a significant difference.

iii. The owner or operator shall:

(1) Comply with (h)7 in developing the data base used to determine background values;

(2) Express background values in a form necessary for the determination of statistically significant increases under (h)8; and

(3) Use a groundwater monitoring system that complies with (h)1i, 2 and 3.

4. The owner or operator shall determine the concentration of hazardous constituents in ground water at each monitoring well at the compliance point at least quarterly during the compliance period. The owner or operator shall express the concentration at each monitoring well in a form necessary for the determination of statistically significant increases under (h)8.

5. The owner or operator shall determine the groundwater flow rate annually and determine the groundwater flow direction in all affected geologic formations or zones at each sampling event specified in the permit but, in any case, at least quarterly.

6. The owner or operator shall analyze samples from all groundwater monitoring wells at the compliance point for all constituents contained in N.J.A.C. 7:26-8.16 at least annually to determine whether additional hazardous constituents are present in the uppermost aquifer, uppermost zone of groundwater or any other groundwater aquifer that may be impacted by the discharge. If the owner or operator finds N.J.A.C. 7:26-8.16 constituents in the groundwater that are not identified in the permit as hazardous constituents, the owner or operator shall report the concentrations of these additional constituents to the Department within seven days after completion of the analysis.

7. The owner or operator shall use procedures and methods for sampling and analysis that meet the requirements of (h)4 and 5.

8. The owner or operator shall determine whether there is a statistically significant increase over the concentration limits for any hazardous constituents specified in the permit pursuant to (j)1, above, each time the owner or operator determines the concentration of hazardous constituents in groundwater at the compliance point.

i. In determining whether a statistically significant increase has occurred, the owner or operator shall compare the groundwater quality at each groundwater monitoring well at the compliance point for each hazardous constituent to the concentration limit for that constituent according to the statistical procedures specified in the permit under (h)8.

ii. The owner or operator shall determine whether there has been a statistically significant increase at each groundwater monitoring well at the compliance point, within a reasonable time period after completion of sampling. The Department will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.

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9. If the owner or operator determines, pursuant to (j)8, above, that the groundwater protection standard in (j)1, above, is being exceeded at any groundwater monitoring well at the point of compliance, the owner or operator shall:

i. Notify the Department of this finding in writing within seven days. The notification shall include a copy of the laboratory analysis and indicate what concentration limits have been exceeded.

ii. Submit to the Department an application for a permit modification to establish a corrective action program meeting the requirements of (k), below, within 60 days, or within 45 days if an engineering feasibility study previously has been submitted to the Department under (i)8v. The application shall at a minimum include the following information:

(1) A detailed description of corrective actions that will achieve compliance with the groundwater protection standard specified in the permit under (j)1, above; and

(2) A plan for a groundwater monitoring program that will demonstrate the effectiveness of the corrective action. Such a groundwater monitoring program may be based on a compliance monitoring program developed to meet the requirements of this subsection.

10. If the owner or operator determines, pursuant to (j)8, that the groundwater protection standard is being exceeded at any groundwater monitoring well at the point of compliance, the owner or operator may demonstrate to the satisfaction of the Department that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis or evaluation. While the owner or operator may make a demonstration under this paragraph in addition to, or in lieu of, submitting a permit modification application under (j)9ii,the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in (j)9ii unless the demonstration made under this paragraph successfully shows that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this paragraph, the owner or operator shall:

i. Notify the Department in writing within seven days that the owner or operator intends to make a demonstration under (j)10 of this section;

ii. Within 30 days, submit a report to the Department which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation;

iii. Within 45 days, submit to the Department an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility; and

iv. Continue to monitor in accord with the compliance monitoring program established under this subsection.

11. If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this section, the owner or operator shall, within 45 days, submit an application for a permit modification to make any appropriate changes to the program.

12. The owner or operator shall assure that monitoring and corrective action measures necessary to achieve compliance with the groundwater protection standard under (c), above, are taken during the term of the permit.

(k) An owner or operator required to establish a corrective action program under this section shall, at a minimum, discharge the following responsibilities:

1. The owner or operator shall take corrective action to ensure that regulated units are in compliance with the groundwater protection standard under (c), above . The Department will specify the groundwater protection standard in the permit, including:

i. A list of the hazardous constituents identified under (d), above;

ii. Concentration limits under (e), above,for each of those hazardous constituents;

iii. The compliance point under (f), above ; and

iv. The compliance period under (g), above.

2. The owner or operator shall implement a corrective action program that prevents hazardous constituents from exceeding their respective concentration limits at the compliance point by removing the hazardous waste constituents or treating them in place. The permit will specify the specific measures that will be taken.

3. The owner or operator shall begin corrective action within a reasonable time period after the groundwater protection standard is exceeded. The Department will specify that time period in the permit. If a permit includes a corrective action program in addition to a compliance monitoring program, the permit will specify when the corrective action will begin and such a requirement will operate in lieu of (j)9ii.

4. In conjunction with a corrective action program, the owner or operator shall establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program. Such a monitoring program may be based on the requirements for a compliance monitoring program under (j), above, and shall be as effective as that program in determining compliance with the groundwater protection standard under (c), above, and in determining the success of a corrective action program under (k)5, where appropriate.

5. In addition to the other requirements of this subsection, the owner or operator shall conduct a corrective action program to remove or treat in place any hazardous constituents under (d), above, that exceed concentration limits under (e), above, in groundwater between the compliance point under (f), above, and the furthest extent of groundwater contamination which is either statistically significant as defined in (h)8, or exceeds the State groundwater quality standards in N.J.A.C. 7:9-6.1 or exceeds permit limits. The permit will specify the measures to be taken.

i. Corrective action measures under (k)5 of this section shall be initiated and completed within a reasonable period of time considering the extent of contamination.

ii. Corrective action measures under (k)5 of this section may be terminated once the concentration of hazardous constituents under (d), above, is reduced to levels below their respective concentration limits under (e), above.

6. The owner or operator shall continue corrective action measures during the compliance period to the extent necessary to ensure that the groundwater protection standard is not exceeded. If the owner or operator is conducting corrective action at the end of the compliance period, the owner or operator shall continue that corrective action for as long as necessary to achieve compliance with the groundwater protection standard. The owner or operator may terminate corrective action measures taken beyond the period equal to the active life of the waste management area (including the closure period) if the owner or operator can demonstrate to the Department's satisfaction, based on data from the groundwater monitoring program under (k)4, above, that the groundwater protection standard of (c), above, has not been exceeded for a period of three consecutive years.

7. The owner or operator shall report in writing to the Department on the effectiveness of the corrective action program. The owner or operator shall submit these reports as specified by the Department, but no less frequent than semi-annually.

8. If the owner or operator determines that the corrective action program no longer satisfies the requirements of this subsection, the owner or operator shall, within 45 days, submit

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an application for a permit modification to make any appropriate changes to the program.

(a)

DIVISION OF WASTE MANAGEMENT

Solid Waste and Hazardous Waste Management

Proposed Readoption: N.J.A.C. 7:26-1.1, 1.2, 1.3 and 1.4

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.
Authority: N.J.S.A. 13:1E-6.
DEP Docket No. 062-83-10.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Herbert B. Bennett
Assistant Director
Department of Environmental Protection
Office of Regulatory Services
CN 402
Trenton, NJ 08625

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

This proposal is known as PRN 1983-611.

The agency proposal follows:

Summary

The proposed readoption provides for the continuation of four existing sections in subchapter one, chapter 26, title 7 of the New Jersey Administrative Code. The readoption of these four sections is necessary in order to continue the regulatory programs in solid waste and hazardous waste management.

N.J.A.C. 7:26-1 contains the following sections which are proposed for readoption:

N.J.A.C. 7:26-1.1 describes the scope of the rules and specifically outlines the situations in which the rules do not apply.

N.J.A.C. 7:26-1.2 provides that the rules are to be liberally construed for the Department to perform its statutory functions.

N.J.A.C. 7:26-1.3 sets forth the practice where the rules do not govern in the Department's solid waste and hazardous waste management programs.

N.J.A.C. 7:26-1.4 includes all of the definitions applicable to Chapter 26 in the Department's administration, management, regulation and enforcement of N.J. solid waste and hazardous waste management programs. All of the subchapter's definitions concerning hazardous waste are consistent with the requirements imposed by the State's Solid Waste Management Act and with those of the Federal government pursuant to the Resource Conservation and Recovery Act.

The remaining six sections, N.J.A.C. 7:26-1.5 through 1.10, are not being readopted because the purpose for which they were originally promulgated has been met and fulfilled making them unnecessary for readoption.

Social Impact

This subchapter has had a positive social impact on the residents of the State of New Jersey. These impacts have been realized by providing a comprehensive mechanism for the regulatory and enforcement programs implemented to insure and provide for the proper handling, transport, disposition and disposal of hazardous wastes in this State. The subchapter has had a positive impact on the implementation of the solid waste and hazardous waste management programs and is an integral part of the Department's continuing efforts to obtain interim authorization from the United State Environmental Protection Agency for implementation of the Hazardous Waste Program pursuant to the Resource Conservation and Recovery Act. Several other pending rulemaking proposals are directed toward this result.

Economic Impact

Implementation of this subchapter has not had a direct economic impact on the public. The impact is only realized by the inclusion of certain types of facilities and wastes as being encompassed under the statutory framework of the regulations found in the other subchapters contained in N.J.A.C. 7:26. The definitions, as noted above, have been prepared to provide for the necessary consistency for the delegation and implementation of the hazardous waste program pursuant to the Resource Conservation and Recovery Act and the definitions contained herein are consistent with those as presently found in the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.

Environmental Impact

The continued implementation of the State's hazardous waste management program will have an impact on the generators, transporters and disposers of hazardous waste in this State. The purpose of such impacts are intended to insure the proper handling, transportation, disposition, and ultimate disposal of such wastes by insuring that same do not enter into the environment and result in the negative environmental and public health impacts which would result thereby.

Full text of the proposed rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 7:26-1.

(b)

BUREAU OF PESTICIDE CONTROL

New Jersey Pesticide Control Code Dealers, Dealer Businesses

Proposed Amendments: N.J.A.C. 7:30-3.2, 4.2 and 4.4

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.
Authority: N.J.S.A. 13:1D-1 et seq. and specifically N.J.S.A. 13:1F-4.
DEP Docket No. 063-83-11

A **public hearing** concerning this proposed revision will be held at the following time and location:

January 6, 1983
10:00 A.M. until the close of testimony
380 Scotch Road
West Trenton, New Jersey

Interested persons may submit in writing, data, views or

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arguments relevant to the proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Scott B. Dubin
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, NJ 08625

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

This proposal is known as PRN 1983-621.

The agency proposal follows:

Summary

N.J.A.C. 7:30-4 concerning pesticide dealer businesses became effective when published in the New Jersey Register on December 6, 1982 (see 14 N.J.R. 787(a), 14 N.J.R. 1385(a)). N.J.A.C. 7:30-3 concerning pesticide dealers became effective when published at 15 N.J.R. 915 on June 6, 1983 (see 14 N.J.R. 787(a), 15 N.J.R. 915(a)).

N.J.A.C. 7:30-3.2 requires, effective July 1, 1983, certain persons who "distribute, sell, or offer for sale or supervise the distribution, sale, or offering for sale of any restricted use pesticide to an end user" to meet the requirements of certification and registration in N.J.A.C. 7:30-3.

In order to be certified as a pesticide dealer, an applicant must pass an examination approved or administered by the Department. A pesticide dealer is not eligible to register with the Department until after he has become certified.

Training materials and examinations were not made available to the public until July 1, 1983. A majority of pesticide dealers in the State have not taken the above-mentioned examinations and, under existing law, are unable to register with the Department.

The Farm Bureau, representing farmers and pesticide dealers and applicators, and Farm Suppliers, Inc., a trade association of businesses which serve agriculture throughout the State, petitioned the Department to extend the compliance date in N.J.A.C. 7:30-3.2(a). In response to these requests, the Department proposes to extend the compliance date in N.J.A.C. 7:30-3.2(a) from July 1, 1983 until February 6, 1984.

N.J.A.C. 7:30-4.2(a) requires, effective July 1, 1983, certain persons who operate a pesticide dealer business which distributes restricted use pesticides to end users in the State, to register such business with the Department on forms provided by the Department. Information to be provided on such forms includes the name and registration number of a certified and registered pesticide dealer employed at the pesticide outlet where restricted use pesticides are sold or distributed. Under this regulatory scheme, a pesticide dealer business may not register until it employs a certified and registered pesticide dealer. Consistent with the proposed revision to N.J.A.C. 7:30-3.2(a), the Department proposes to revise N.J.A.C. 7:30-4.2(a) to extend the compliance date from July 1, 1983 until February 6, 1984.

N.J.A.C. 7:30-4.4(c) further requires that the "sale or distribution of restricted use pesticides to end users be conducted by or under the direct supervision of a certified and registered dealer employed at the pesticide outlet where the transactions take place." Prior to the adoption of the new N.J.A.C. 7:30-4.4(c), the former N.J.A.C. 7:30-1.8 (Dealers in restricted pesticides) required dealers to register with the Department on an annual basis, ending June 30 of each calendar year.

The Department proposes to exempt from N.J.A.C. 7:30-4.4(c) until February 6, 1984 those pesticide dealer businesses which had been issued a registration by the Department expiring on June 30, 1983, pursuant to the former N.J.A.C. 7:30-1.8. Such pesticide dealer businesses would be authorized to continue operations until February 6, 1984, after which time they will be required to satisfy the certification requirements under N.J.A.C. 7:30-4.4(c).

Any pesticide dealer business which did not have a current registration as of June 29, 1983, may not sell or distribute restricted use pesticides to end users without first registering with the Department under N.J.A.C. 7:30-4.2(a).

Social Impact

The proposed amendments should not affect the availability of pesticides to the general public. The Department will begin enforcement of the certification requirements on February 6, 1984. This extension of the effective date of the certification requirements should have no adverse social impact.

Economic Impact

The proposed revision will enable pesticide dealer businesses which were issued registrations by the Department, expiring on June 30, 1983, to continue operating until February 6, 1984, without employing a certified and registered pesticide dealer.

The proposal extends the time for payment of certification and registration fees to the Department. This extension will only result in a delay of the payment of fees until February 6, 1984, but will not affect the Department's total revenue for the fiscal year ending June 30, 1984.

Environmental Impact

Under the proposed amendments, all transactions concerning the sale or use of restricted use pesticides conducted by a pesticide dealer business is authorized until February 6, 1984, only if the business had a current Department registration as of June 20, 1983, or such transactions are conducted under the direct supervision of a certified and registered pesticide dealer. The winter season is usually not a peak period of sale or use of restricted use pesticides. Any new or unregistered pesticide dealer business (as of June 29, 1983) is prohibited from conducting such transactions unless conducted under the direct supervision of a certified and registered pesticide dealer. The Department, therefore, anticipates no adverse environmental impact from these proposed amendments.

Full text of the current rules may be found at 14 N.J.R. 787(a), 14 N.J.R. 1385(a), 15 N.J.R. 333(b) and 15 N.J.R. 915(a).

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

7:30-3.2 General requirements

(a) Effective [July 1, 1983] **February 6, 1984**, no person shall distribute, sell, or offer for sale or supervise the distribution, sale, or offering for sale of any restricted use pesticide to an end user without first meeting the requirements of certification and registration as a pesticide dealer unless:

1.–7. (No change.)

(b)–(c) (No change.)

7:30-4.2 Registration

(a) Effective [July 1, 1983] **February 6, 1984**, no person shall cause, suffer, allow or permit the operation of a pesticide dealer business which distributes restricted use pesticides to end users in the State of New Jersey without first registering such business with the department, on forms provided by the department, unless:

1.–6. (No change.)

(b)–(j) (No change.)

7:30-4.4 Sale of Restricted Use Pesticides

(a)–(b) (No change.)

(c) All transactions involving the sale or distribution of restricted use pesticides to end users shall be conducted by or under the direct supervision of a certified and registered pesticide dealer employed at the pesticide outlet where the transactions take place **except that**

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a pesticide dealer business which had a current registration with the department as of June 29, 1983, under the former N.J.A.C. 7:30-1.8, (Dealers in restricted pesticides) which became effective on July 1, 1974 and was replaced by N.J.A.C. 7:30-4, is exempt from the provisions of N.J.A.C. 7:30-4.4(c) until February 6, 1984.

HUMAN SERVICES

(a)

DIVISION OF PUBLIC WELFARE

Assistance Standards Handbook
Income From Rentals

Proposed Amendment: N.J.A.C. 10:82-4.10 and 4.12

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Acting Director
Division of Public Welfare
CN 716
Trenton, NJ 08625

At the close of the period for comments, the Department of Human Services may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1983-623.

The agency proposal follows:

Summary

In the case of **Melendez v. Department of Human Services**, the Superior Court of N.J. Appellate Division, determined on November 12, 1982 that the income from rentals is, for purposes of Aid to Families with Dependent Children, to be considered earned income when the recipient is performing the duties involved in the generation of the income. This proposal changes the classification of such income from unearned to earned.

Social Impact

This proposal will, if adopted, accrue to the social betterment of some of those recipients who perform the managerial duties associated with the receipt of rental income.

Economic Impact

Few public assistance recipients have any more than adequate space in which to house their own families. Even fewer have additional space which can be rented out as apartments or housekeeping units. For those who do have such space and do in fact rent it out, this change will, because of the differences in treatment between earned (application of disregards) and unearned income, result in somewhat larger public assistance payments. Because of the small universe of cases to which the change is applicable and the small amounts involved, the impact on the public treasury is expected to be imperceptible.

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

10:82-4.10 Income which is not earned

Net income from noneligible household members (except as stated in N.J.A.C. 10:82-4.3(c)), [rental of apartments or housekeeping units,] returns from capital investment such as dividends and interest, benefits and pensions, annuities, contributions from relatives, compensation payments, and so forth, shall be considered as unearned income. [However, all] **All** such income shall be recognized in establishing eligibility and in computing the assistance grant.

10:82-4.12 Income from apartment or housekeeping units in the eligible unit's home

(a) When the eligible unit is receiving payment from rental of apartments or housekeeping units, the net income shall be determined by deducting the cost of operation and maintenance from the gross income received, as follows:

1.–2. (No change.)

3. Deduct the total cost from the amount of rental income received by the eligible unit. The difference is the net [unearned] **earned** income, to be entered on Form PA-3A [under "Other Income."] **accordingly.**

(b)

DIVISION OF PUBLIC WELFARE

General Assistance Manual
Legally Responsible Relatives (LRRs)

Proposed Readoption: N.J.A.C. 10:85-9

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Acting Director
Division of Public Welfare
CN 716
Trenton, NJ 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), this rule would otherwise expire on March 15, 1984. The readoption of the existing rule becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of readoption.

This proposal is known as PRN 1983-624.

The agency proposal follows:

Summary

In accordance with the "sunset" and other provisions of Executive Order No. 66(1978), the Department of Human Services proposes to readopt N.J.A.C. 10:85-9.The proposed readoption does not include any change in current text.

On October 15, 1976, pursuant to authority of N.J.S.A. 44:8-111(d) and in accordance with applicable provisions of the

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Administrative Procedure Act, the Department adopted the General Assistance Manual, substantially as proposed in the Notice published June 10, 1976, at 8 N.J.R. 284(a).

N.J.A.C. 10:85-9 requires that a periodic evaluation of legally responsible relatives (LRRs) be undertaken for the purpose of obtaining support for persons who apply for or receive General Assistance. The subchapter provides not only the regulations for evaluating the LRR's capacity to contribute support but also the method for determining the appropriate amount of such contribution. Certain relatives are specifically identified by law as legally responsible for persons applying for or receiving General Assistance:

1. An individual under age 55 is responsible for his or her parents, spouse, and children under age 18.

2. A person aged 55 or older is responsible only for his or her spouse and children under age 18.

Since N.J.A.C. 10:85-9 is an integral part of Chapter 85, it is essential to the correct administration of the General Assistance program, and must thus be readopted. Failure to readopt N.J.A.C. 10:85-9 would leave the statute N.J.S.A. 44:1-140 and 141 without implementing regulation thereby possibly increasing the cost of the General Assistance program to the taxpayer.

Since its adoption, N.J.A.C. 10:85-9 has been amended several times. These amendments have been the result of continuous staff review and the product of recommendations made by the Division of Public Welfare's General Assistance Manual Policy Advisory Committee (composed of Division personnel, municipal welfare agency directors, as well as representatives from the legal profession and client advocacy groups). This review process facilitated the updating of the subchapter when social and economic conditions warranted adjustments.

Additionally, the Division of Public Welfare recently conducted an in-depth internal review and evaluation of the rules contained in N.J.A.C. 10:85-9 prior to noticing of proposal for readoption. After such review, it was determined that the rules are adequate, reasonable and responsive to the purposes for which they were promulgated.

The following revisions to N.J.A.C. 10:85-9 have been made since adoption: In 1978 N.J.A.C. 10:85-9.1(d) was added to provide the municipal welfare director with instruction regarding the potential support of an alien recipient's sponsor. N.J.A.C. 10:85-9.5(c) was also added to provide a cross reference to N.J.A.C. 10:85-3.3(e)4 regarding the amount and budgeting of in-kind income to be recognized when an LRR provides shelter and household needs to an applicant/recipient.

In 1979 N.J.A.C. 10:85-9.3(d)2 was amended to allow for an increase in the monthly amounts of the excessive medical expense schedule (Schedule III); N.J.A.C. 10:85-9.4(b)3ii was amended to increase the LRR monthly income standards (Schedule IV); and N.J.A.C. 10:85-9.5(c)1 was amended to increase the monthly monetary value assigned to shelter provided by an LRR (Schedule VI).

In 1982 N.J.A.C. 10:85-9.1(b)1 was amended to conform with a revision in N.J.S.A. 44:1-140 to specify that legally responsible relatives (LRRs) were no longer required to support children age 18 or older. Previously, LRRs under age 55 were required to support children of any age.

Social Impact

The social impact of N.J.A.C. 10:85-9 cannot be separated from that of the whole of Chapter 85. Notwithstanding the aforesaid, it may be stated that, standing alone, N.J.A.C. 10:85-9 has provided a reasonable and equitable process for determining if a legally responsible relative has the ability to provide support to an applicant for or recipient of General Assistance. The social conditions, namely poverty, which existed at the time the rule was promulgated, still exist. The rule continues to impact upon all the municipal governments in New Jersey since every municipality, by law, must provide public assistance to those classes of indigents not otherwise provided for.

Economic Impact

Inasmuch as there is no statistical data available to demonstrate the economic impact of N.J.A.C. 10:85-9, any statements with respect to it are necessarily speculative. It can be observed, however, that the requirement that legally responsible relatives, with an ability to support, provide such support to General Assistance recipients has resulted in savings to the taxpayers, at both the municipal and State level of government.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 10:85-9, as amended and supplemented by the New Jersey Register.

(a)

NEW JERSEY COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Vending Facility Program Operated by the New Jersey Commission for the Blind and Visually Impaired Designated as the State Licensing Agency

Proposed Repeal: N.J.A.C. 10:97 and Appendix A
Proposed New Rule : N.J.A.C. 10:97

Authorized By: George J. Albanese, Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:6-15.1 and 15.2, P.L. 74-732, as amended by P.L. 83-565 and P.L. 93-516; 34 CFR, part 395.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Norma F. Krajczar
Executive Director
Commission for the Blind
and Visually Impaired
1100 Raymond Boulevard
Newark, NJ 07102

At the close of the period for comments, the Department of Human Services may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1983-625.

The agency proposal follows:

Summary

The proposed repeal of N.J.A.C. 10:97 and the proposed new rule to be known as N.J.A.C. 10:97 is necessary to eliminate numerous inconsistencies and gaps in the current rule.

The Vending Facility Program is intended to establish and extend employment opportunities for blind individuals. The program shall also maintain uniform standards of service and management that will build up public confidence in the capabilities of blind individuals and at the same time protect employment opportunities for successful stand operations for them. Such control and supervision by the Commission over vending facilities will insure a high standard of service to the public while imposing a minimum

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of complications for the owners or the management of buildings in which stands may be located. This shall also insure freedom from fiscal difficulties and involvements on the part of the State and the individual.

The proposed new rule provides for program entry requirements, licensing of operators, rules of operation, record keeping and monitoring, fiscal requirements of the program, transfer and program procedures, and suspension and grievance procedures.

While the proposed new rule allows licensed operators more freedom to operate as independent business persons, it also provides for the necessary controls to insure the accountability of the program.

The rule provides that the Commission for the Blind and Visually Impaired may exercise the option of assessing a Set Aside Levy from the net poceeds of the operation of each vending facility whenever the Federal Set Aside Fund balance drops below $150,000. P.L. 74-732, as amended, grants the Commission the authority to institute such a Set Aside assessment provided that justification is submitted to and approval granted by the Commissioner of the Rehabilitation Services Administration United States Department of Education prior to implementation.

Social Impact

The social impact of this proposed repeal and proposed new rule is anticipated to be positive. The rule will affect blind individuals participating in the Vending Facility Program. The potential for replenishment of the Federal Set Aside Fund will enable other blind and visually impaired individuals to become self supporting by making sufficient funds available to become participants in the Vending Facility Program.

In addition the rule provides for monitoring of the program so that the public is provided with a source of reasonably priced and convenient food service.

Economic Impact

There is no immediate fiscal impact on either the State or Federal level. However, if the Federal Set Aside balance drops below $150,000, blind operators may be assessed a Set Aside Levy out of their net proceeds. This will have an impact on their earnings but it can not endanger their livelihood. The potential of these monies to upgrade vending sites should increase vendors' income (renovating the facility and upgrading the equipment).

Full text of the proposed repeal can be found in the New Jersey Administrative Code at N.J.A.C. 10:97.

Full text of the proposed new rule follows:

CHAPTER 97
RULES GOVERNING THE VENDING FACILITY PROGRAM OF THE NEW JERSEY COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED, DESIGNATED AS THE STATE LICENSING AGENCY

SUBCHAPTER 1. GENERAL PROVISIONS

10:97-1.1 Legal authority

(a) This chapter is promulgated pursuant to authority of P.L.74-732, as amended by P.L. 83-565 and P.L. 93-516; 34 CFR, part 395.

(b) N.J.S.A. 30:6-15.1 and N.J.S.A. 30:6-15.2.

10:97-1.2 Uniform applicability of chapter compliance with Federal standards

This chapter shall be deemed uniformally and impartially applicable to all persons and procedures and is in complete compliance with the laws of the State of New Jersey, the Randolph - Sheppard Act, Title VI of the Civil Rights Act of 1964, and the Rehabilitation Act of 1973, as amended.

10:97-1.3 Definitions

"Blind person" - a person who, after examination by an ophthalmologist or by an optometrist, which ever such person shall select, has been determined to have:

1. Not more than 20/200 central visual acuity in the better eye with corrective lenses, or

2. An equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

"Committee" - means Committee of Blind Vendors.

"Federal Set-Aside Fund" - funds which accrue to the Commission from an assessment against the net proceeds of each vending facility in the Vending Facility Program and any income from vending machines on Federal property which accrue to the Commission.

"Full Evidentiary Hearing" - for purposes of this code Full Evidentiary Hearing and Administrative Hearing are synonymous.

"License" - a written certificate issued by the Commission to a qualified legally blind person permitting the operation of a vending facility.

"Licensee" - a blind operator who has been duly licensed by the Commission.

"Management services" - supervision, inspection, quality control, consultations, bookkeeping services, regulating, in-service training, and other related services provided on a systematic basis to support and improve vending facilities operated by blind vendors.

"Net profit or net proceeds" - the amount remaining from the sale of articles or services of vending facilities, and any vending machine or other income accruing to blind vendors after deducting the cost of such sale and other expenses. Any set-aside levy shall not be included in calculating net profit.

"Operator" - qualified blind person assigned by the Commission to operate a vending facility on Federal or other property. An operator is not an employee of the State of New Jersey.

"Operating agreement" - the agreement which shall be entered into between the Commission and each operator, covering the basic terms and conditions required of each party for the operation of a specific vending facility.

"Permit" - the agreement between the Commission and a department or agency in the control of the maintenance, operation, and protection of Federal and non-Federal property whereby the Commission is authorized to establish a vending facility.

"Property manager" - The official responsible for the property where the vending facility is located.

"Ready for employment list" - a roster of blind persons who have successfully completed training for the vending facility operations and are certified by the Commission.

"Revocation of license" - termination of license for cause after a Full Evidentiary Hearing.

"Secretary" - the Secretary of the United States Department of Education.

"Set aside levy" - the extent to which funds are to be set aside from the net proceeds of the operation of the vending facilities and applicable vending machine income, in an amount determined by the Commissioner of the Rehabilitation Services Administration (U.S. Department of Education) to be reasonable.

"State licensing agency" - New Jersey Commission for the Blind and Visually Impaired.

"Suspension" - a temporary discontinuation of the Operating Agreement resulting in the halting of operations. The Operating Agreement will be restored when the reason for suspension has been remedied. If the reason for suspension is not or cannot be remedied, the operating agreement will be revoked, after a full evidentiary hearing.

"Vending facility" - means automatic vending machines, cafeterias, snack bars, cart service, shelters, counters, and such other appropriate auxiliary equipment which may be operated by blind licensees and which is necessary for the sale of newspapers,

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periodicals, confections, tobacco products, foods, beverages, and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, and including the vending or exchange of changes for any lottery authorized by State law and conducted by an agency of a State.

"Vending Facility Program fund-non-Federal" - funds which accrue to the Vending Facility Program from all non-Federal sources.

10:97-1.4 Objectives

(a) The regulations of the New Jersey Commission for the Blind and Visually Impaired are intended to set forth the administrative requirements governing the operation of the Vending Facility Program on Federal and non-Federal property.

(b) The Vending Facility Program is designed to:

1. Provide blind persons with remunerative employment;
2. Enlarge the economic opportunities for blind persons;
3. Stimulate blind persons to greater efforts in striving to make themselves self supporting.
4. Improve the public awareness of the business capabilities of blind and visually impaired persons.

SUBCHAPTER 2. PROGRAM ENTRY REQUIREMENTS

10:97-2.1 Application and qualification to enter program

(a) Any blind person desiring to operate a vending facility, under the supervision of the Commission, shall apply to the Commission and will be referred to the Vocational Rehabilitation Program in order to receive proper evaluation.

(b) The interested blind person must be certified as eligible by the Vocational Rehabilitation Program and be a citizen of the United States in order to participate in the Vending Facility Program.

10:97-2.2 Selection and training

(a) A blind person who has been certified eligible by the Vocational Rehabilitation Program and still wishes to enter the Vending Facility Program must meet the following minimum criteria:

1. Mobility skills - ability to move about and orient to environment, especially in small areas.
2. Self communication skills - the ability to keep information for oneself in some organized form and the ability to retrieve such information when needed.
3. The ability to do simple arithmetic as demonstrated by a standardized test of this skill.

(b) If selected for the program he/she will undergo a course of training which will include a period of on-the-job training at an actual vending facility.

(c) The vendor trainee will have the status of unpaid employee.

(d) Upon satisfactory completion of this training, the person will be issued a certificate and placed on the "ready for employment list".

10:97-2.3 Vending facilities for training

Any vending facility may be used for evaluation or training under terms and conditions established in the operating agreement.

(b) The vendor trainee will be an unpaid employee.

10:97-2.4 Placement

When a vending facility is available, the Commission will make every effort to match the individual needs and capabilities of persons on the ready for employment list to the demands of the vending facility offered to him/her.

10:97-2.5 Probation for a new operator

(a) When a person from the ready for employment list is assigned to a vending facility, he/she will be subject to a probationary period of three (3) months.

1. Written reports will be prepared at end of six (6) weeks and at the end of three (3) months.
2. The three (3) month report will certify that the probationary period has or has not been successfully completed.

(b) This probationary period may be extended, one month at a time, with a maximum of two extensions.

1. A written report will be completed after each extension.

(c) All reports will be read to the operator and a copy of each report given to the operator.

10:97-2.6 Failure to complete probation

Any person who is unable to satisfactorily complete the probation period, after a maximum of two (2) extensions, will be terminated from the Vending Facility Program and referred for Vocational Rehabilitation re-evaluation.

SUBCHAPTER 3. LICENSING OF OPERATORS

10:97-3.1 Completion of probation period and license

(a) When the probationary period has been successfully completed, a license will be issued to the vending facility operator for an indefinite period but subject to suspension or revocation.

(b) This license shall be displayed to the public.

(c) The granting of a license to an operator is not subject to transfer and the license is immediately terminated by death, revocation or voluntary withdrawal from the business by the licensee.

10:97-3.2 Operating agreement

(a) An agreement shall be entered into between the Commission and the operator, covering the basic terms and conditions required of each party each time an operator begins business at any vending facility, including the probation period.

(b) No operator will be charged rental for the operation of a vending facility on Federal, State, county or municipal property.

10:97-3.3 Responsibility of the Commission

(a) The Commission will conduct surveys to establish new facilities in Federal and non-Federal locations.

(b) The Commission must comply with all of the Randolph-Sheppard requirements for a state licensing agency.

10:97-3.4 Commission loans to start business; and repayment of loans

(a) When a blind vendor is assigned to a facility, a non-interest bearing loan in the amount of up to $1,000 in cash and/or equivalent stock may be granted by the Commission, upon request of the operator, for the initial stock and supplies of a vending facility.

(b) Repayment may be deferred until the first day of the fourth month after the effective date of the operating agreement. The operator will be required to repay the loan within 18 months.

(c) Exceptions to the maximum loan may be granted by the Executive Director of the Commission upon written request of the operator, including justification which relates to the objectives of the program.

10:97-3.5 Inventory taking

(a) When a business is transferred from one operator to another, for any cause, the new operator has the option of purchasing some or all of the existing inventory of the previous operator, if the previous operator wishes to sell all or part of the inventory.

(b) The Commission shall schedule the taking of inventory on the effective date of transfer or closing of the facility. Both operators and a representative of the Commission are to be present so that there can be agreement as to amount and value of stock and supplies on hand.

(c) Either operator may waive, in writing, his/her right to participate in the scheduled inventory. If either operator refuses to participate in the inventory taking or signs a waiver, the Commission shall determine the value of the inventory and document the procedure in operator's record.

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SUBCHAPTER 4. RULES OF OPERATIONS

10:97-4.1 Personal operation of vending facility
(a) The operator shall personally conduct the business assigned to him/her.
(b) The operator shall devote his/her full time to the conduct of the business.

10:97-4.2 Absences
(a) The operator bears full responsibility for the operation of the business during his/her absence.
1. In the event that an operator is absent, the operator shall select and compensate a qualified substitute.
2. Advance notice to the Commission is not necessary unless the absence would involve the closing of the facility.

10:97-4.3 Employees
(a) Preference in employment shall be given to other blind or visually impaired people and other disabled people.
(b) The operator is required to comply with all State and Federal laws pertaining to hiring and employment.

10:97-4.4 Payment for supplies purchased
(a) The operator may take advantage of credit extended by suppliers, provided that the Commission shall have no liability in the event that an operator abuses any such credit.
(b) The Commission may impose restriction on the use of credit by an operator in the event of a pattern of abuse.

10:97-4.5 Insurance
The operator shall carry Workers' Compensation for all workers hired by the operator and also public and product liability insurance.

10:97-4.6 Equipment
(a) Title to and interest in all equipment shall be vested in the Commission, with the exception of equipment that has been purchased or leased by the operator.
(b) Any request for purchase or lease of equipment by an operator must be made in writing to the Commission. The Commission will notify the operator of its decision regarding the request within twenty (20) days.
(c) The granting of permission to purchase equipment does not imply agreement on the part of the Commission to maintain the equipment or purchase the item from the operator at the time he/she leaves the program or from his/her heirs or assigns after his/her death.

10:97-4.7 Maintenance and repair of equipment
(a) All vending facility equipment in which the Commission has title shall be maintained in good repair to insure continued operation of the facility.
1. The operator will pay the first $50.00 for the repair of each item; the Commission will pay for repair charges over and above the first $50.00.
(b) Worn and obsolete equipment shall be replaced as necessary when the cost of repair of the equipment cannot be justified in relation to the value of the equipment.

10:97-4.8 Disposition of Commission owned property
The operator or his/her employees shall not destroy, sell or in any way alter or dispose of any of the fixtures, equipment or other property to which the Commission holds title or permit anyone else to do so without the written authorization of the Commission.

10:97-4.9 Sanitation
(a) Operators are required to meet all Federal, State, county and municipal health standards, including the standards required by the Commission. These standards include a regular schedule of maintenance of all fixtures and equipment and a regular scheduled cleanup of all areas of the facility by the operator.
(b) All recommendations regarding appearance and sanitation, made to an operator by a Commission field staff member, must be implemented within the time frame established by the Commission in the site review report.

10:97-4.10 Stock
(a) The type of articles to be sold in a facility shall be determined by the property manager and the Commission.
(b) Under no circumstances will approval be given for the sale of any item which is prohibited by law or ordinance.

10:97-4.11 Signs
The licensed operator shall use only such identifying signs and insignia as approved by the Commission and the property manager.

10:97-4.12 Pricing of merchandise
(a) Prices will be set by the operator in consultation with the Commission's representative.
(b) The retail price of merchandise at a facility shall not exceed the general price pattern prevailing in the immediate locality.

10:97-4.13 Notification of unusual incidents
(a) The operator shall immediately notify the Commission, by telephone, of any unusual incident.
1. An unusual incident is anything that causes or might cause the business a problem.
2. Such incidents may be, but are not limited to, any governmental or legal actions, customer's complaints, accidents and insurance claims.

10:97-4.14 Responsibility for damage
The operator and his/her workers, if any, shall be liable to the Commission for any damage of the equipment or fixtures owned by the Commission or any losses resulting from their neglect or failure to observe the regulations of the Commission.

10:97-4.15 Operator owned or leased vending machines
(a) Operators must obtain written approval from the Commission and the property manager to have vending machines as part of the facility.
(b) All income from these vending machines will be counted in the gross sales of the facility.

SUBCHAPTER 5. RECORDS AND MONITORING

10:97-5.1 Weekly sales report
(a) The operator must submit to the Commission the prescribed weekly sales report. A daily report, invoices or photocopies and, when available, cash register tapes or photocopies must also be submitted.
(b) The weekly report must be submitted within seven (7) days of the close of business for the week. This report does not constitute complete financial reporting as set forth in N.J.A.C. 10:97-5.2 below.

10:97-5.2 Record keeping
(a) The operator is required to keep books of account. These books of account shall meet the requirements of the Internal Revenue Service, Social Security Administration, the New Jersey Sales Tax Division, the Division of Employment Security, the Division of Workers' Compensation and any other agency having jurisdiction.
(b) Such records must be open for the inspection of the Commission one (1) working day after receipt of the notice requesting inspection.

10:97-5.3 Right of inspection
(a) The operator shall recognize any representative directed by the Commissioner of Human Services or the Commission to make unannounced inspections in order to monitor the appearance and conduct of the vending facility.

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(b) The Commission shall make site visits at a minimum of four (4) times per year, however more frequent visits may occur. Each time a Commission representative visits a vending facility, a site visit report will be completed, read to the operator (who will have the right to include his/her comments) and signed by both the operator and the Commission representative. The operator will retain a copy and the Commission will retain a copy. It is the responsibility of the operator to implement the requirements set forth in the site visit report.

SUBCHAPTER 6. PROGRAM; FISCAL REQUIREMENTS

10:97-6.1 Federal Set Aside Fund

(a) The Federal Set Aside Fund consists of those funds accruing to the program from unassigned vending machine income from Federal locations and any set aside levy.

(b) The funds may be used only for purpose of:

1. Maintenance and replacement of equipment;
2. The purchase of new equipment;
3. Management services;
4. Assuring a fair minimum of return to vendors; or
5. The establishment and maintenance of retirement or pension funds, health insurance contributions, and provisions for paid sick leave and vacation time, if it is so determined by a majority vote of blind vendors, after the Commission provides to each vendor information related to the proposed purposes.

(c) Uses (b)1., 2., 3., and 4. can be authorized only by the Commission. Use (b)5. can only be authorized by a majority vote of all the operators in the Vending Facility Program.

10:97-6.2 Set aside levy

(a) The Commission may exercise the option of assessing a set aside levy from the net proceeds of the operation of the vending facilities whenever the Federal Set Aside Fund balance drops below $150,000. Funds may be set aside only for the purposes stated in N.J.A.C. 10:97-6.1(b) above.

(b) The Commission shall set out the method of determining the charge for each of the allowable purposes and this will be done with the active participation of the Committee of Blind Vendors.

1. This levy will be designed to prevent a greater charge for any purpose than is reasonably required for that purpose.
2. The Commission shall maintain and provide to the Committee of Blind Vendors adequate records to support the need for a set aside levy.

(c) The Commission will provide to the Committee of Blind Vendors, by the first of each calendar year, figures on the actual cost of the Vending Facility Program for the previous Federal fiscal year.

(d) The rate of levy must be submitted to, and approved by, the Commissioner of the Rehabilitation Services Administration prior to implementation.

10:97-6.3 Vending Facility Program Fund Non-Federal

The Vending Facility Program Fund-Non-Federal, consists of all monies accruing to the Program from non-Federal sources. These funds will be used to cover expenses which are necessary for the operation of the Program except for costs which can be paid from the Federal Set Aside Fund.

10:97-6.4 Vending machine income due blind vendors

Operators located on Federal property may be eligible for vending machine income pursuant to Randolph-Sheppard regulations (34 CFR 395:32). Any such income due an operator which has been disbursed to the Commission, shall be remitted to the operator on at least a quarterly basis. All unassigned vending machine income from Federal sources will become a part of the Federal Set Aside Fund.

10:97-6.5 Access to program and financial information

(a) Each operator will be provided access, in braille, recorded tape, or print, to all financial data relevant to the operation of the Vending Facility Program.

1. This will include quarterly and annual financial reports, provided that such disclosure does not violate Federal and State laws pertaining to the disclosure of confidential information.

SUBCHAPTER 7. TRANSFER OF FACILITY FROM ONE OPERATOR TO ANOTHER

10:97-7.1 Advance notice of termination

If an operator decides to terminate his/her assignment as a vending facility operator, he/she shall notify the Commission by mail at least one (1) month in advance of the actual date of termination.

10:97-7.2 Procedure when operator leaves a facility

(a) Whenever an operator is transferred, terminated, or otherwise leaves a facility all equipment and other property belonging to the Commission shall be surrendered in good order and condition, except for reasonable wear and tear.

(b) All accounts and bills must be paid in full, and an inventory of stock taken as required under the provisions of "Inventory taking" at N.J.A.C. 10:97-3.4.

10:97-7.3 Promotions and transfers

(a) The supervisor of the Vending Facility Program will circulate a letter to all operators announcing vending facility vacancies.

1. The letter shall contain a description and the location of the facility, the net profit for the previous year, scheduled hours of operation and other significant information about the vacancy.

(b) Any interested operator must apply, in writing, to the supervisor of the Vending Facility Program within two (2) weeks.

(c) The selection will be made by evaluating the operator's record of performance with consideration to seniority.

(d) Once an operator accepts an assignment to a new location, the only way that he/she can return to the previous location is as a new applicant.

10:97-7.4 Interim operator

When a vending facility becomes vacant, it is often necessary to keep that facility operating in order that the location is not lost to the Vending Facility Program. Such a vacancy may be filled by the appointment of an interim operator, pending the completion of the formal promotion process. The interim operator may be appointed from the ready to employ list.

SUBCHAPTER 8. SUSPENSIONS AND GRIEVANCE PROCEDURES

10:97.8.1 Immediate suspension

(a) In the event that an operator is in violation of the regulations and/or laws of a governmental agency, he/she may be subject to immediate suspension.

(b) Grounds for the immediate suspension of an operator shall exist when any activity, policy or conduct of an operator presents a serious or imminent hazard to the health, safety, and well being of the public or otherwise demonstrates total unfitness or inability to operate a vending facility in compliance with all of the requirements of these regulations and all applicable Federal and State law.

(c) The operator will be notified of the reason for suspension. In addition, the operator will be afforded an Administrative Review as soon as possible after the suspension, but in no event later than ten (10) days after the suspension. The operator is entitled to all the grievance procedures afforded by New Jersey and Federal Law, including an Administrative Hearing if the Administrative Review does not resolve the problem (see N.J.A.C. 10:97-8.3(c)).

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10:97-8.2 Disciplinary probation

(a) In situations other than immediate suspension, the operator must comply with all of the requirements in these regulations and of State and Federal law. In the event that there is a violation, the operator will be placed on disciplinary probation. The operator will be given a written notice by the Commission stating the grounds at issue and shall have a period of fifteen (15) days to correct any violation cited in the notice.

(b) In the event that the violation is not corrected during the disciplinary probation period, the Commission may issue to the operator a notice of termination, citing any unresolved violations. Termination shall be effective fifteen (15) days after such notice of termination, provided that the operator be given an opportunity for a Full Evidentiary Hearing/Administrative Hearing prior to final termination.

10:97-8.3 Administrative Reviews and Hearings

(a) The Commission shall afford an opportunity for an Administrative Review to each operator who is dissatisfied with any action arising from the operation or administration of the Vending Facility Program when a written request is submitted within fifteen (15) days of the occurence of the action. The operator has the option of transmitting the grievance through the Committee of Blind Vendors.

(b) The Administrative Review shall be conducted by the Commission as an internal non-contested case not subject to New Jersey Uniform Administrative Procedure Rules (N.J.A.C. 1:1-1 et seq.).

(c) The Commission shall afford an opportunity for an Administrative Hearing to each operator when the matter is a contested case as determined by the Executive Director in accord with the Administrative Procedure Act (N.J.S.A. 52: 14B-1 et seq.) and the Uniform Administrative Procedure Rules (N.J.A.C. 1:1.1 et seq.). A contested case is a matter:

1. Which requires a hearing by statute or constitutional provisions; and
2. Which is not susceptible of informal resolution; and
3. Which the required hearing is designed to result in an adjudication concerning the rights, duties, obligations, privileges, benefits or other legal relations of specific parties over which there exist disputed questions of fact, law, or disposition.

(d) All Administrative Hearings shall contain the following procedural elements to assure due process to blind vendors:

1. Notice; of the time and date of the hearing and the issues in dispute must be given sufficiently in advance of the hearing so that reasonable opportunity to prepare shall be afforded.
2. Right to be represented by counsel.
3. Impartial presiding official.
4. Right to present witnesses and to cross-examine adverse witnesses.
5. Decision on the record.
6. Transcript of the proceedings.
7. Notice, conduct of the hearing and decision within prescribed and reasonable time limits.

(e) Additionally, all Administrative Hearings shall be conducted pursuant to the Administration Procedure Act (N.J.S.A. 52: 14B-1 et seq.) and the Uniform Administrative Procedure Rules (N.J.A.C. 1:1-1 et seq.) subject to any superseding Federal or State law (see N.J.A.C. 1:1-1 (a) and 34 C.F.R. 395).

SUBCHAPTER 9. COMMITTEE OF BLIND VENDORS

10:97-9.1 Committee of Blind Vendors

(a) The Commission shall provide for the biennial election of a State Committee of Blind Vendors which, to the extent possible, shall be representative of all blind vendors in the Vending Facility Program on the basis of such factors as geography and vending facility type, with the goal of providing for proportional representation of blind vendors on Federal property and blind vendors on other property.

(b) The Committee shall be elected by the majority of all operators in the State Program.

1. Participation by any blind vendor in any election shall not be conditioned upon the payment of dues or any other fee.

(c) The Committee of Blind Vendors shall:

1. Actively participate with the Commission in major administrative decisions and policy and program development decisions affecting the overall administration of the Vending Facility Program.
2. Receive and transmit to the Commission grievances at the request of blind vendors and serve as advocates for such vendors in connection with such grievances.
3. Actively participate with the Commission in the development and administration of the system for the transfer and promotion of the blind vendors.
4. Actively participate with the Commission in the development of training and re-training programs for blind vendors.
5. Sponsor, with the assistance of the Commission, meetings and instructional conferences for blind vendors within the State.

(d) It is the responsiblity of the Committee of Blind Vendors to establish bylaws under which they will operate and which are accepted by the Commission.

(a)

DIVISION OF PUBLIC WELFARE

Special Payments Handbook; Aged, Blind and Disabled
Emergency Assistance; Funeral and Burial Expenses

Proposed Readoption: N.J.A.C. 10:100-3

Authorized By: George J. Albanese, Commissioner, Department of Human Services.

Authority: N.J.S.A. 44:7-12, 44:7-13, 44:7-38 and 44:7-43.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Acting Director
Division of Public Welfare
CN 716
Trenton, NJ 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), this rule would otherwise expire on June 1, 1984. The readoption of the existing rule becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of readoption.

This proposal is known as PRN 1983-622.

The agency proposal follows:

Summary

The January 1, 1974 implementation of Title XVI of the Social Security Act established the Supplemental Security Income (SSI) program which resulted in the Federal takeover of responsibility for monthly income maintenance payments to the elderly, blind, and disabled. Pursuant to the establishment of Title XVI, sections 85 through 92 of N.J.S.A. 44:7 were enacted which, among other things, relieved county welfare agencies (CWAs) of responsibility

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for those activities assumed by the Social Security Administration. Four major functions were, however, retained by CWAs, that is, eligibility determinations relevant to provision of payment for medical services to persons not determined eligible for SSI (separately codified at N.J.A.C. 10:94), provision of social services, payment of emergency assistance and payment for funerals and burials.

While social services were and still are provided by the CWAs, responsibility for State supervision had been legislatively transferred from the Department's Division of Public Welfare (DPW) to the Division of Youth and Family Services.

After the redistribution of responsibility, two items of CWA responsibility remained under the supervision of DPW, emergency assistance as well as funeral and burial payments.

The Special Payments Handbook was adopted by then Commissioner Klein on April 30, 1979 at 11 N.J.R. 283(b) and became effective June 1, 1979. That it has been an effective, efficient, clear, comprehensive and accurate document is attested to by the fact that only two revisions have been made in the intervening years; both due to statutory change.

N.J.A.C. 10:100-3.1, the introduction, presents the purposes of the document and the reminder that all of the usual principles and concepts surrounding the provision of public assistance remain fully applicable. These include the rights and procedures relative to fair hearings, safeguarding of information, nondiscrimination, and matters relating to fraudulent receipt of assistance. The details of the concepts are incorporated by reference to other promulgated material which is readily available to all users of this document. The "public document" statement with its availability provision is also included.

N.J.A.C. 10:100-3.2 provides for the right to emergency assistance and states the conditions under which it is available. Clearly noted is the fact that only a part of the subject group is eligible, specifically SSI recipients. Those who are not eligible for SSI but whose eligibility for Medical Assistance is determined by the CWAs, that is, the Medicaid Only recipients, are not eligible for emergency assistance.

N.J.A.C. 10:100-3.3 sets forth detailed regulations bearing on funerals and burials. Eligibility exists for both SSI recipients and Medicaid Only recipients. The authority exists as a residual of N.J.S.A. 44:7 which at 44:7-13 provides for funeral and burial payments as a CWA responsibility. The SSI program makes no such provision, thereby leaving the responsibility with the CWAs for all of those whose eligibility for assistance is determined in accordance with the provisions of that program.

In 1980, N.J.S.A. 44:7-13 (L.1979 c.324) was amended in three ways. First, the CWA was granted authority to make cemetery payments of up to $200.00 in addition to other payments. Second, the amount of allowable contributions from friends and relatives was increased from $150.00 to $250.00. Third, the Commissioner of the Department of Human Services was authorized to review and adjust the latter figure every two years. The handbook was revised at that time to implement the first two changes. In 1982, at the expiration of the first two year period, the authority of the Commissioner was used to raise the allowable contributions amount to $350.00.

There have been no other changes in the document. The Division of Public Welfare recently conducted an internal review and evaluation of the rules contained in N.J.A.C. 10:100-3 prior to noticing of proposal for readoption. After such review, the Department determined the rules to be adequate, reasonable and responsive to the purposes for which they were promulgated.

Social Impact

The existence of the authority contained in this document allows our low-income elderly, blind and disabled to have the personal security of knowing that should an emergency such as fire or flood occur, they will not be left destitute if the costs which result from such occurrence are beyond their own financial means. Similarly, they are assured that funds will be available through which they can be provided a decent and dignified funeral and burial. The social damage that would be done to our elderly and disabled, as well as their next of kin, by allowing this authority to lapse is self-evident.

Economic Impact

The economic benefits of these regulations are, because of their nature, unevenly distributed. Their result is leveling out of the costs of both unforeseeable emergency (other than sickness) and death.

The emergency assistance provisions serve not as insurance which might indemnify the victims of fire or flood but rather as a mechanism to preclude homelessness. The annual costs to the public treasury is about $92,000 which is shared between the State and county governments in the ratio of three to one, approximately $69,000 from the State and $23,000 from the 21 counties.

For a recipient who, at the time of death, is totally devoid of any cash, savings, life insurance or other death benefits, the program pays up to $350.00 for a funeral and up to $200.00 for cemetery costs. Friends and relatives may contribute up to $350.00 additional to the total without reducing the agency payment. Because the SSI program contains provisions for personal resources including savings and other provisions for identified burial funds, the percentage of decedents having no resources whatever is small. As soon as personal resources including life insurance total more than the combined agency maximum of $550.00, the agency pays nothing. At present spending levels, the annual cost to the public treasury is just under $400,000. This is also shared between the State and the counties in the ratio of three to one (about $300,000 in State funds). Even though increases in the SSI eligibility levels tend to make more people eligible and despite the 1980 increase in agency payment level, the figures are expected to decline rather than increase. The reason lies in the savings, life insurance, and burial fund provisions of the SSI program which allow increasing numbers of recipients to accumulate enough funds to provide for their own funeral and burial.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 10:100-3.

INSURANCE

(a)

REAL ESTATE COMMISSION

Rules and Regulations

Notice of Correction: N.J.A.C. 11:5-1.25

A printing error appears in the August 15, 1983 issue of the New Jersey Register at 15 N.J.R. 1348 concerning sale of interstate properties. N.J.A.C 11:5-1.25(b)1. should have appeared as follows:

11:5-1.25 Sale of interstate properties

. . . . .

(b) Rules concerning the designation of brokers are as follows:

1. The subdivider must designate an original broker-of-record with the initial registration. The subdivider may thereafter substitute another broker for the one initially designated. The initially designated broker or any subsequent substitute must join in the execution of all documents **and** affidavits [, and so forth,] as prescribed by the Commission.

. . . . .

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LAW AND PUBLIC SAFETY

(a)

DIVISION OF MOTOR VEHICLES

Motor Vehicle Insurance Surcharge Suspension and Prehearing Conference Procedures

Proposed New Rule: N.J.A.C. 13:19-12

Authorized By: Clifford W. Snedeker, Director, Division of Motor Vehicles.
Authority: N.J.S.A. 39:2-3, 39:5-30 and P.L. 1983, c.65, s. 6e (N.J.S.A. 17:29A-35).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clifford W. Snedeker, Director
Division of Motor Vehicles
25 South Montgomery Street
Trenton, NJ 08666

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

This proposal is known as PRN 1983-627.

The agency proposal follows:

Summary

The proposed new rule establishes hearing and suspension procedures to implement the New Jersey Merit Rating Plan as provided for in the New Jersey Automobile Insurance Reform Act of 1982 (P.L. 1983, c. 65, section 6b), as well as procedures for the payment of surcharges in installments. In accordance with the Plan, the Division of Motor Vehicles, beginning January 1, 1984, will levy surcharges for a three year period from January 1, 1983, on any driver who accumulates three or more points. Surcharges in the amount of $55.00 for three points and $15.00 for each additional point up to six will be levied annually during the three year period. The three point surcharge expires on January 1, 1986. It is intended as a start-up funding measure.

The Division of Motor Vehicles will also levy surcharges on any driver who accumulates six or more points within a three year period. Surcharges in the amount of $100.00 for six points and $25.00 for each additional point will be levied for each year in which the driver possesses six or more points. The six point surcharge schedule is intended as the permanent funding mechanism of the Act in that it does not expire in January 1986.

Point violations occurring on or after January 1, 1983, the effective date of the Act, will be considered in levying surcharges. Point reduction credits are not considered under the Act.

Also, the Division of Motor Vehicles will levy surcharges for convictions under N.J.S.A. 39:4-50 (operating under influence of liquor or drugs) for violations occurring on or after January 1, 1983. Surcharges in the amount of $1,000 for each of the first two convictions and $1,500 for the third conviction occurring within a three year period will be levied.

The proposed new rule implements the Act by providing as follows: First, the rule provides for the suspension of license privileges of any driver who fails to pay a surcharge. A driver has the right to a hearing prior to the suspension. Secondly, the rule provides a prehearing conference procedure which will be administered by the Division in order to attempt to resolve matters so that a formal hearing before the Office of Administrative Law may not be required. A driver, or his attorney, is provided a 15 day period in which to request a hearing to contest the matters specified in the surcharge notice. The driver must comply with the conference procedures administered by the Division's Automobile Insurance Surcharge and Collections Unit in trying to resolve the matter without the need for formal hearing before the Office of Administrative Law. If the matter cannot be resolved at the prehearing conference, it will be transmitted to the Office of Administrative Law as a contested case in accordance with N.J.A.C. 1:1. If a driver fails to attend a prehearing conference, the proposed suspension will be effectuated without further opportunity for a prehearing conference or formal hearing; the driver shall be deemed to have abandoned his request for a hearing. The prehearing conference shall be conducted for the purpose of establishing the accuracy of the surcharge bill and the driver abstract upon which it is predicated, and to define the issues and prepare evidence for the formal hearing if required.

Indigents as defined by the rule, and licensees surcharged for driving while intoxicated will be allowed to pay the surcharge in six monthly installments.

Social Impact

The proposed new rule has a beneficial social impact in that it implements the intent and purpose of the New Jersey Automobile Insurance Reform Act of 1982 by providing a prehearing conference procedure administered in an effort to resolve cases so that a formal hearing before the Office of Administrative Law is not required. The purpose of the legislation being implemented is to fund a Joint Underwriting Association to replace the assigned risk pool of insurance companies.

Economic Impact

State of New Jersey expenses incurred in the prehearing conference process are reimbursable in that 20 percent of the surcharge monies collected by the Division of Motor Vehicles are retained by it for administrative expenses including hearing costs. Approximately 200,000 drivers will be surcharged in the first year of the Act's implementation. It is unknown how many hearings or prehearing conferences will be requested. An estimated 41 million dollars may be collected by the Division of Motor Vehicles in the first year. Failure by the Division of Motor Vehicles to adequately fund the Joint Underwriting Association will result in increased insurance rates to all New Jersey drivers.

Full text of the proposed new rule follows.

SUBCHAPTER 12. MOTOR VEHICLE INSURANCE SURCHARGE.

13:19-12.1 Failure to pay surcharge; Insurance Surcharge Bill.

(a) The director shall suspend the operating privileges of any person who fails to pay a surcharge levied under subsection 6b of the New Jersey Automobile Insurance Reform Act of 1982 (N.J.S.A. 17:29A-35) until said surcharge is paid to the Division of Motor Vehicles.

(b) Surcharge notification shall be in the form of an "Insurance Surcharge Bill." A person shall have 30 days from the date of surcharge notification to pay the surcharge before his or her operating privileges are suspended by the Director of the Division of Motor Vehicles.

13:19-12.2 Request for hearing

(a) A licensee, or his attorney, shall have 15 days from the date of the surcharge notification to request a hearing in writing.

(b) All requests for a hearing shall be sent to the following address:

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State of New Jersey
Automobile Insurance Surcharge
and Collections
CN 136
Trenton, New Jersey 08625
Attention: Hearing Scheduling Unit

13:19-12.3 Prehearing conference; transmittal to Office of Administrative Law

(a) Upon request for a hearing pursuant to N.J.A.C. 13:19-11.2, the licensee shall be required to attend a prehearing conference conducted by employees designated by the Automobile Insurance Surcharge and Collections Unit, to be referred to as Prehearing Conference Officers.

(b) Upon receipt of a request for a hearing, the Automobile Insurance Surcharge and Collections Unit shall notify the licensee of the date, time and place of the prehearing conference at least 15 days prior to the date of the prehearing conference.

(c) If the surcharge collection cannot be resolved in the prehearing conference, the matter shall be transmitted to the Office of Administrative Law pursuant to N.J.A.C. 1:1.

13:19-12.4 Prehearing conference; adjournment for good cause; failure to attend; abandonment of hearing

(a) No prehearing conference shall be adjourned from the scheduled prehearing conference date except for good cause and upon order of the Director of the Division of Motor Vehicles or an assignment officer designated by the director. All requests for adjournment must be made in writing, with the reasons specified therein, not later than seven days before the date scheduled for the prehearing conference, except for good cause. All adjournment requests shall be sent to the following address:

State of New Jersey
Automobile Insurance Surcharge
and Collections
CN 136
Trenton, New Jersey 08625
Attention: Hearing Scheduling Unit

(b) In the event that a licensee fails to attend a prehearing conference without good cause, the proposed action against the licensee shall be taken without further opportunity for a prehearing conference, and the licensee shall be deemed to have abandoned his request for a hearing.

13:19-12.5 Prehearing conference; representation by attorney; pro se appearance

(a) At a prehearing conference before the Automobile Insurance Surcharge and Collections Unit, a licensee may be represented by an attorney at law, licensed in the State of New Jersey, or may appear on his own behalf.

(b) No licensee, after having elected to represent himself at a prehearing conference, shall be granted another prehearing conference on the grounds that he lacked representation by counsel.

13:19-12.6 Prehearing conference; conduct thereof; preparation of issues and documents for hearing; conference report

(a) The Prehearing Conference Officer responsible for conducting the prehearing conference shall conduct an informal conference with the licensee and the licensee's attorney, if the licensee is represented by an attorney, for the purpose of establishing the accuracy of the surcharge bill and the accuracy of the driver abstract upon which the bill is based. If these matters cannot be resolved, the conferees shall prepare the issues and evidence for the contested case hearing. The Prehearing Conference Officer shall produce any relevant materials in possession of the Division of Motor Vehicles relating to the accuracy of the surcharge bill, the driver abstract, or the proposed suspension, and the licensee shall be permitted to produce any document or other evidence relating to the accuracy of the surcharge bill, the driver abstract or the proposed suspension.

(b) If the licensee wishes to contest the validity of any conviction entered on the surcharge bill, he shall initially raise the objection at the prehearing conference. The Prehearing Conference Officer shall provide the licensee with copies of any documentary evidence in the possession of the Division of Motor Vehicles supporting the contested entry. In the event the matter is transmitted to the Office of Administrative Law for a hearing, copies of the documentary evidence shall be provided to the Administrative Law Judge.

(c) The Prehearing Conference Officer shall prepare a conference report for each prehearing conference. The conference report shall contain information relevant to the proposed suspension. If the licensee still desires a hearing at the end of the conference, the Prehearing Conference Officer shall identify and list with the licensee all issues which the licensee intends to raise at the hearing. In particular, all contested conviction entries on the driver abstract or surcharge bill shall be listed. The licensee shall be requested to sign the conference report verifying the completeness of the list of identified issues.

13:19-12.7 Prehearing Conference Officer; authority

The Prehearing Conference Officer pursuant to N.J.A.C. 13:19-1.7 and 13:19-1.8 shall be authorized to conduct Division of Motor Vehicles' preconference hearings.

13:19-12.8 Abandonment of hearing

If the licensee does not request a hearing to contest the initial surcharge bill pursuant to this subchapter, or thereafter abandons the hearing request, the licensee shall have abandoned the right to a hearing on future billings for the convictions contained within the initial surcharge bill.

13:19-12.9 Conference resolutions or final decisions

Any resolution at a prehearing conference of a contested surcharge bill or any final decision after a contested case hearing shall be conclusive as to the issues contained in that resolution or decision, and shall preclude the right to a hearing on those issues on future billings.

13:19-12.10 Indigents; installment payments

(a) Licensees who qualify as indigents may pay surcharges in six monthly installments pursuant to a schedule established by the Director of the Division of Motor Vehicles. Failure to adhere to the payment schedule will result in the immediate suspension of the licensee's operating privileges. Licensees are considered indigents if their gross family income is less than 200 percent of the Federal poverty level gross family income for the same size family, or if the licensee is a recipient of one of the following governmental assistance programs:

1. Aid to Families with Dependent Children;
2. Home Energy Assistance Program;
3. Supplemental Security Income;
4. General Assistance;
5. Women, Infants and Children;
6. Pharmaceutical Assistance to the Aged;
7. Medicaid;
8. Food Stamps;
9. Temporary Disability Insurance;
10. Unemployment Insurance;
11. Lifeline Credit Program;

(b) The Director of the Division of Motor Vehicles, in his discretion, may consider any other evidence of indigency submitted by the licensee.

13:19-12.11 Driving while intoxicated surcharges; installments

Licensees surcharged for driving while intoxicated convictions may pay the surcharge in six montly installments pursuant to a schedule established by the Director of the Division of Motor Vehicles. Failure to adhere to the payment schedule will result in the immediate suspension of the licensee's operating privileges.

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(a)

DIVISION OF MOTOR VEHICLES

Licensing Service
Driver License Suspension for Failure to Give Notice of Change of Address

Proposed New Rule: N.J.A.C. 13:21-8.24

Authorized By: Clifford W. Snedeker, Director, Division of Motor Vehicles.
Authority: N.J.S.A. 39:2-3, 39:3-36 and 39:5-30.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clifford W. Snedeker, Director
Division of Motor Vehicles
25 So. Montgomery Street
Trenton, NJ 08666

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

This proposal is known as PRN 1983-619.

The agency proposal follows:

Summary

The proposed new rule supplements the Driver License Regulations by providing for the administrative suspension of the driver's license of any driver who fails to notify the Division of Motor Vehicles of a change of address as required in N.J.S.A. 39:3-36.

Social Impact

The proposed new rule fosters compliance with that provision of the Motor Vehicle and Traffic Law pertaining to notification of change of address by providing for the suspension of a driver's license for failure to give such notification. With the passage of the New Jersey Automobile Insurance Reform Act of 1982 (P.L. 1983, c.65), the Division of Motor Vehicles is charged with the collection of surcharges against drivers with a certain amount of motor vehicle violation points or driving while intoxicated convictions. Failure to pay the surcharges is grounds for suspension of the driver's license. The statute states the surcharge bills must be sent by certified mail. Therefore, without accurate address information, the Division of Motor Vehicles will be unable to bill and collect the surcharges. This failure would result in significantly higher insurance rates for all New Jersey drivers.

Because so much of the Division of Motor Vehicles' contact with the licensee is through the mails, adoption of this regulation will allow the division to assure that licenses, registrations and titles sent through the mails will be received by the proper person. The enforcement of the address notification requirement will also prevent licensees from wilfully withholding their addresses to evade prosecution for motor vehicle violations.

Economic Impact

There is no direct economic impact on the citizens of the State. There is an economic impact on the Division of Motor Vehicles in administering the suspension procedures provided for by the new rule. Suspensions for failure to inform the Division of Motor Vehicles of address changes are necessitated by the new insurance surcharge statute. Without this enforcement power, the Division of Motor Vehicles will be unable to collect surcharges pursuant to P.L. 1983, c.65. If the Division of Motor Vehicles cannot collect these surcharges due to inaccurate address information, all New Jersey drivers will face higher insurance rates to make up the difference.

Full text of the proposed new rule follows.

13:21-8.24 Suspension of license; failure to notify of change of address

The director may suspend the driver's license of any driver who fails to notify the Division of Motor Vehicles of a change of address pursuant to N.J.S.A. 39:3-36 until the division is notified in writing by the driver of his correct address.

(b)

BOARD OF MEDICAL EXAMINERS

Prescribing, Administering or Dispensing Amygdalin (Laetrile)

Proposed Amendment: N.J.A.C. 13:35-6.8

Authorized By: State Board of Medical Examiners, Edwin H. Albano, M.D., President.
Authority: N.J.S.A. 45:9-2.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Edwin H. Albano, M.D.
President, Board of Medical Examiners
28 West State Street
Trenton, NJ 08608

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

This proposal is known as PRN 1983-618.

The agency proposal follows:

Summary

The proposed amendment is intended to correct an inadvertent editing error at the time of publication of this rule on April 4, 1983 at 15 N.J.R. 516. That publication was intended to include verbatim a section of the prior existing rule which in turn was patterned upon the requirements of c. 318, P.L. 1977. The section sets forth certain information which must appear on the informed request for prescription of laetrile for medical treatment, which the physician was required to provide to the State Department of Health, to the patient, to the pharmacist, and to be retained in the physician's own file. Inasmuch as that information provides significant guidance to the physician utilizing the rule, it is proposed here for incorporation, as was originally intended.

Social Impact

It is expected that there will be no social impact to this amendment, as it simply includes in the new rule the identical provision from the former rule.

Economic Impact

It is expected that there will be no economic impact to this

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amendment, as it simply includes in the new rule the identical provision from the former rule.

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

13:35-6.8 Prescribing, administering or dispensing amygdalin (laetrile)

(a)–(b) (No change.)

(c) The informed request for prescription of laetrile for medical treatment must utilize the wording appearing on a form which is available on request from the Board.

1. The form shall be prepared in quadruplicate and distributed as follows:

i. Original copy to State Department of Health;

ii. Copy to be retained by the physician;

iii. Copy to patient or person who signed form for the patient;

iv. Copy to pharmacist.

2. When amygdalin (laetrile) is utilized in the treatment of a malignancy, the diagnosis of malignancy shall be documented by a positive tissue diagnosis rendered by a qualified pathologist which shall include the size, location and type of malignancy. In the absence of tissue for diagnosis, the treating physician shall be required to obtain consultative and/or professional reports to support a positive diagnosis of a malignancy.

3. The alternative medically recognized and accepted form of therapy offered by a physician shall be thoroughly discussed with the patient and documented in writing.

(d) (No change.)

TREASURY-GENERAL

(a)

STATE LOTTERY COMMISSION

Lottery Vendors' Code of Ethics

Proposed New Rule: N.J.A.C. 17:20-8.1

Authorized By: New Jersey State Lottery Commission, Hazel Frank Gluck, Executive Director.

Authority: N.J.S.A. 5:9-7(a), (b), (f) and 52:13D-12 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Judith Shaw Berry
Deputy Director of Marketing
New Jersey State Lottery
CN 041
Trenton, NJ 08625

At the close of the period for comments, the State Lottery Commission may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1983-610.

The agency proposal follows:

Summary

The proper functioning and financial success of the New Jersey State Lottery are vitally dependent upon the maintenance of public trust and confidence. It is essential, therefore, that the Lottery and those persons or firms who do business with it avoid all situations where proprietary or financial interests or the opportunity for financial gain could lead to favored treatment for any organization or individual. They must also avoid circumstances and conduct which may not constitute wrongdoing or a conflict of interest but might nevertheless appear questionable to the general public, thus compromising the integrity of the Lottery.

The Lottery Commission recognizes that in this complex society there will often occur situations in which overlapping or linked ownerships make total separation of interest impossible. It is also familiar with the laws governing the Executive Commission on Ethical Standards, N.J.S.A. 52:13D-12 et seq. which, while not strictly applicable to vendors or other contracting parties, provides guidance in this general area.

Accordingly, pursuant to authority embodied in N.J.S.A. 5:9-1, et seq., and for good cause, this rule is proposed as the New Jersey State Lottery Code of Ethics for Vendors and Contractors.

This Code of Ethics shall be made part of every request for proposals (RFP) promulgated by the Lottery following the effective date of this rule. It shall be distributed to all present and future parties who do business with the Lottery (other than as purchasers of lottery tickets and shares).

Social Impact

It is anticipated that there will be no direct impact on the population of the State of New Jersey, except insofar as the affairs of the Division of the State Lottery will be kept at a high standard of ethical propriety. There will be an impact on persons or firms doing business, or seeking to do business, with the Lottery. The impact will be felt in the need to avoid conficts of interest and to maintain high ethical standards.

Economic Impact

It is anticipated that there will be no economic impact from the proposal. No additional monies will be needed for its administration, and no one will be forced to spend money as a result of its enactment or promulgation.

Full text of the proposed new rule follows.

SUBCHAPTER 8. LOTTERY VENDORS' CODE OF ETHICS

17:20-8.1 Lottery vendors' code of ethics

(a) No Lottery Vendor shall employ any person or maintain any business relationship with any person who is a Lottery Commissioner, officer or employee. As used in this section, Lottery Vendor means any person, firm or corporation engaging or seeking to engage in business with the Division of the State Lottery.

(b) The maintenance of a business relationship shall be deemed to include but not be limited to any interest, financial or otherwise, direct or indirect, any business transaction or professional activity involving a Commissioner, officer or employee. However, it shall not be a violation of this section for a Lottery Commissioner, officer or employee to seek further outside employment or to correspond with a Lottery Vendor with respect thereto, provided that:

1. The Director is promptly informed of such activities; and

2. They are not violative of State law or such other ethical standards as may apply. (Lottery Commissioners and Division Officers and employees are covered by separate Codes of Ethics. See subsection (h).)

(c) No Lottery Vendor shall cause or influence, or attempt to cause or influence, any Lottery Commissioner officer or employee in his official capacity in any manner which might tend to impair the objectivity or independence of judgment of said Lottery Commissioner, officer or employee.

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(d) No Lottery Vendor shall cause or influence, or attempt to cause or influence, any Lottery Commissioner, officer or employee to use, or attempt to use, his official position to secure unwarranted privileges or advantages for the Lottery Vendor or for any other person.

(e) No Lottery Vendor shall offer any Lottery Commissioner, officer or employee any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service, or other thing of value was given or offered for the purpose of influencing the recipient in the discharge of his official duties.

(f) This Code of Ethics shall also apply to any licensed agent of the New Jersey State Lottery.

(g) No Lottery Vendor shall, without the written approval of the Director, disclose, directly or indirectly, any information not generally or legally available to the public concerning the affairs of the Division.

(h) This Code is intended to augment and not replace existing administrative orders and pertinent codes of ethics. If any part of this Code shall be found ineffective or inoperative, such finding shall not affect the other parts of the Code.

(i) This Code shall take effect immediately upon adoption by the New Jersey State Lottery Commission.

TREASURY–TAXATION
(a)

DIVISION OF TAXATION

New Jersey Gross Income Tax Setoff of Individual Liability

Proposed Amendments: N.J.A.C. 18:35-2.2 and 2.12

Authorized By: John R. Baldwin, Director, Division of Taxation.
Authority: N.J.S.A. 54A:9-8.1–8.3 and 54A:9-17(a).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
50 Barrack Street
CN 269
Trenton, NJ 08646

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

This proposal is known as PRN 1983-628.

The agency proposal follows:

Summary

The proposed rules, pursuant to N.J.S.A. 54A:9-8.1 through 8.3, provide for a system whereby any claimant agency or institution of the State of New Jersey in conjunction with the Division of Taxation shall cooperate in identifying debtors who owe money to the State of New Jersey through its various agencies or institutions and who shall be entitled to any refund of gross income taxes or to a homestead rebate from the Division of Taxation. Procedures are proposed for setting off against any such refund or rebate the sum of any debt owed to the State. The Division of Taxation will pursue liquidated accounts for which the claimant agency is owed a minimum of $25.00 instead of pursuing claims of $50.00 or more. From the proceeds of the setoff the Division of Taxation will retain 10 percent instead of 15 percent of the amount collected.

Social Impact

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

Economic Impact

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

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

18:35-2.2 Definitions

"Debtor file" means a list of liquidated accounts for which the claimant agency has exhausted its collection methods. A minimum of [50.00] **$25.00** for total debts per individual per claimant agency or institution will be established [for 1982]. This threshold amount is subject to change in future years by the Division of Taxation based upon experience. Accounts involving more than one debtor must be broken down individually, and the debt allocated to each individual by a claimant agency. The list must be supplied on magnetic tape, punched cards, or other input media as provided by the Division of Taxation and contain such information as the Division may require in order to setoff with the beginning of the refund cycle in February [1982]. One update of this file will be permitted per agency prior to the homestead rebate cycle in June.

. . .

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

(a) (No change.)

(b) From the gross proceeds collected by the Division through setoff, the Division shall retain [15] **10** percent which amount shall be charged to the respective claimant agency as a collection assistance fee subject to adjustment based upon experience.

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RULE ADOPTIONS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice for Contested Cases Final Decisions; Orders of Remand

Adopted Amendment: N.J.A.C. 1:1-16.5

Proposed: September 6, 1983 at 15 N.J.R. 1400(b).
Adopted: November 7, 1983 by Howard H. Kestin, Director, Office of Administrative Law.
Filed: November 10, 1983 as R.1983 d.550, **without change**.

Authority: N.J.S.A. 52:14F-5e, f and g.

Effective Date: December 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): June 19, 1985.

Summary of Public Comments and Agency Responses:

One comment was received from the Department of Civil Service. The Department opposed that provision in the proposed rule which permits a judge to make recommendations as to the necessity or propriety of a remand. The Department expressed concern that the rule "could likely create unnecessary antagonism between the Office of Administrative Law and the State agencies." After reflection upon the objection in the light of the reasons for which the Office of Administrative Law was created, it is the view of OAL that, with a proper understanding of OAL's contested cases functions, the objection lacks merit.

The OAL was established, among other purposes, to provide a neutral forum for the trial of contested case disputes between governmental agencies and those subject to their jurisdiction. The OAL was required to develop rules of procedure which would assure persons engaged in disputes with governmental agencies that they would be afforded a full opportunity to be heard on all substantial issues arising within their cases. Among the ends served is that of providing the agencies with more objective and candid reviews of their own proposed and undertaken actions than might occur in hearings conducted by their own personnel. Both the agencies and the persons who appear in opposition to them should benefit from full hearing records and full sets of recommendations on all issues raised, including the necessity or propriety of a remand. The agency heads will be better able than they would otherwise be to render fully informed final decisions in contested cases.

In fulfilling its various contested case and rulemaking functions, the OAL performs a service for State agencies and the public. Some antagonism toward OAL is inevitable when, in rendering an initial decision, an administrative law judge determines and recommends that one party should prevail and the other should lose. An administrative law judge's reflection on the necessity or propriety of a remand is no more significant in this respect than a ruling on the merits of a case. With continuing development of constructive views concerning OAL's role in the contested case process and its relationships with parties and agencies, the instances of actual antagonism should continue to become increasingly rare.

BANKING

(b)

DIVISION OF CONSUMER COMPLAINTS LEGAL & ECONOMIC RESEARCH

Procedural Rules Criteria for Branch Approval; Public Intent; Promise of Success

Adopted New Rules: N.J.A.C. 3:1-2.22 and 2.23

Proposed: October 17, 1983 at 15 N.J.R. 1706(a).
Adopted: November 22, 1983 by Michael M. Horn, Commissioner, Department of Banking.
Filed: November 22, 1983 as R.1983 d.573, **with technical changes and substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 17:1-8.1 and 17:9A-20G

Effective Date: December 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): June 18, 1986.

Summary of Public Comments and Agency Responses:

Five comments were received relative to the proposed regulation. Four of the comments gave unqualified endorsement to the proposed regulation. A fifth comment was received which supported the goal of saving paperwork, time, and expense, however, concern was expressed that the proposal might lend to a proliferation of new branches within the State.

It is the considered opinion of the Department that these new rules will have a beneficial effect upon commercial banks and savings banks and the general public.

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

3:1-2.22 Criteria for Branch Approval: Public Interest
(a) (No change from proposal.)
1. (No change.)
2. (No change.)
3. The conditions set forth in *[N.J.S.A. 3:1-10.1 to 10.4]* ***Departmental regulations*** regarding insider real estate transactions, ***if any*** and
4. (No change.)
(b) (No change.)

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3:1-2.23 (No change.)

(a)

DIVISION OF CONSUMER COMPLAINTS, LEGAL AND ECONOMIC RESEARCH

Insurance Activities
Insurance Tie-In Prohibition

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

Proposed: June 6, 1983 at 15 N.J.R. 820(a).
Adopted: November 18, 1983 by Michael M. Horn, Commissioner, Department of Banking.
Filed: November 18, 1983 as R.1983 d.566, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 17:1-8.1.

Effective Date: December 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): December 5, 1988.

Summary of Public Comments and Agency Responses:

Insurance Tie-In Prohibition

A public hearing was held on the proposed regulation on August 24, 1983 at the Department of Banking offices in Trenton, New Jersey, hearing notice published at 15 N.J.R. 1207. Testimony was heard by persons representing the following organizations: Professional Insurance Agents of New Jersey; Independent Insurance Agents of New Jersey; American Insurance Association; Association of Life Underwriters; American Council of Life Insurance; New Jersey Savings League; New Jersey Council of Savings Institutions; New Jersey Bankers Association; Beneficial Management Corp.; Payroll Equity Plans Inc.

Those testifying in opposition of the proposed regulation generally thought a rule of this type necessary, but the proposed rule insufficient to effectively deter tie-in arrangements. Numerous recommendations for amending the proposed rule were made including: (1) forbidding a financial institution from soliciting and selling property and casualty insurance under the same or similar name in which it extends credit; (2) prohibiting an institution from soliciting and selling property and casualty insurance at any location used for the extension of credit; (3) prohibiting insurance premiums from being included in the amount of the loan; and (4) requiring that all employees engaged in the extension of credit be prohibited from soliciting and selling insurance.

These and other similar recommendations have been rejected for a number of reasons. It was not demonstrated that insurance tie-ins exist to any degree, that existing preventive measures are inadequate or that the proposed regulation would be insufficient to deter unfair credit practices. A Federal Reserve Board study introduced by both sides concluded that explicit and implicit tie-ins by lenders were virtually non-existent. **Tie-Ins Between The Granting Of Credit And Sale Of Insurance By Bank Holding Companies And Other Lenders,** Eisenbeis and Schweitzer, FRB staff (February, 1979), pages 3 and 5. Conclusions follow that the existing prohibitions are effective deterrents to credit tying arrangements and that the proposed rule will be equally effective.

Attempts to prohibit financial institutions from engaging in the insurance industry have been found to be unconstitutional. **ADA Financial Services Corp. v. State**, 174 N.J. Super. 337 (App. Div. 1979).

Inhibiting the insurance activities of New Jersey state-chartered financial institutions at this time would place them at a competitive disadvantage with respect to federally-chartered financial institutions which would not be bound by the proposed rule, violating the spirit of substantial competitive parity found throughout the banking laws.

Some suggested amendments, however, were found meritorious. One commentor stated that a lender has the right to reject, for reasonable cause only, a contract of insurance furnished by the borrower. This requirement is also found in Regulation Z. 12 C.F.R. section 226.4(d)(2)(i). Another suggestion was elimination of the requirement that a borrower be notified that insurance is unnecessary and that any notice required be applicable only for transactions subject to the Federal Truth-in-Lending Act (15. U.S.C. Section 1601 et seq) and Regulation Z.

Proposed rule N.J.A.C. 3:1-13-1 has been amended to reflect these suggestions because: (1) State and Federal disclosure laws are primarily consumer oriented and it is recognized that certain sophisticated persons do not need the protections afforded by such laws: (2) Regulation Z already provides for insurance disclosures on consumer transactions; and (3) informing a borrower that insurance is not necessary serves no useful purpose and may in fact cause the borrower to believe the lender is recommending that insurance not be obtained.

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

3:1-13.1 Insurance Tie-in prohibition

(a) (No change from proposal.)

(b) In the event a loan or other financing is granted ***for personal, family or household purposes,*** *[the borrower shall be notified in writing if insurance is not a necesary element in the granting of such loan or financing. Additionally, the borrower shall be notified in writing that]* ***and*** if insurance is *[necessary]* ***required*** and *[such insurance]* is available through the lending institution, ***the terms of the loan agreement or a separate written notice to the borrower shall state that*** *[said]* ***the*** borrower *[also]* has the option of securing such insurance from a source of *[his]* ***the borrower's*** own choosing. ***Nothing herein shall prevent the lender from reserving the right to refuse to accept, for reasonable cause, an insurer or insurance offered by the consumer.***

COMMUNITY AFFAIRS

(b)

DIVISION OF HOUSING AND DEVELOPMENT

Uniform Construction Code
Fees

Adopted Amendments: N.J.A.C. 5:23-4.20 and 5.12

Proposed: September 6, 1983 at 15 N.J.R. 1406(a).
Adopted: October 31, 1983 by John P. Renna, Commissioner, Department of Community Affairs.
Filed: November 7, 1983 as R.1983 d.548, **with substantive changes** not requiring additional public notice and

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comment (see N.J.A.C. 1:30-3.5) and N.J.A.C. 5:23-4.14 not adopted but **still pending**.

Authority: N.J.S.A. 52:27D-124.

Effective Date: December 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): April 1, 1988.

Summary of Public Comments and Agency Responses: **No comments received** with regard to the amendments being adopted.

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

5:23-4.20 Department fees
(a)–(b) (No change from proposal.)
(c) Departmental (enforcing agency) fees:
1. (No change from proposal.)
2. Basic construction fee shall be the sum of the parts computed on the basis of the volume or cost of construction, **the mechanical systems and equipment,** the number of plumbing fixtures and stacks, [and] the number of electrical fixtures and devices **and the number of sprinklers and standpipes** at the unit rates provided herein plus any special fees. In each case, the minimum fee for basic construction work shall be $20.00.
i.–**iv.** (No change from proposal.)
v. Sprinklers and standpipes: The fee shall be as follows:
(1) For one to *20 heads, the fee shall be $25.00; for 21 to 100 heads, the fee shall be $50.00; for 101 to* 200 heads, the fee shall be *[$200.00]* *$100.00*; for 201 to 400 heads, the fee shall be $250.00; for 401 to 1,000 heads, the fee shall be $350.00; for over 1,000 heads, the fee shall be $450.00.
(2) (No change from proposal.)
3.–10. (No change from proposal.)

EDUCATION

(a)

STATE BOARD OF EDUCATION

School Districts; General Provisions
Standards for Determining Seniority

Adopted Amendment: N.J.A.C. 6:3-1.10

Proposed: September 6, 1983 at 15 N.J.R. 1409(a).
Adopted: November 2, 1983 by State Board of Education, Saul Cooperman, Secretary.
Filed: November 17, 1983 as R.1983 d.563, **without change**.

Authority: N.J.S.A. 18A:4-10, 18A:4-15 and 18A:28-9 et seq.

Effective Date: December 5, 1983.
Expiration Date pursuant to Executive Order No. (1978): June 1, 1988.

Summary of Public Comments and Agency Responses: **No comments received.**

(b)

STATE BOARD OF EDUCATION

Teacher Certification
Types of Certificates

Correction: N.J.A.C. 6:11-4

An error appears in the November 7, 1983 Register at 15 N.J.R. 1860(b). N.J.A.C. 6:11-4 should have been noticed as a Readoption pursuant to the provisions of Executive Order 66(1978). The rules were readopted without change.

(c)

STATE BOARD OF EDUCATION

Federal Library Assistance Programs
Public Library Construction

Adopted Repeal: N.J.A.C. 6:69-1

Proposed: September 6, 1983 at 15 N.J.R. 1410(a).
Adopted: November 2, 1983 by State Board of Education, Saul Cooperman, Secretary.
Filed: November 17, 1983 as R.1983 d.564, **without change**.

Authority: N.J.S.A. 18A:4-15, 18A:73-39 and Public Law 98-8.

Effective Date: December 5, 1983.

Summary of Public Comments and Agency Responses: **No comments received.**

ENVIRONMENTAL PROTECTION

(d)

OFFICE OF THE COMMISSIONER

Sanitary Landfill Facility Contingency Fund

Adopted New Rule: N.J.A.C. 7:1I

Proposed: August 1, 1983 at 15 N.J.R. 1213(a).
Adopted: November 18, 1983 by Robert E. Hughey, Commissioner, Department of Environmental Protection.
Filed: November 18, 1983 as R.1983 d.571, **with minor changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1E-100 et seq., specifically 13:1E-114 (P.L. 1981, c.306).

Effective Date: December 5, 1983.

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Expiration Date pursuant to Executive Order No. 66(1978): November 18, 1988.
DEP Docket No. 038-83-06.

Summary of Public Comments and Agency Responses:

The Department has carefully reviewed the transcripts of the public hearings and the comments submitted during the comment period. The following is a summary of the major issues raised and the Department's response or clarification. Several changes have been made as a result of the Department's own internal review of the proposed regulations. Most of these changes are for the purpose of clarification. Copies of the complete "Response to Public Comment" document may be obtained from: Gail Gutmann, Office of Regulatory Services, N.J. Department of Environmental Protection, CN 402, Trenton, New Jersey 08625.

AGENCY NOTE: The claim form referred to in this chapter shall be on file with the Office of Administrative Law and shall be made available, upon request, at the Department of Environmental Protection address as set forth in N.J.A.C. 7:1I-2.2(b)1.

N.J.A.C. 7:1I-1.4 Definitions

Comment: Most of the comments on this section concerned the definition of "damages" and recommended that diminution in property value should be expressly included and the definition further revised to clarify that compensable damages are not limited to those enumerated.

Response: As a result of the comments received and the department's review, "damages" has been revised to include the diminution in fair market value of any real or personal property and to clarify that damages are not limited to those enumerated. "Filing date" or "filed" has been revised to include the date the claim is postmarked. "Hearing" has been distinguished from investigative hearing and refers to a contested case proceeding before the Office of Administrative Law. "Personal property" has been revised to broaden its coverage.

N.J.A.C. 7:1I-1.7 Compensable Damages

Comment: Disability and pain and suffering should not be excluded from compensable damages as they are statutorily includable as direct and indirect damages. Another comment suggested deletion of the term collateral benefits as permissible set offs against claims for compensation for damages.

Response: The department agrees and has deleted the exclusions for disability and pain and suffering from the damages which are potentially compensable from the fund. Further, the permissible set offs on claims for compensation for damages have been clarified.

N.J.A.C. 7:1I-2.1 Timely filing of claim

Comment: The department received several comments suggesting that this provision be revised to preserve the full breadth of the retroactivity provisions of the statute.

Response: After reviewing the comments, the department decided to add a provision to clarify that claims arising prior to adoption of this chapter shall be processed if they were discovered after January 1, 1981 and if the claim is filed within one year after this chapter's adoption.

N.J.A.C. 7:1I-2.2 Filing of claim

Comment: Several comments were received regarding the procedures for filing. One comment suggested the date of filing should include the postmark of the claim.

Response: As a result of the comments received and the department's internal review, paragraph (a)2 has been revised to clarify that claims which must be resubmitted on official forms will be deemed filed as of the original postmark or receipt date of the claim for the purpose of the statute of limitations. In addition, the claim may be hand delivered as well as mailed by certified mail, return receipt requested. A typographical error was corrected to clarify that damages which are not included in a claim at the time of settlement or award shall be deemed waived.

N.J.A.C. 7:1I-2.3 Processing of claim

Comment: Several comments were received regarding the department's processing of claims. One concerned giving the claimant an opportunity to request additional time for submission of required information prior to disallowance of a claim. Another concerned clarifying that the department's decisions on claims would be in writing.

Response: This provision has been revised to give a claimant the opportunity to request additional time. The department presumed that all decisions would be reduced to written reasons and appropriate revisions have been made to reflect this intention.

Comment: One comment recommended that the hearing request by a claimant upon a disputed claim should refer to a contested case hearing before the Office of Administrative Law.

Response: The department agrees and the appropriate revisions have been made.

N.J.A.C. 7:1I-3.1 Settlement of claim

Comment: Several comments were received regarding the 60 day settlement period. It was recommended that processing of a compensable claim should be deferred for 60 days only if the claimant advises the department that there is a reasonable likelihood of settlement, and that the department should undertake whatever investigation might be necessary prior to the expiration of the 60 days if the claimant notifies the department in writing that there is no reasonable likelihood of settlement.

Response: The department recognizes that if there is no likelihood of settlement between the claimant and a responsible party, there is no need to defer the processing of a claim. Therefore, appropriate revisions have been made to clarify that intent.

N.J.A.C. 7:1I-3.2 Investigation of claim

Comment: The department should merely delay the processing of the claim upon written notice to the claimant if a claimant is uncooperative in the department's investigation of his claim.

Response: The department agrees that delay in processing of a claim may be appropriate in a particular case, but has determined to also retain the penalty of outright denial of a claim, where appropriate, to reach final decision on a claim.

N.J.A.C. 7:1I-3.3 Settlement of claims against the fund

Comment: The department should give a claimant written reasons if the offer of settlement is less than the amount requested, and the department should give a claimant written notice that acceptance of an offer of settlement will bar the claimant from filing another claim against the fund for the damages which were the basis of the offer.

Response: The department agrees and has included the suggested writing requirements.

N.J.A.C. 7:1I-3.4 Investigative hearing

Comment: Several comments suggested revisions to the provisions of this section to clarify that these procedures govern the conduct of the investigative hearing and not the contested case hearing which is governed by the Administrative Procedure Act, N.J.A.C. 52:14B-1, et seq.

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Response: Several revisions have been made in order to clearly distinguish the investigative hearing from the contested case hearing.

Comment: Several comments were received concerning adding a requirement that the hearing officer's report and the Commissioner's decision be in writing and supported by findings.

Response: Although it was presumed that the report and decision would be written and contain findings, this provision has been revised to clarify that intention.

N.J.A.C. 7:1I-3.5 Contested case hearing (New)
Comment: A new section should be added to require that when a claimant requests a hearing upon the department's decision that his claim is noncompensable (N.J.A.C. 7:1I-2.3(d)) or upon a claimant's rejection of the department's offer of settlement (N.J.A.C.7:1I-3.3(d)), the case shall be transmitted to the Office of Administrative Law as a contested case.

Response: A new section has been included which gives a claimant the opportunity to request such a hearing.

N.J.A.C. 7:1I-4.1 Criteria for priority of claims
Comment: Several comments were received concerning giving priority in the payment of claims to those persons who have exhausted all other means of compensation.

Response: After reviewing the comments, the department has added a provision that priority may be given to claimants who have exhausted all other means of compensation, short of litigation, and that while priority shall be given to persons who sustain damages, the department may provide priority for closure costs deemed necessary to minimize or prevent further imminent damages to persons.

N.J.A.C. 7:1I-4.2 Payment of claim
Comment: There should be an explanation of the mitigation principles that will govern the assessment of whether a claimant has mitigated his damages.

Response: The term mitigate has been deleted and this provision has been revised to clarify that the claimant is required to "attempt to exercise reasonable diligence and ordinary care to avoid aggravating his injury or increasing his damages."

Comment: The rule serves to preclude an individual who sustains any damage that is compensated for by the fund from going after the landfill owner or operator for any other damages whatsoever.

Response: This provision has been revised to clarify that payment of damages from the fund subrogates the department to all of claimant's rights to recovery of "such" damages from any owner and/or operator of a sanitary landfill.

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

CHAPTER 1I
SANITARY LANDFILL FACILITY
CONTINGENCY FUND

SUBCHAPTER 1. GENERAL PROVISIONS

7:1I-1.1 Scope
(No change from proposal.)

7:1I-1.2 Construction
This chapter shall be liberally construed to permit the Department of Environmental Protection to fulfill the purposes of the Act concerning claims for compensation for damages ***proximately*** resulting from the operations or closure of a sanitary landfill.

7:1I-1.3 Purpose
(No change from proposal.)

7:1I-1.4 Definitions
The following words and terms, when used in this chapter, shall have the following meanings. Where words and terms are used which are not defined herein, the definitions of those words and terms will be the same as the definitions found in the department rules at N.J.A.C. 7:26-1.4 *[(Definitions concerning hazardous waste management)]*.

. . .

"Claim" means the *[completed claim as set forth in the application form provided by the department and related documentation asserting a right to compensation for damages, which form has been filed with and accepted as complete by the department]* ***assertion of a right to compensation for damages pursuant to the Act as applied for in the manner prescribed in this chapter***.

. . .

"Closure" means the construction and implementation of all environmental safeguards required by law or by the sanitary landfill's approved Closure and Post-Closure Plan and the facility's approved engineering design subsequent to the termination of operations at ***any*** portion of that facility.

1. (No change from proposal.)

"Damages" means and includes ***,but is not limited to,*** the following:

1. The cost of restoring, repairing or replacing any real or personal property damaged or destroyed*[;]* ***, and the diminution in fair market value of any real or personal property;***

2.–4. (No change from proposal.)

"Filing date" or "filed" means the date the claim, as defined in this chapter, is received by the department ***or the date the claim is postmarked by the United States Postal Service, whichever date is earlier***.

. . .

"Hearing" means a proceeding conducted as a contested case before the Office of Adminstrative Law pursuant to the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. and any rules promulgated pursuant to these Acts.

"Investigative hearing" *[or "hearing"]* means a non-adversarial hearing held by the department pursuant to N.J.A.C. 7:1I-3.4.

. . .

"Personal property" means *[property which is not more or less permanently attached to the land]* ***everything that is the subject of ownership except for real property as herein defined.***

"Real property" means land, ***all rights to and*** interests in land, and those things, such as buildings and other improvements, which are more or less permanently attached to the land.

7:1I-1.5 Liabilities for damages
(a) Every owner or operator of a sanitary landfill shall be jointly and severally liable for the proper operations and closure of the facility, as required by law, and for any damages ***, no matter by whom sustained,*** proximately resulting from the operations or closure of the facility.

(b)–(c) (No change from proposal.)

7:1I-1.6 Eligibility of claimant
(a) Any person who claims to have incurred any ***direct or indirect*** damages as a proximate result of the operations or closure of a sanitary landfill is eligible to file a claim under this chapter.

(b) (No change from proposal.)

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7:1I-1.7 Compensable damages

(a) The department will consider only those damages for which the claimant can produce substantial evidence. *[There will be no compensation awarded by the department for:

1. Disability, unless it results in a verified economic loss to the claimant; or

2. Pain and suffering.]*

(b) In determining the amount of an award, the department shall take into consideration any prior compensation *[or collateral benefits]* received by the claimant from or on behalf of any person who committed the action in question, or from any insurance program, or from *[public funds or any other private sources]* ***any other State or Federal law***.

(c) The claimant shall be forever barred from recovering against the fund ***for those damages for which*** *[if]* the claimant or his authorized representative entered into a settlement agreement with ***a*** responsible party *[with respect to the damages]*.

SUBCHAPTER 2. FILING AND PROCESSING OF CLAIM

7:1I-2.1 Timely filing of claim

(a) Claims against the fund shall be filed not later than one year after the date of discovery of damage, and in *[a]* ***the*** manner *[as shall be prescribed by the department]* ***prescribed in this chapter***.

(b) (No change from proposal.)

(c) (a) and (b) above notwithstanding, any claim against the fund arising prior to the adoption of this chapter shall be processed by the department if the relationship between the damages and the cause of those damages were discovered on or subsequent to January 1, 1981 and reasonably could not have been discovered prior to January 1, 1981, and if the claim is filed within one year after the adoption of this chapter.

7:1I-2.2 Filing of claim

(a) All claims shall be filed on official forms provided by the department. These forms are available upon request at the address stated in (b)1 below.

1. (No change from proposal.)

2. For the purposes of the applicable statute of limitations, however, such claim shall *[reflect the filing date of its original receipt by the department]* ***be deemed filed as of the original postmark or receipt date of the claim in whatever written form***

(b) The claim ***,*** as defined in N.J.A.C. 7:1I-1.4, once signed and certified under oath, shall be mailed by certified mail, return receipt requested, ***or delivered by hand*** to the following *[parties]*:

1. Sanitary Landfill Facility Contingency Fund, Office of Special Funds Administration, ***New Jersey Department of Environmental Protection,*** CN 402, Trenton, New Jersey 08625; and

[2.] ***i.*** The owner ***of the sanitary landfill;*** *[and/or]*

ii. The operator of the sanitary landfill***;*** and *[/or any]*

iii Any other responsible persons alleged by the claimant to have caused the damage.

(c) All damages shall be stated in their entirety in a single claim. Damages of which the claimant knew or ***through the exercise of reasonable diligence*** should have known at the time of filing the claim, which are ***not*** included in a claim at the time a settlement is concluded, or an award of damages from the fund is made, shall be deemed waived.

(d) (No change from proposal.)

7:1I-2.3 Processing of claim

(a) (No change from proposal.)

(b) Upon receipt of a claim, the department shall review same within a reasonable time, and upon completion of its review, shall notify the claimant in writing whether the application is complete.

1. If incomplete, the department shall ***provide the claimant with a*** list ***of*** the information necessary to make the application complete.

i. The department shall specify a *[date]* ***reasonable period of time*** for submitting the necessary information; and

ii. The claimant shall submit all requested information within the *[time specified]* ***specified period of time*** or the claim shall be disallowed***, unless the claimant submits a written request to the department for an additional period of time, which includes specific reasons why the necessary information was not submitted within the specified period of time***.

(1) All requests for an additional period of time for the submission of necessary information shall be subject to department approval.

(c) When, in the opinion of the department, the claim is complete and compensable pursuant to N.J.A.C. 7:1I-1.7 the department shall notify the owner and/or operator of the sanitary landfill and/or any other responsible persons alleged by the claimant to have caused the damage, by mailing a notice of the claim *[, a copy of the claim, and where appropriate, copies of any supporting documents,]* by certified mail, return receipt requested, to such owner and/or operator and/or any other alleged responsible persons.

(d) When, in the opinion of the department, the claim is complete and noncompensable pursuant to N.J.A.C. 7:1I-1.7, the department shall render its decision in writing***, and the reasons therefor,*** and shall forward a copy thereof by certified mail, return receipt requested, to the claimant *[or his attorney, if any,]* and to the owner and/or operator and/or any other responsible persons alleged by the claimant to have caused the damage.

1. This decision shall be considered to be the final agency action on the claim for the purposes of the Administrative Procedure Act, and shall be subject only to judicial review as provided in the Rules of Court, unless the claimant shall request a hearing pursuant to N.J.A.C. 7:1I-3.*[4]* ***5*** within 15 working days of the claimant's receipt of such decision.

SUBCHAPTER 3. SETTLEMENT OF CLAIM

7:1I-3.1 Settlement of claim

(a) In its discretion, the department may take no further action concerning a compensable claim for 60 days following a person's receipt of the notice *[of completeness of the claim]* ***that the claim is complete and compensable***, mailed pursuant to N.J.A.C. 7:1I-2.3***(c)***, in order to afford the claimant the opportunity to settle his claim with the owner and/or operator of the sanitary landfill and/or any other responsible persons.

(b) If the claim has not been settled at the expiration of the 60 day settlement period ***or if the department is advised in writing by the claimant and the owner and/or operator of the sanitary landfill and/or any other responsible persons within the 60 day period that there is no reasonable likelihood of settlement under this chapter,*** the department may undertake ***any*** further investigation of the claim ***which may be necessary***.

(c) Any settlement concerning the following damages shall be subject to the ***prior*** approval of the department:

1.–2. (No change from proposal.)

7:1I-3.2 Investigation of claim

(a) *[All]* ***The*** claimant*[s]* shall permit the department to inspect all records relating to his claim for damages including, but not limited to, corporate records, income tax returns, insurance policies, hospital, medical, and employment records.

(b) (No change from proposal.)

(c) The claimant shall permit the department or its authorized representative to examine all personal and real property related to his claim for damages. The department may require an appraisal of any property loss claimed ***to be performed*** by an appraiser selected by the department.

1.–2. (No change from proposal.)

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(d) The claimant shall cooperate fully with the investigators, agents and/or representatives of the department in the reasonable investigation of a claim in order to be eligible for any award. In the event that such cooperation is refused or denied, the department may, in its discretion, deny such claim ***or decide to delay the processing of the claim after proper written notice to the claimant of this decision and the circumstances under which the processing of the claim will resume*.**

7:1I-3.3 Settlement of claim against the fund

(a) If the settlement of a claim is not reached within the period set forth in N.J.A.C. 7:1I-*[8]* ***3.1***, the department, after any further investigation which it may deem necessary, shall proceed to offer a settlement of the claim against the fund. Such further investigations prior to an offer of settlement may include a***n investigative*** hearing pursuant to N.J.A.C. 7:1I-3.4.

(b) If an offer of settlement on a claim against the fund is less than the amount requested in the application, the offer shall be supported by written reasons for the lesser amount.

[(b)] ***(c) The claimant shall be notified in writing that in the event the department's offer of settlement is accepted*** *[In the event the claimant accepts the department's offer of settlement]*, the claimant shall be forever barred from filing another claim to recover against the fund for those damages for which the offer of settlement was accepted.

[(c)] ***(d)*** In the event the claimant rejects the department's offer of settlement ***or fails to respond to the offer within 90 days***, the department's offer shall be considered to be the final agency action on the claim for the purpose of the Administrative Procedure Act, and shall be subject only to judicial review as provided in the Rules of Court *[if:]* ***,unless the claimant shall request a hearing pursuant to N.J.A.C. 7:1I-3.5, within 15 working days of the claimant's receipt of the department's offer.***

[1. A hearing has been held pursuant to (a) above; or]

[2. The claimant fails to request a hearing, pursuant to N.J.A.C. 7:1I-3.4, within 15 working days of the claimant's receipt of the department's offer.]

7:1I-3.4 Investigative hearing

(a) Whenever the department finds, on the basis of its review of a claim, that further information is necessary prior to *[final agency]* decision on a claim, the department may hold a***n investigative*** hearing *[pursuant to N.J.A.C. 7:1I-3.3(a)]*.

[(b) The department shall hold a hearing upon the request of a claimant pursuant to N.J.A.C. 7:1I-2.3(d) and 3.3(c).]

(b) A claimant may request an investigative hearing prior to final agency action on a claim by addressing a written application for such hearing to the Office of Special Funds Administration, New Jersey Department of Environmental Protection, CN 402, Trenton, New Jersey 08625.

1. The written application for an investigative hearing shall clearly state:

i. The name of the claimant;

ii. The appropriate claim number assigned by the department; and

iii. The specific reasons why the claimant is requesting an investigative hearing.*

(c) The department shall give public notice of a***n investigative*** hearing at least 15 days before the ***investigative*** hearing. Public notices hall be given by notice in a newspaper of general circulation in the area of the sanitary landfill which is alleged to have caused the damage.

(d) Whenever a***n investigative*** hearing will be held, the department shall designate a hearing officer for the ***investigative*** hearing who shall be responsible for its scheduling and orderly conduct.

(e) The department may conduct joint ***investigative*** hearings and join as many claimants with similar claims as it deems appropriate.

(f) Any interested person may submit oral or written statements and data concerning the claim. Reasonable limits may be set upon the time allowed for such submissions.

(g) ***[The testimony taken at any hearing shall be under oath and a]* *A*** tape recording or written transcript of the ***investigative*** hearing shall be made and kept by the department as a permanent record. The ***Investigative*** hearing shall be conducted in accordance with the following:

1.–4. (No change from proposal.)

(h) Within *[60]* ***45*** days after the close of the ***investigative*** hearing record, the hearing officer shall render his ***written*** report to the Commissioner of Environmental Protection. ***This report shall contain findings and recommendations by the hearing officer.***

(i) Within 45 days of receiving the ***investigative*** hearing report, the Commissioner shall render his decision. ***This decision shall be supported by written findings and reasons.*** The decision by the Commissioner based on the ***investigative*** hearing record and recommendation of the hearing officer, shall be considered to be the final agency action on the claim for the purposes of the Administrative Procedure Act and shall be subject only to judicial review as provided in the Rules of Court.

***7:1I-3.5 Contested case hearing**

(a) A claimant who considers himself aggrieved by the decision of the department rendered pursuant to N.J.A.C. 7:1I-2.3(d) or 3.3(d) may, within 15 working days of claimant's receipt of such decision, request a hearing by addressing a written application for such hearing to the Office of Special Funds Administration, New Jersey Department of Environmental Protection, CN 402, Trenton, New Jersey 08625.

1. The written application for hearing on appeal shall clearly state:

i. The name of the claimant;

ii. The appropriate claim number assigned by the department;

iii. The decision from which the claimant is requesting an appeal;

iv. The details of how the decision aggrieves the claimant; and

v. Which findings of fact are being contested.

(b) If the claimant raises a substantial and meritorius factual issue, the department shall, within 30 days of receipt of the request for a hearing, file the request with the Office of Administrative Law.

(c) If the claimant fails to raise a substantial and meritorious issue of fact, the department may deny the request, in writing, within 30 days of the receipt of the request. Such a denial shall be considered to be final agency action on the matter.*

SUBCHAPTER 4. PAYMENT OF CLAIM

7:1I-4.1 Criteria for priority of claims

(a) Notwithstanding the provisions of N.J.A.C. 7:1I-2.3:

1. The department may determine the priorities for the payment of claims based on extreme hardship or extreme existing or imminent hazard to the public health, safety and welfare, and the evaluation of the permanency of the harm to the environment.

***i. To be considered for priority payment, a claimant shall state in writing the specific reasons why his claim should be accorded priority in the designated section of the claim form provided by the department. In the event that priority is not given to such claimant, the department shall state in writing its reasons for the rejection of priority payment.**

2. Priority for payment of claims may be given to those claimants who have exhausted all other means of compensation with the exception of any compensation which may be obtained through litigation.

3. Priority in payment of claims shall generally be accorded persons who sustain direct or indirect damages proximately resulting from the operations or closure of any sanitary landfill.

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The department, in its discretion, may provide priority for payment of such closure costs deemed necessary to minimize or prevent further imminent damages to persons.*

7:11-4.2 Payment of claim

(a) (No change from proposal.)

(b) Any costs incurred by the claimant prior to the filing of a claim or during the pendency of a claim shall not prejudice the rights of the department to evaluate the reasonableness of said costs prior to the granting of any *[final]* award.

1. (No change from proposal.)

2. Where appropriate, the claimant shall attempt to *[mitigate his damages]* ***exercise reasonable diligence and ordinary care to avoid aggravating his injury or increasing his damages*.**

3. The department may approve payment of only a portion of the claim. ***In these circumstances, the department shall set forth in writing the reasons for approval of only a portion of the claim.***

(c) (No change from proposal.)

(d) Payment of any damages from the fund shall be conditioned upon the department acquiring, by subrogation, all rights of the claimant to recovery of *[the]* ***such*** damages from any owner and/or operator of a sanitary landfill.

1.–3. (No change from proposal.)

***7:11-4.3 Severability**

If any section, subsection, provision, clause or portion of N.J.A.C. 7:11 is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected thereby.*

(a)

DIVISION OF WATER RESOURCES

Flood Hazard Area Delineations
Delineated Floodways along Portions of the Swimming River and its Tributaries, Parkers Creek and its Tributaries, Waackaack Creek and its Tributaries, Whale Pond Brook and Jumping Brook

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

Proposed: February 22, 1983 at 15 N.J.R. 198(a).
Adopted: November 3, 1983 by Robert E. Hughey, Commissioner, Department of Environmental Protection.
Filed: November 18, 1983 as R.1983 d.569, **without change**.

Authority: N.J.S.A. 13:1D-1 et seq. and 58:16A-50 et seq.

Effective Date: December 5, 1983.
DEP Docket No. 004-83-01.
Expiration Date pursuant to Executive Order No. 66(1978): July 19, 1988.

Summary of Public Comment and Agency Responses:

The Department of Environmental Protection held a public hearing on March 9, 1983 at the Colts Neck Municipal Building, Cedar Drive, Colts Neck, New Jersey. Municipal environmental commission representatives and township engineers offered comments.

The issue was raised concerning the availability of model ordinances designed for municipalities to exercise control over construction projects in the flood hazard area. A Division of Water Resources (DWR) representative responded that the only available model ordinances are those prepared by the Federal government and that they are based on the 100-year flood as opposed to the 100 year plus 25 percent required by the State. The DWR representative also stated that currently there are regulations being proposed by the State that will aid communties in New Jersey in regulating the flood hazard areas, but that the time of their proposal and adoption is presently unknown.

The issue was raised whether previously issued stream encroachment permits were taken into account in the preparation of the proposed delineation. The DWR representative responded that changes were being made within the program to reflect existing encroachment permits on the delineation maps. However, he indicated that these permits lapse after five years, requiring renewal if the permitted property had not been developed before the lapse, and that newly adopted flood hazard area delineation could preclude such renewal.

The issue was raised whether the State would support and enforce municipal flood hazard ordinances that are more restrictive than State minimum requirements. The DWR representative responded that should a municipality choose to be more restrictive than the State, the municipality must adopt its own regulations which also provide for municipality support and enforcement of the more restrictive program.

(b)

DIVISION OF FISH, GAME AND WILDLIFE

Shellfisheries
Preservation of Sea Clams

Adopted Amendment: N.J.A.C. 7:25-12.1

Proposed: September 6, 1983 at 15 N.J.R. 1414(a).
Adopted: November 18, 1983 by Robert E. Hughey, Commissioner, Department of Environmental Protection.
Filed: November 18, 1983 as R.1983 d.567, **without change**.

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

Effective Date: December 5, 1983.
DEP Docket No. 048-83-07.
Expiration Date pursuant to Executive Order No. 66(1978): December 7, 1983.

Summary of Public Comments and Agency Responses:
No comments received.

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(a)

DIVISION OF FISH, GAME AND WILDLIFE

Shellfisheries
Oyster Seed Beds

Adopted Amendment: N.J.A.C. 7:25A-3.1

Proposed: September 6, 1983 at 15 N.J.R. 1415(b).
Adopted: November 3, 1983 by Robert E. Hughey, Commissioner, Department of Environmental Protection.
Filed: November 18, 1983 as R.1983 d.568, **without change**.

Authority: N.J.S.A. 50:1-5, 50:3-8.

Effective Date: December 5, 1983.
DEP Docket No. 046-83-07.
Expiration Date pursuant to Executive Order No. 66(1978): March 13, 1984.

Summary of Public Comment and Agency Responses:
No comments received.

(b)

DIVISION OF WASTE MANAGEMENT

Sanitary Landfills
Solid Waste Classifications

Adopted Amendments: N.J.A.C. 7:26-1.4, 2.6, 2.11 and 2.13

Proposed: May 2, 1983 at 15 N.J.R. 660(a).
Adopted: November 3, 1983 by Robert E. Hughey, Commissioner, Department of Environmental Protection.
Filed: November 18, 1983 as R.1983 d.570, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1E-6a(2).

Effective Date: December 5, 1983.
DEP Docket No. 019-83-04.
Expiration Date pursuant to Executive Order No. 66(1978): June 30, 1983 for subchapter 1; December 6, 1987 for subchapter 2.

Summary of Public Comments and Agency Responses:

Comment: The Department of Environmental Protection received five comments on the proposed amendments. One commenter expressed concern over the deletion of solid waste ID numbers 17 - dry hazardous waste, 76 - liquid hazardous waste, and 77 - liquid chemical waste. The commenter stated that the proposal "is an open invitation to IGNORE (sic) these definitions and go right ahead with violations."

Response: To understand the significance of the proposed changes, it is first important to understand how the ID numbers and definitions are used. When the Department issues a Certification of Registration Approval to a solid waste facility, the types of solid waste that the facility is authorized to accept are specifically listed according to the solid waste ID numbers and definitions in N.J.A.C. 7:26-2.13. The types of solid waste which a solid waste facility may accept are determined on a case-by-case basis according to the engineering design and other relevant factors.

Since these solid waste classifications were promulgated, the Department has developed an extensive set of hazardous waste regulations. (See N.J.A.C. 7:26-7 through 12.) All hazardous wastes, which are a subset of solid wastes, must be managed in accordance with the new hazardous waste regulations. As a result, the entire subchapter on solid waste disposal, N.J.A.C. 7:26-2, is no longer applicable to the handling of hazardous waste.(See N.J.A.C. 7:26-2.14.)

The proposed amendment in no way lessens the Department's regulatory control over the management of hazardous wastes in New Jersey. Rather, the proposed amendments to N.J.A.C. 7:26-2.13 remove the potential ambiguity of having solid waste classifications for hazardous wastes within the disposal regulations for sanitary landfills. Hazardous waste, as defined in N.J.A.C. 7:26-8, may not be disposed of in a sanitary landfill.

Comment: Two commenters recommended that solid waste ID number 26 -oil spill cleanup wastes also be deleted and included in the definition of solid waste ID number 27 - dry industrial waste. The commenters argued that with the January 1983 promulgation of revisions to N.J.A.C. 7:26-8.13 that classifies hazardous waste oil spill cleanup wastes as X725, there is no longer a need for a special category for non-hazardous oil spill cleanup wastes.

Response: The Department agrees, and for the following reasons has modified the regulation accordingly. Oil spill cleanup wastes must be managed as hazardous waste if the waste is either contaminated with oil beyond saturation or the generator of such waste fails to demonstrate that the spilled material was not one of the listed hazardous waste oils. N.J.A.C. 7:26-8.13. Oil spill cleanup residues that are contaminated with oil below the point of saturation exhibit a high degree of attenuation by the soil. As a result, this nonhazardous material will not represent an additional threat to existing ground water resources underlying sanitary landfills and will be included in solid waste ID number 27 - dry industrial waste.

In addition, before this regulatory change, generators of oil spill cleanup wastes had an undue burden to legally dispose of this material. While solid waste ID number 26 was listed under the solid waste classification system, there are virtually no active solid waste facilities that accept these wastes. This led to a significant financial burden on generators who had to dispose of the waste at out-of-state disposal facilities. Finally, classification of oil spill cleanup wastes under solid waste ID number 27 will be beneficial in allowing for waste stream control of these wastes in accordance with District Solid Waste Management Planning.

Comment: One commenter also suggested that solid waste ID number 27 - dry industrial waste be modified to read: "Waste materials resulting from manufacturing, industrial and research and development processes and operations, and which are not hazardous..." The addition of "and operations" recognizes that manufacturing and industrial activities that are not directly involved in processes per se also may generate solid wastes, such as receiving, storage, shipping and distribution operations.Therefore, a better definition is needed to include all the activities that are associated with manufacturing or industrial processes.

Response: The Department has adopted the proposed language

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in the definition of solid waste ID number 27 - dry industrial waste.

Comment: Another commenter opposed the proposed changes to solid waste ID numbers 18 - dry nonhazardous chemical waste, 27 - nonchemical industrial waste, and 28 - infectious waste. The commenter stated that the proposed rule amendments would open the door to disposal of even a greater variety of harmful waste under the ID - 27 classification.

Response: Prior to the proposed amendments to N.J.A.C. 7:26-2.13, much of the classification of solid waste was based on the source of the solid waste. The Department's regulatory and enforcement experience supports the change from source as a basis of classification to the physical and chemical characteristics of the solid waste as the basis for classification. Furthermore, the Department has adopted a comprehensive and far-reaching set of regulations concerning the generation, transportation, treatment, storage and disposal of hazardous wastes. All industrial wastes which are hazardous wastes cannot be disposed of in a sanitary landfill, but must be managed according to N.J.A.C. 7:26-7 through 12. Non-liquid industrial wastes which are not hazardous wastes, such as former ID 18, are included in solid waste ID number 27, and must be managed accordingly.

Comment: The New Jersey Department of Health has commented that infectious waste poses no special hazards outside of health facilities, such as hospitals, and that compliance with the Department of Health's requirements for the management of such waste will adequately ensure that off-site disposal will present no significant health hazard.

Response: The Department agrees and has adopted the proposed deletion of N.J.A.C. 7:26-2.6(c), 2.11(p), and 2.13 (d)lix. Consistent therewith, the Department has determined not to adopt the proposed amendment to N.J.A.C. 7:26-3.5(e) regarding collector-hauler requirements for the management and transportation of infectious waste. The proposed amendment to the definition of infectious waste has been adopted and an amendment to N.J.A.C. 7:26-2.13 (f) has been adopted so as to provide that infectious waste must be managed as required by the Department of Health.

In addition to the changes which resulted in response to the above comments, the Department has modified several other provisions. Subsequent to the changes proposed on May 2, 1983 at 15 N.J.R. 660(a), the Department adopted changes to N.J.A.C. 7:26-2.13 (which became effective on June 6, 1983 at 15 N.J.R. 894(c)) which resulted in the addition of a new provision at N.J.A.C. 7:26-2.13(c) and a renumbering of N.J.A.C. 7:26-2.13(c) to 2.13(d), 2.13(d) to 2.13(e), and 2.13(e) to 2.13 (f). In recognition that pesticides can be liquid or dry, hazardous or nonhazardous, the Department has clarified pesticides classification by classifying nonhazardous dry pesticides as ID 27, including nonhazardous liquid pesticides as ID 72, and requiring that all other pesticides, both liquid and dry, which are classified as hazardous under N.J.A.C. 7:26-8, be managed as a hazardous waste. Additionally, N.J.A.C. 7:26-2.13(a)3iii has been modified to reflect the deletion of ID 70, 76 and 77.

The Department has adopted the amendments to the following regulations as proposed on May 2, 1983 at 15 N.J.R. 660(a): N.J.A.C. 7:26-1.4, 7:26-2.6 and 7:26-2.11.

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

7:26-2.13 Sanitary landfills; records

(a) Sanitary landfills shall maintain a daily record of wastes received. The record shall include:

1.–2. (No change.)

3. The cubic yard or gallon capacity of the delivery vehicle or container for each of the three categories of wastes *[.]* ***as follows:***

i.–ii. (No change.)

iii. *[Other liquids: Waste ID 70, 72, 76 and 77]* ***Bulk liquid and semiliquids: Waste ID 72*** received (in gallons);

4.–5. (No change.)

(b)–(c) (No change.)

Agency Note: The following subsections (d), (e), and (f) were originally proposed as subsections (c), (d) and (e) but have been recodified as a result of the adoption of a new provision of N.J.A.C. 7:26-2.13(c) on June 6, 1983 (see14 N.J.R. 883(a), 15 N.J.R. 894(c)).

(d) Waste identification and definition of solids include the following:

1. Solid wastes; waste ID number and definitions:

i.–v. (No change from proposal.)

[viii.] *[**vi.** 26 Oil spill cleanup wastes: Wastes generated during an oil spill cleanup operation which include but are not limited to oil-soaked sand and straw[;]**, unless the wastes are hazardous pursuant to N.J.A.C. 7:26-8.13;**]*

[ix.] *[**vii.**]* ***vi.*** 27 [Non chemical] **Dry** industrial waste: [Solidwaste] **Waste** materials resulting from [the] manufacturing, **industrial and research and development** [industry.] **processes *and operations*, and which are not hazardous in accordance with the standards and procedures set forth at N.J.A.C. 7:26-8.** [Specifically not included is waste material of a chemical nature which is normally generated by or used in chemical, petrochemical, plastic, pharmaceutical, biochemical or microbiological manufacturing processes;] ***Also included are nonhazardous oil spill cleanup waste, dry nonhazardous pesticides, and dry nonhazardous chemical waste.***

(e) (No change from proposal.)

(f) The following waste types have been consolidated under other categories:

1. 11 Institutional (See 10, Municipal);

2. 14 Construction and demolition (See 13, Bulky Waste);

3. 15 Pesticides; *[dry (see 17, dry hazardous waste)]* ***(see 27, Dry industrial waste and N.J.A.C. 7:26-8)****;

4. 16 Hazardous waste containers *[(see 17, Dry hazardous waste)]* ***(see N.J.A.C. 7:26-8)****;

5. 17 Dry hazardous waste (See N.J.A.C. 7:26-8);

6. 18 Dry nonhazardous chemical waste (See 27, Dry industrial waste);*

5.–9. renumbered **7.–11**.

12. 26 Oil spill cleanup wastes (see 27, Dry industrial waste and N.J.A.C. 7:26-8);

13. 28 Infectious waste (see N.J.A.C. 7:26-1.4 and the requirements established by the New Jersey Department of Health);

14. 70 Waste oil and sludges (see N.J.A.C. 7:26-8);*

[10.] ***15.*** 71 Semisolid waste oils and sludges (see *[70, Waste oils and sludges]* ***N.J.A.C. 7:26-8****;

[11.] ***16.*** 75 Pesticide liquids (see *[76, Liquid hazardous waste]****72, Bulk liquid and semiliquids and N.J.A.C. 7:26-8****).

17. 76 Liquid hazardous waste (see N.J.A.C. 7:26-8);

18. 77 Liquid chemical waste (see N.J.A.C. 7:26-8);*

7:26-3.5 Collector-hauler requirements (Specific)

(a)–(d) (No change from existing regulations.)

*[(e) Rules concerning the management and transportation of infectious waste include the following:

1. The generator or owner of infectious waste shall be responsible for:

i. Treating such waste pursuant to the requirements established by the New Jersey Department of Health such that any potential for human exposure to communicable disease agents is eliminated; and

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ii. Certifying to the licensed solid waste hauler that the New Jersey Department of Health requirements for managing such waste have been satisfied.

2. All collectors and haulers of such wastes shall obtain the certification, required in (e)lii above, from the generator or owner of such waste before accepting such wastes for transportation off-site.

3. Solid waste that is managed pursuant to (e)li above, and that is transported with the certification required by (e)lii above, shall be managed as an institutional waste as defined in N.J.A.C. 7:26-2.13(c)li.]*

HEALTH

(a)

DIVISION OF HEALTH FACILITIES EVALUATION

Health Care Facilities Licensure
Licensing Nursing Home Administrators

Readoption with Amendments: N.J.A.C. 8:34

Proposed: October 3, 1983 at 15 N.J.R. 1624(a).
Adopted: November 15, 1983 by J. Richard Goldstein, M.D., Commissioner, Department of Health (with approval of Nursing Home Administrator's Licensing Board).
Filed: November 18, 1983 as R.1983 d.565, **without change**.

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5b, 26:2H-27 and 26:2H-28.

Effective Date: (Readoption): November 18, 1983.
Effective Date: (Amendment): December 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): November 18, 1988.

Summary of Public Comments and Agency Responses: **No comments received.**

HUMAN SERVICES

(b)

CONTRACT POLICY AND MANAGEMENT UNIT

Contract Administration
Funding Agreement for Renovation, Remodeling, Extension or other Improvements to Agency-Owned or Leased Community Facilities

Adopted Amendment: N.J.A.C. 10:3-2.3

Proposed: October 3, 1983 at 15 N.J.R. 1627(a).
Adopted: November 17, 1983 by George J. Albanese, Commissioner, Department of Human Services.
Filed: November 17, 1983 as R.1983 d.561, **without change**.

Authority: N.J.S.A. 30:1-12; P.L. 1980, c.119.

Effective Date: December 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): September 19, 1988.

Summary of Public Comments and Agency Responses: **No comments received.**

(c)

DIVISION OF PUBLIC WELFARE

Ruling 11
Classification and Compensation Plan; Time and Leave Regulations

Readoption: N.J.A.C. 10:109-2 and 3
Readopted with Amendments: N.J.A.C. 10:109 - Appendices I and II

Proposed: September 19, 1983 at 15 N.J.R. 1546(a).
Adopted: November 14, 1983 by George J. Albanese, Commissioner, Department of Human Services.
Filed: November 14, 1983 as R.1983 d.552, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Effective Date of Readoption without change: November 14, 1983.
Effective Date of Amendment and changes upon adoption: December 5, 1983.
Operative Date of Changes to Appendix II: January 1, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): September 14, 1988.

Summary of Public Comments and Agency Responses:

Thirteen letters were received concerning the proposed revisions to Ruling 11.

Comments were received from five representatives of the Communications Workers of America. They stated that Ruling 11 is not necessary to guarantee continued Federal funding for public assistance programs and should not be adopted for any county which is currently covered by Civil Service regulations. They further stated that since Somerset County is the only one which has not adopted Civil Service, Ruling 11 should only pertain to it. One letter stated that public hearings should be held on this subject.

A complaint from a representative of American Federation of State, County, and Municipal Employees stated that salary ranges for clerical titles in general should be increased by two to four ranges and specifically that the salary range for the title of Data Entry Machine Operator should be range 7 instead of range 5.

Complaints from the public were as follows:

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Ruling 11 should be revised prior to July 1 of each year so that county welfare agencies can implement their agreements in a more timely manner.

Ruling 11 should allow county welfare agencies and local unions more freedom in negotiating salaries and time and leave regulations by setting broader minimum and maximum salary schedules and setting only minimum time and leave regulations.

Four employees from the Union County Board of Social Services expressed their concern over the lack of new salary schedules to be effective July 1, 1983. The Board and the union had negotiated a 6 percent increase effective July 1, 1983 provided Ruling 11 allowed for such an increase. Employees are complaining that they will not receive the full 6 percent.

As part of the Department's on-going regulatory review effort, a Ruling 11 Task Force consisting of union representation and municipal, county and State governmental officials has been established and is now meeting on a monthly basis to study Ruling 11. The Task Force will be giving the above issues, as well as others, serious consideration and will make recommendations to the Department. At this point, however, the Department believes no useful purpose will be served in not readopting the ruling, with proposed changes, pending other changes that may be made as a result of the findings and recommendations of the Task Force.

Summary of Changes Subsequent to Proposal:

Certain titles were inadvertently omitted in the revised Ruling 11. These titles were established as a result of desk audits conducted by the Department of Civil Service and are being added to Appendix I. Also, the salary range for Personnel Assistant should be 19 instead of 18.

The changes being made, upon adoption, to the Appendix II Composition Schedule could not have been part of the original proposal at 15 N.J.R. 1546(a) because they represent figures which are part of a negotiated contract and negotiations were not completed prior to the readoption being proposed.

The current compensation schedules 1 through 40 represent the parameters for county welfare agencies granting wage increases for employees through December 31, 1983. The compensation schedules 41 through 67, which become effective January 1, 1984, represent the new authorized parameters within which the county welfare agencies may grant wage increases effective January 1, 1984.

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

APPENDIX I
RULING NO. 11 PART I
CLASSIFICATION AND COMPENSATION PLAN
REVISED EFFECTIVE [7/1/81]

APPROVED COUNTY WELFARE AGENCY TITLE	COMPARABLE STATE TITLE	STATE SALARY RANGE EFFECTIVE [7/1/81]
. . .	. . .	. . .
***Child Support Worker**	†	**17**
Child Support Specialist	†	**19**
Child Support Specialist, Bilingual in Spanish & English	†	**19**
Child Support Supervisor	†	**21***
. . .	. . .	. . .
Personnel Assistant	Personnel Assistant **IV**	***[18]**19***
. . .	. . .	. . .
***Principal Operator Automated Typewriter**	**Principal Operator Automated Typewriter**	**13** *
. . .	. . .	. . .
***Psychiatric Aide**	†	**05**
Psychiatric Charge Technician	†	**13**
. . .	. . .	. . .
***Psychiatric Technician**	†	**08** *
. . .	. . .	. . .
***Research Supervisor (Social Welfare)**	†	*
. . .	. . .	. . .
***Senior Data Entry Machine Operator (variants)**	**Senior Data Data Entry Machine Operator (variants)**	**07** *
. . .	. . .	. . .
***Supervisor of Data Entry Machine Operations**	†	**15** *
. . .	. . .	. . .

Appendix II
COMPENSATION SCHEDULES *1***41*
THROUGH *40***67***
Effective *July 1, 1982* ***January 1, 1984***

The formula for developing the compensation schedule for across the board increases is as follows:

1.–6. (No change from proposal.)

The new schedules are based on the following old schedules and across the board increases.

*[NEW	EFFECTIVE DATE	OLD 1/1/82	INCREASE
1	7/1/82	I	5.0%
2	7/1/82	I	5.5%
3	7/1/82	I	6.0%
4	7/1/82	I	6.5%
5	7/1/82	I	7.0%
6	7/1/82	M	5.0%
7	7/1/82	M	5.5%
8	7/1/82	M	6.0%
9	7/1/82	M	6.5%
10	7/1/82	M	7.0%
11	7/1/82	P	5.0%
12	7/1/82	P	5.5%
13	7/1/82	P	6.0%
14	7/1/82	P	6.5%
15	7/1/82	P	7.0%
16	7/1/82	R	5.0%
17	7/1/82	R	5.5%

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18	7/1/82	R	6.0%
19	7/1/82	R	6.5%
20	7/1/82	R	7.0%
21	7/1/82	T	5.0%
22	7/1/82	T	5.5%
23	7/1/82	T	6.0%
24	7/1/82	T	6.5%
25	7/1/82	T	7.0%
26	7/1/82	V	5.0%
27	7/1/82	V	5.5%
28	7/1/82	V	6.0%
29	7/1/82	V	6.5%
30	7/1/82	V	7.0%
31	7/1/82	W	5.0%
32	7/1/82	W	5.5%
33	7/1/82	W	6.0%
34	7/1/82	W	6.5%
35	7/1/82	W	7.0%
36	7/1/82	X	5.0%
37	7/1/82	X	5.5%
38	7/1/82	X	6.0%
39	7/1/82	X	6.5%
40	7/1/82	X	7.0%]*

The new schedule is:

*NEW	EFFECTIVE DATE	OLD 7/1/82	INCREASE
41	**1/1/84**	**3**	**2.0%**
42	**1/1/84**	**3**	**2.5%**
43	**1/1/84**	**3**	**3.0%**
44	**1/1/84**	**19**	**2.0%**
45	**1/1/84**	**19**	**2.5%**
46	**1/1/84**	**19**	**3.0%**
47	**1/1/84**	**25**	**2.0%**
48	**1/1/84**	**25**	**2.5%**
49	**1/1/84**	**25**	**3.0%**
50	**1/1/84**	**30**	**2.0%**
51	**1/1/84**	**30**	**2.5%**
52	**1/1/84**	**30**	**3.0%**
53	**1/1/84**	**31**	**2.0%**
54	**1/1/84**	**31**	**2.5%**
55	**1/1/84**	**31**	**3.0%**
56	**1/1/84**	**36**	**2.0%**
57	**1/1/84**	**36**	**2.5%**
58	**1/1/84**	**36**	**3.0%**
59	**1/1/84**	**38**	**2.0%**
60	**1/1/84**	**38**	**2.5%**
61	**1/1/84**	**38**	**3.0%**
62	**1/1/84**	**39**	**2.0%**
63	**1/1/84**	**39**	**2.5%**
64	**1/1/84**	**39**	**3.0%**
65	**1/1/84**	**40**	**2.0%**
66	**1/1/84**	**40**	**2.5%**
67	**1/1/84**	**40**	**3.0%***

A list of which compensation schedules are presently being utilized by the county welfare agencies is reproduced below:

*[County Welfare Agencies	Compensation Schedule
Atlantic	L of Ruling 11 1980
	†M of Ruling 11 1982
Bergen	X of Ruling 11 1982
Burlington	X of Ruling 11 1982
Camden	X of Ruling 11 1982
Cape May	X of Ruling 11 1982
	†P of Ruling 11 1982
Cumberland	V of Ruling 11 1982
Essex	T of Ruling 11 1982
Gloucester	X of Ruling 11 1982
Hudson	L of Ruling 11 1980
Hunterdon	I of Ruling 11 1981
Mercer	X of Ruling 11 1982
Middlesex	X of Ruling 11 1982
Monmouth	X of Ruling 11 1982
Morris	I of Ruling 11 1982
Ocean	L of Ruling 11 1980
Passaic	X of Ruling 11 1982
Salem	W of Ruling 11 1982
Somerset	X of Ruling 11 1982
Sussex	T of Ruling 11 1982
Union	T of Ruling 11 1982
Warren	L of Ruling 11 1980

†Employees not in the bargaining unit]*

The new compensation schedule is:

***County Welfare Agencies**	**Compensation Schedules**
Atlantic	**36 of Ruling 11 7/1982**
	40 of Ruling 11 7/1982
Bergen	**40 of Ruling 11 7/1982**
Burlington	**40 of Ruling 11 7/1982**
Camden	**40 of Ruling 11 7/1982**
Cape May	**38 of Ruling 11 7/1982**
	40 of Ruling 11 7/1982
Cumberland	**30 of Ruling 11 7/1982**
Essex	**25 of Ruling 11 7/1982**
Gloucester	**40 of Ruling 11 7/1982**
Hudson	**H of Ruling 11 1979**
	L of Ruling 11 1980
Hunterdon	**40 of Ruling 11 7/1982**
Mercer	**40 of Ruling 11 7/1982**
Middlesex	**40 of Ruling 11 7/1982**
Monmouth	**40 of Ruling 11 7/1982**
Morris	**3 of Ruling 11 7/1982**
Ocean	**39 of Ruling 11 7/1982**
	40 of Ruling 11 7/1982
Passaic	**40 of Ruling 11 7/1982**
Salem	**31 of Ruling 11 7/1982**
Somerset	**40 of Ruling 11 7/1982**
Sussex	**25 of Ruling 11 7/1982**
Union	**19 of Ruling 11 7/1982**
	40 of Ruling 11 7/1982
Warren	**T of Ruling 11 1/1982**
	40 of Ruling 11 7/1982*

LAW AND PUBLIC SAFETY

(a)

BOARD OF MEDICAL EXAMINERS

Standards for Out-of-State Medical School Clinical Training

Adopted Amendment: N.J.A.C. 13:35-1A.4 proposed as 13:35-11.4

Proposed: September 6, 1983 at 15 N.J.R. 1444(a).
Adopted: November 1, 1983 by Board of Medical Examiners, Edwin H. Albano, M.D.
Filed: November 7, 1983 as R.1983 d.549, **without change** in text but **recodified as** N.J.A.C. 13:35-1A.4.

Authority: N.J.S.A. 18A:68-12 et seq. and 45:9-2.

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Effective Date: December 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): August 1, 1988.

Summary of Public Comments and Agency Responses:

The adopted amendment permits students from foreign medical schools to take 5th and 6th semester clinical training programs in New Jersey, provided that those programs were approved by the State Board of Medical Examiners. This provision had been requested by several foreign medical schools and had also been supported by the Chancellor of Higher Education in this State. While the provision had not been included in the form of the rule originally adopted, the Board has now determined that sufficient safeguards are in place to permit an appropriate evaluation of 5th and 6th semester training programs, and the Board has therefore adopted the previously requested amendment. The proposal was circulated to a standard distribution list of persons and professional organizations regularly interested in Board affairs; several newspapers were notified, to wit: The Trenton Times, The Star Ledger and The Camden Courier Post; and individuals, organizations both domestic and international and foreign medical schools which had previously expressed an interest in this subject received notice. These included The Medical Society of New Jersey, The Medical Society of Osteopathic Physicians and Surgeons of New Jersey, the Hospital Association of New Jersey; American University of the Caribbean, Universidad del Noreste (Mexico), Far Eastern University (Philippines), Universidad Autonama de Guadalajara, Universidad Autonama de Ciudad Juarez, Ross University (Islands of Domenica) and St. George University (Grenada). No comments whatsoever were received on the present proposal, and the agency has therefore concluded that sufficient cause has been shown to adopt the rule as proposed. No changes were made between the rule as proposed and adopted except for a recodification of the rule from N.J.A.C. 13:35-11.4 as proposed to N.J.A.C. 13:35-1A.4 as adopted. The rule will be effective upon publication in the New Jersey Register of a notice of adoption.

TRANSPORTATION

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Route 4

Adopted Amendment: N.J.A.C. 16:28A-1.4

Proposed: October 3, 1983 at 15 N.J.R. 1632(a).
Adopted: November 9, 1983 by David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid.
Filed: November 16, 1983 as R.1983 d.559, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A–6, 39:4-6, 39:4-138.1, 39:4-139 and 39:4-199.

Effective Date: December 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses: **No comments received.**

(b)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Route 34 and 36

Adopted Amendments: N.J.A.C. 16:28A-1.24 and 1.26

Proposed: October 3, 1983 at 15 N.J.R. 1633(a).
Adopted: November 9, 1983 by David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid.
Filed: November 16, 1983 as R.1983 d.557, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A–6, 39:4-6, 39:4-138.1, 39:4-139 and 39:4-199.

Effective Date: December 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses: **No comments received.**

(c)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Routes 35 and US 9W

Adopted Amendments: N.J.A.C. 16:28A-1.25 and 1.61

Proposed: October 3, 1983 at 15 N.J.R. 1634(a).
Adopted: November 9, 1983 by David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid.
Filed: November 16, 1983 as R.1983 d.558, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A–6, 39:4-6 and 39:4-138.1, 39:4-139 and 39:4-199.

Effective Date: December 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses: **No comments received.**

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(a)

TRANSPORTATION OPERATIONS

Miscellaneous Traffic Rules
Route 31 and Relocated Center Street; Route 23 Southbound Ramp and Newark Pompton Turnpike

Adopted New Rules: N.J.A.C. 16:30-2.7 and 2.8

Proposed: October 3, 1983 at 15 N.J.R. 1636(a).
Adopted: November 9, 1983 by David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid.
Filed: November 16, 1983 as R.1983 d.560, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A–6, 39:4-6 and 39:4-140.

Effective Date: December 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses: **No comments received.**

OTHER AGENCIES

(b)

GARDEN STATE PARKWAY

Tolls
Toll-Free Passage

Adopted Amendment: N.J.A.C. 19:8-3.2

Proposed: October 3, 1983 at 15 N.J.R. 1638(a).
Adopted: November 9, 1983 by New Jersey Highway Authority, Geroge P. Zilocchi, Acting Executive Director.
Filed: November 15, 1983 as R.1983 d.553, **without change**.

Authority: N.J.S.A. 27:12B-5(j).

Effective Date: December 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): June 1, 1988.

Summary of Public Comments and Agency Responses: **No comments concerning the proposal were received** other than inquiries from various newspapers.

(c)

NEW JERSEY TURNPIKE AUTHORITY

Traffic Control of New Jersey Turnpike Operations of Vehicles on Turnpike Projects; Care Required; Records

Adopted Amendments: N.J.A.C. 19:9-1.17 and 1.20

Proposed: October 3, 1983 at 15 N.J.R. 1638(b).
Adopted: November 9, 1983 by New Jersey Turnpike Authority, William J. Flanagan, Executive Director.
Filed: November 15, 1983 as R.1983 d.555, **without change**.

Authority: N.J.S.A. 27:23-29.

Effective Date: December 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): July 13, 1988.

Summary of Public Comments and Agency Responses: **No comments received.**

(d)

NEW JERSEY TURNPIKE AUTHORITY

Purchasing and Contracting

Adopted Repeal: N.J.A.C. 19:9-2.1
Adopted New Rule: N.J.A.C. 19:9-2

Proposed: October 3, 1983 at 15 N.J.R. 1639(a).
Adopted: November 9, 1983 by New Jersey Turnpike Authority, William J. Flanagan, Executive Director.
Filed: November 15, 1983 as R.1983 d.556, **without change**.

Authority: N.J.S.A. 27:23-29.

Effective Date: December 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): July 13, 1988.

Summary of Public Comments and Agency Responses: **No comments received.**

(e)

NEW JERSEY TURNPIKE AUTHORITY

Inspection and Obtaining of Turnpike Authority Records
New Jersey State Police Reports

Adopted Amendment: N.J.A.C. 19:9-4.4

Proposed: October 3, 1983 at 15 N.J.R. 1643(a).

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Adopted: November 9, 1983 by New Jersey Turnpike Authority, William J. Flanagan, Executive Director.
Filed: November 15, 1983 as R.1983 d.554, **without change**.

Authority: N.J.S.A. 27:23-29.

Effective Date: December 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): July 13, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

(a)

CASINO CONTROL COMMISSION

Rules of the Games
Electronic, Electrical and Mechanical Devices Prohibited; Minimum and Maximum Wagers

Adopted New Rule: N.J.A.C. 19:47-8.1
Recodification: N.J.A.C. 19:47-5.7 as N.J.A.C. 19:47-8.2

Proposed: September 19, 1983 at 15 N.J.R. 1572(a).
Adopted: November 10, 1983 by Walter N. Read, Chairman, Casino Control Commission.
Filed: November 10, 1983 as R.1983 d.551, **without change**.

Authority: N.J.S.A. 5:12-63(c), 5:12-69(a) and 5:12-70(f).

Effective Date: December 5, 1983.
Expiration Date pursuant to Executive Order No. 66(1978): May 4, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

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EMERGENCY ADOPTION

AGRICULTURE

(a)

DIVISION OF ANIMAL HEALTH

Quarantine and Embargos on Animals Poultry Embargo

Adopted Emergency New Rule and Concurrent Proposal: N.J.A.C. 2:5-3

Emergency New Rule Adopted: November 18, 1983 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.

Gubernatorial Approval (N.J.S.A. 52:14B-4(c)): November 18, 1983.

Emergency New Rule Filed: November 21, 1983 as R.1983 d.572.

Authority: N.J.S.A. 4:5-1 and 4:5-94 to 106.

Emergency New Rule Effective Date: November 21, 1983.

Emergency New Rule Expiration Date: January 20, 1984.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert E. Horton, DVM, Director
Division of Animal Health
New Jersey Department of Agriculture
CN 330
Trenton, New Jersey 08625
(609) 292-3965

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

The concurrent proposal is known as PRN 1983-635.

Summary

An outbreak of highly pathogenic Avian Influenza in Pennsylvania poultry flocks places the New Jersey poultry industry in imminent peril due to the severity of this virus infection. Pennsylvania flocks have been experiencing mortality of up to 50% and loss of egg production down to zero. In order to protect the poultry industry of New Jersey it is imperative that all live fowl from Pennslyvania be prohibited from entry into New Jersey except by prior permit by the Director of the Division of Animal Health.

Social Impact

This rule will affect poultry slaughtering establishments, egg producing poultry farms, broiler and roaster operations and exhibition birds by preventing introduction of Avian Influenza into New Jersey flocks thus preventing losses of birds and production.

Economic Impact

Due to this restriction of importation, by prior permit only, these poultry operations will be protected from loss of birds and reduced egg production. Exhibition will suffer as a result of reduction of Pennsylvania entrants. Slaughter establishments will be able to continue on a restricted basis applying precautionary measures to prevent spread of infection and with no reduction of labor force.

Failure to adopt this regulation would result in possible infection of New Jersey poultry flocks with losses of production and increased egg and poultry prices.

Full text of the emergency new rule and concurrent proposal follows.

SUBCHAPTER 3. POULTRY EMBARGO

2:5-3.1 Poultry embargo

(a) By order of the State Board of Agriculture and pursuant to N.J.S.A. 4:5-1 and 4:5-94 to 106 of the agricultural laws of the State of New Jersey hereby order, in order to prevent the spread of highly pathogenic Avian Influenza, an infectious and contagious disease of fowl, that all live fowl and poultry manure and litter originating from the State of Pennsylvania be prohibited entrance into New Jersey except under prior permit issued by the Director of the Division of Animal Health, N.J.D.A., CN 330, Trenton, New Jersey 08625 (609)292-3965.

(b) Day old chicks hatching eggs and eggs for human consumption are exempt from this section but must be in compliance with the Code of Federal Regulations, Part 81.

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MISCELLANEOUS NOTICES

BANKING

(a)

DIVISION OF CONSUMER COMPLAINTS, LEGAL AND ECONOMIC RESEARCH

Insurance Tie-In Prohibition

Adopted New Rule: N.J.A.C. 3:1-13.1 Notice of Hearing Officer's Report

Take notice that pursuant to the public hearing held on August 24, 1983 concerning proposed new rule N.J.A.C. 3:1-13.1 held by the New Jersey Department of Banking offices, Trenton, New Jersey, hearing notice published at 15 N.J.R. 1207, the hearing officer's report is available at cost. Persons wishing a copy may contact the Department of Banking, CN 040, Trenton, New Jersey or the Office of Administrative Law at 88 East State Street, Trenton, New Jersey 08625.

This Notice is published as a matter of public information.

COMMUNITY AFFAIRS

(b)

DIVISION OF HOUSING AND DEVELOPMENT

Notice of Pre-Proposal for a Rule

Authorized By: John P. Renna, Commissioner, Department of Community Affairs.
Authority: P.L. 1983, c.335, section 10.

P.L. 1983, c.335 authorizes municipalities to lease certain municipally owned structures to housing corporations and resident first-time homebuyers for the purpose of rehabilitating or converting those structures to housing for persons of low and moderate income and to eventually sell those structures to the lessees under certain circumstances. Section 10 of this act empowers the Commissioner of the Department of Community Affairs to adopt, amend, revise and repeal rules and regulations to promote implementation of the provisions of the act.

The Department intends to adopt such rules as may be necessary to implement the act. Prior to doing so, however, it invites all interested parties to submit recommendations as to subject matter and content of any such rules.

Interested persons may submit in writing, data, views or arguments relevant to the pre-proposal on or before January 4, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

The Department of Community Affairs thereafter may propose rules on this subject. No further proceedings are contemplated prior to the submission of any such proposal.

This pre-proposal is known as PPR 1983-7.

LAW AND PUBLIC SAFETY

(c)

DIVISION OF MOTOR VEHICLES

Bulk Commodities Application

Public Notice

Take notice that Clifford W. Snedeker, Director, Division of Motor Vehicles, pursuant to the authority of N.J.S.A. 39:5E-11, hereby lists the names and addresses of applicants who have filed an application for a common carrier's Certificate of Public Convenience and Necessity and/or a contract carrier permit to engage in the busines of transporting bulk commodities in intrastate commerce.

COMMON CARRIER (NON-GRANDFATHER)

Quality Carriers, Inc.
c/o Air Products & Chemicals, Inc.
P.O. Box 1000
Dayton, New Jersey 08810

M.T. Trucking
188 Hillside Avenue
Wyckoff, New Jersey 07481

Dawn Trucking Corp.
87 Bowne Street
Brooklyn, New York 11231

CONTRACT CARRIER (NON-GRANDFATHER)

David A. Floyd, Inc.
4 South Main Street
Allentown, New Jersey 08501

R. & S. Hoernlen, Inc.
RD 2, Box 399
Bunnvale Road
Califon, New Jersey 07830

Joseph Claudio & Sons, Inc.
39 Orchard Street
Hamburg, New Jersey 07419

H. Degroot & Son, Inc.
RD 8, Box 780
Newton, New Jersey 07860

K.E. Anderson Trucking Inc.
RD 4, Box 687
Newton, New Jersey

Daniel G. Myers, Inc.
RD 3, Box 124
Milford, New Jersey 08848

Terry W. Fletcher, Inc.
RD 32, Box 317 AA
Stockton, New Jersey 08559

Vogt Transportation, Inc.
215 Harrison Street
Frenchtown, New Jersey 08825

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Cougle and Sons, Inc.
50 West Flagge Street
Rockaway, New Jersey 07866

R.M. O'Melia Sr., Inc.
114 Newbury Road
Howell, New Jersey 07731

Protests in writing and verified under oath may be presented by interested parties to the Director of Motor Vehicles within 20 days following the publication date of an application.

TREASURY-GENERAL

(a)

DIVISION OF BUILDING AND CONSTRUCTION

Architect/Engineer Selection

Public Notice

The following assignments have been made:

DBC No.	Project	A/E	CCE
M529	New Roof-Engineering & Warehouse Building, Hunterdon Developmental Center, Hunterdon, N.J.	Vincent E. Paolicelli	$80,000.00
H700	Replacement of Steps, A-4 Parking Lot Ramapo State College	Blender & Feitlowitz	$23,000.00
E126	Feasibility/Cost Study, Seven Regional Day Schools	Vincent E. Paolicelli	$ 2,500.00 Services
M537	Roof Replacement-Laundry Building Ancora Psychiatric Hospital Hammonton, N.J.	Lammy & Georgio	$46,000.00
A312	Soils Inspection Services, General Office Building Trenton, N.J.	Mellick & Tully, Assoc.	$14,500.00 Services
P340	Right of Way Survey, Johnson Avenue, Library State Park Union, N.J.	Bernard R. Berson & Assoc.	$ 5,460.00 Services

Competitive Proposals

Bernard R. Berson Assoc.	$ 5,460.00
B2A Consultants	6,483.00
Raimondi Assoc.	15,590.00

H699	Repair/Replacement of Three Roofs Kean College of N.J., Union, N.J.	L.J. Mineo	$150,000.00

Competitive Proposals

L.J. Mineo	7.4%
Kruger, Kruger, Albenberg	7.85%

M530	Renovations-Valetine Hall,Johnstone Training Developmental Center Bordentown, N.J.	Myers, Johnson & Jones	$1,225,00.00

Competitive Proposals

Myers, Johnson & Jones	6.849%
Berton-Pineles	8.36%
Scrimenti-Shive-Spinelli-Perantoni	9.83%

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INDEX OF ADOPTED RULES

The *Index of Adopted Rules* contains rules which have been promulgated subsequent to the most recent update of the New Jersey Administrative Code. **Rules which are being promulgated in this Register, and which appear in the Table of Rules in this issue, do not appear in this index. These rules will appear in next month's Index of Adopted Rules.**

The rules in this index are listed in order of their N.J.A.C. citations. Accompanying the N.J.A.C. citation for each rule is a brief description of the rule's content, the Register citation for its proposal notice, its Office of Administrative Law (OAL) document citation (which should be used if ordering a copy of the rule from OAL), and the Register citation for its adoption. At the bottom of the listing for each Title is the date of the most recent Code update for that Title.

The Index of Adopted Rules appears in the first Register of each month, complementing the *Index of Proposed Rules* which appears in the second Register of each month. Together, these indices make available to a Code and Register subscriber all legally effective rules, and enable the subscriber to keep track of all State agency rulemaking activities from the initial proposal through final promulgation.

For any rule not yet published in a Code update, the full text of the proposal notice as published in the Register, plus the full text of any changes published with the adoption notice in the Register, constitute an official copy of the promulgated rule. If the full text of either the proposed rule or any changes does not appear in the Register, it is available for a fee from:

Administrative Filings
CN 301
Trenton, New Jersey 08625

To be certain that you have a copy of each proposed rule which may have been adopted but which does not yet appear in the most recent Code update, you should retain each Register beginning with October 5, 1979.

HOW TO USE THE TABLE OF CITATIONS

Generally, the key to locating a particular adopted rule is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule your are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research.

The N.J.A.C. citation itself indicates the extent of the changes to a rule. Every citation includes, at a minimum, the numerical designation of the title and chapter (**1:30**), and may include subchapter and section designations (1:30-**1.1**). In general, the less specific the citation, the more extensive the rule change. For example, 1:30 means that much or all of chapter 30 of title 1 has been modified; 1:30-1 means that several sections of subchapter 1 of 1:30 have been revised; and 1:30-1.1 means that only section 1 of 1:30-1 has been changed.

An N.J.A.C. citation that includes several section numbers (1:30-1.1, 1.3, 1.4) or several different subchapter and section numbers (1:30-1.1, 2.1, 4.3) means that similar or related changes have been made to those provisions. Additionally, a citation may designate an entirely new rule rather than an amended one.

In general, each rule is listed separately and chronologically. However, where an adoption notice contained several related rule adoptions or amendments within a single chapter, all of those changes may be under a single entry. Therefore, to be certain that you have found all of the changes to a given rule, be sure to scan the citations above and below that rule to find any entries which might contain related rule adoptions, including the one you are researching.

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW–TITLE 1				
1:1-2.2	Contested cases and OAL jurisdiction	14 N.J.R. 486(a)	R.1982 d.467	15 N.J.R. 23(a)
1:1-3.2	Placement of case on inactive list	15 N.J.R. 1399(a)	R.1983 d.515	15 N.J.R. 1939(a)
1:1-3.3	Pre-hearing conferences and tape-recording	14 N.J.R. 606(a)	R.1982 d.297	14 N.J.R. 975(a)
1:1-3.11	Succession of parties in contested cases	14 N.J.R. 606(b)	R.1982 d.295	14 N.J.R. 975(b)
1:1-9.1, 9.2, 9.6, 9.7	Interlocutory review and emergency relief	14 N.J.R. 1182(a)	R.1982 d.472	15 N.J.R. 25(a)
1:1-9.7	Interlocutory review	15 N.J.R. 1399(b)	R.1983 d.517	15 N.J.R. 1939(b)
1:1-10.1	Pre-hearing conferences by telephone	15 N.J.R. 582(a)	R.1983 d.268	15 N.J.R. 1093(a)
1:1-12.4	Notice of opportunity to intervene or participate	15 N.J.R. 1400(a)	R.1983 d.516	15 N.J.R. 1939(c)
1:1-13.2, 13.3, 14.5	Interlocutory review and emergency relief	14 N.J.R. 1182(a)	R.1982 d.472	15 N.J.R. 25(a)
1:1-14.1	Consolidation of cases	14 N.J.R. 674(b)	R.1982 d.296	14 N.J.R. 975(c)
1:1-16.5	Substantiation of final decisions	14 N.J.R. 608(a)	R.1982 d.292	14 N.J.R. 975(d)
1:2-2	Conference hearings and Civil Service cases	15 N.J.R. 66(a)	R.1983 d.87	15 N.J.R. 435(a)
1:2-3	"Hearings on the papers" and MV cases	15 N.J.R. 68(a)	R.1983 d.86	15 N.J.R. 436(a)
1:2-3.1	Correction: MV cases and "hearings on the papers"	15 N.J.R. 68(a)	R. 1983 d.86	15 N.J.R. 1243(a)
1:6A	Special Education Program hearing rules	14 N.J.R. 930(a)	R.1982 d.462	15 N.J.R. 25(b)
1:6A-2.2, 4.2, 5.5	Special Education Program hearing rules	15 N.J.R. 2(a)	R.1983 d.88	15 N.J.R. 437(a)
1:6A-3.3, 4.4, 4.5	Special Education Program hearing rules	15 N.J.R. 451(a)	R.1983 d.253	15 N.J.R. 1015(a)
1:6A-5.3	Special Education Program: appeals of ALJ decisions	15 N.J.R. 978(a)	R.1983 d.358	15 N.J.R. 1467(a)
1:20	Representation fee hearings before PERC Appeal Board	14 N.J.R. 862(a)	R.1983 d.305	15 N.J.R. 1243(b)
1:30	Agency rulemaking	14 N.J.R. 780(a)	R.1982 d.466	15 N.J.R. 29(a)
1:30-2.7	Correction: Agency rulemaking	14 N.J.R. 780(a)	R.1982 d.466	15 N.J.R. 543(a)
1:30-3.7	Correction: Agency rulemaking	14 N.J.R. 780(a)	R.1982 d.466	15 N.J.R. 101(a)
1:31	Organization of OAL	Organizational	R.1982 d.291	14 N.J.R. 976(a)
15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R.1982 d.339	14 N.J.R. 1163(b)

(Title 1, Transmittal 2 dated June 21, 1982)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
AGRICULTURE–TITLE 2				
2:1-2	Readopted: Department organizational rules	15 N.J.R. 1538(a)	R.1983 d.528	15 N.J.R. 1939(d)
2:2-1	Animal Health: readopted Reportable Diseases	15 N.J.R. 1202(a)	R.1983 d.448	15 N.J.R. 1753(a)
2:2-2	Readopted: Brucellosis Control and Eradication	15 N.J.R. 1203(a)	R.1983 d.411	15 N.J.R. 1647(a)
2:2-2.1, 2.6, 2.10, 2.13, 2.14, 2.15, 2.17, 2.18	Swine brucellosis control	14 N.J.R. 487(b)	R.1982 d.237	14 N.J.R. 833(a)
2:2-2.3	Calfhood brucellosis vaccination	14 N.J.R. 487(a)	R.1982 d.234	14 N.J.R. 833(b)
2:2-2.19	Brucellosis testing for intrastate movement	14 N.J.R. 865(a)	R.1982 d.360	14 N.J.R. 1154(a)
2:2-3	Animal Health: readopted Tuberculosis Control and Eradication	15 N.J.R. 1203(b)	R.1983 d.449	15 N.J.R. 1753(b)
2:2-4	Readopted: Swine Disease Control	15 N.J.R. 1204(a)	R.1983 d.450	15 N.J.R. 1753(c)
2:2-10	Repealed: Duplicate poultry and turkey rules	15 N.J.R. 1204(b)	R.1983 d.451	15 N.J.R. 1753(d)
2:3-1	Readopted: Livestock and Poultry Importations	15 N.J.R. 1205(a)	R.1983 d.452	15 N.J.R. 1754(a)
2:3-1.8	Livestock: prior import permits	15 N.J.R. 1290(a)	R.1983 d.455	15 N.J.R. 1754(b)
2:3-3.7	Swine brucellosis control	14 N.J.R. 487(b)	R.1982 d.237	14 N.J.R. 833(a)
2:3-4	Correction: Livestock for Immediate Slaughter	———	———	15 N.J.R. 1876(a)
2:3-6.2	Goats for exhibition: Disease testing	14 N.J.R. 489(a)	R.1982 d.235	14 N.J.R. 833(c)
2:3-6.2	Goats for exhibition: Disease testing	14 N.J.R. 489(a)	R.1982 d.235	14 N.J.R. 833(c)
2:6	Readopted: Biological Products for Diagnostic and Therapeutic Purposes	15 N.J.R. 1205(b)	R.1983 d.453	15 N.J.R. 1754(c)
2:7	Readopted: Poultry and Turkey Improvement Plans	15 N.J.R. 1206(a)	R.1983 d.454	15 N.J.R. 1754(d)
2:23	Voluntary Gypsy-Moth Suppression Program	15 N.J.R. 370(a)	R.1983 d.267	15 N.J.R 1093(b)
2:32-2	Sire Stakes Program	15 N.J.R. 69(a)	R.1983 d.84	15 N.J.R. 439(a)
2:50-1.1	Dairy farmers and relief from notice of intent	14 N.J.R. 489(b)	R.1982 d.238	14 N.J.R. 833(d)
2:68-1	Commercial feeding stuffs: Association standards	15 N.J.R. 583(a)	R.1983 d.325	15 N.J.R. 1372(a)
2:69	Readopted: Commercial Fertilizers and Soil Conditioners	15 N.J.R. 1206(b)	R.1983 d.412	15 N.J.R. 1647(b)
2:69-1.11	Commercial values of fertilizers	14 N.J.R. 402(a)	R.1982 d.236	14 N.J.R. 833(e)
2:71-1	Readopted: Quality of Individual Shell Eggs	15 N.J.R. 1050(a)	R.1983 d.394	15 N.J.R. 1574(a)
2:71-2	Readopted: Grades of Fruits and Vegetables	15 N.J.R. 1051(a)	R.1983 d.395	15 N.J.R. 1574(b)
2:71-2.28	Fruits and vegetables: rates for inspection services	15 N.J.R. 462(a)	R.1983 d.312	15 N.J.R. 1245(a)
2:72-1.1	Readopted: Bonding Requirement of Commission Merchants, Dealers, Brokers, Agents	15 N.J.R. 1051(b)	R.1983d.396	15N.J.R.1574(c)
2:73-2	Readopted: State Seal of Quality for eggs	15 N.J.R. 584(a)	R.1983 d.313	15 N.J.R. 1245(b)
2:74-1	Readopted: Controlled Atmosphere Storage for Apples	15 N.J.R. 1052(a)	R.1983 d.397	15 N.J.R. 1574(d)
2:85-1	Repealed: Agricultural Preserve Demonstration Program	15 N.J.R. 371(a)	R.1983 d.169	15 N.J.R. 889(a)
	(Title 2, Transmittal 19 dated June 21, 1982)			
BANKING–TITLE 3				
3:1-9	Readopted: Home Mortgage Disclosure rules	15 N.J.R. 1146(a)	R.1983 d.379	15 N.J.R. 1575(a)
3:1-9.4–9.21	Home mortgage disclosure	15 N.J.R. 4(a)	R.1983 d.85	15 N.J.R. 439(b)
3:1-10.1	Real property transactions: Executive officer defined	14 N.J.R. 490(a)	R.1982 d.242	14 N.J.R. 834(a)
3:1-11	"Executive officer" and affiliated persons	14 N.J.R. 490(b)	R.1982 d.243	14 N.J.R. 834(b)
3:1-14	Revolving Credit Equity Loans	15 N.J.R. 1147(a)	R.1983 d.378	15 N.J.R. 1575(b)
3:2-2	Repealed: Plain language review of contracts	14 N.J.R. 454(a)	R.1982 d.213	14 N.J.R. 755(a)
3:6-3	Standardization of executive officer classification	14 N.J.R. 491(a)	R.1982 d.244	14 N.J.R. 834(c)
3:6-7.1–7.8	Mutual savings banks: Investment restatement accounting	14 N.J.R. 676(a)	R.1982 d.307	14 N.J.R. 988(a)
3:6-13	Automated teller machines	15 N.J.R. 190(a)	R.1983 d.286	15 N.J.R. 1179(a)
3:6-14	Foreign banks: Biennial certification fee	15 N.J.R. 6(a)	R.1983 d.42	15 N.J.R. 330(a)
3:7-4	Readopted: Notice of Maturity on Long Term Time Deposits	15 N.J.R. 1053(a)	R.1983 d.363	15 N.J.R. 1467(b)
3:7-5, 5.1-5.5	Statement of interest: Officers defined	14 N.J.R. 492(a)	R.1982 d.245	14 N.J.R. 834(d)
3:11-1.1	Readopted: Approval of banks to exceed 10% limitation on investments	15 N.J.R. 658(b)	R.1983 d.264	15 N.J.R. 1094(a)
3:11-2.1	Commercial bank lending: Approved subsidiaries	15 N.J.R. 110(a)	R.1983 d.108	15 N.J.R. 622(a)
3:11-7.2, 7.8, 7.9	Expanded lending limitations	15 N.J.R. 192(a)	R.1983 d.133	15 N.J.R. 688(a)
3:11-7.7	Time deposit balances and 10 percent limitation	14 N.J.R. 608(b)	R.1982 d.263	14 N.J.R. 909(a)
3:17-7.1, 7.3	Small loan lenders and second mortgage purchases	15 N.J.R. 111(a)	R.1983 d.120	15 N.J.R. 622(b)
3:23-2.1	License fees for credit sales and loan businesses	15 N.J.R. 463(a)	R.1983 d.183	15 N.J.R. 889(b)
3:26-3.1	Readopted: Action upon Detection of Crime	15 N.J.R. 372(a)	R.1983 d.184	15 N.J.R. 889(c)
3:28-5.1–5.7	Mutual savings and loan: Investment restatement accounting	14 N.J.R. 678(a)	R.1982 d.306	14 N.J.R. 989(a)
3:30-1.3, 1.4	Maturity notice on fixed-term and variable savings accounts	15 N.J.R. 1207(b)	R.1983 d.459	15 N.J.R. 1754(e)
3:38-1	Licensing of mortgage bankers and brokers	14 N.J.R. 571(a)	R.1982 d.302	14 N.J.R. 977(a)
3:38-2, 3, 4, 5, 6	Mortgage bankers and brokers: Rules of operation	14 N.J.R. 493(a)	R.1982 d.303	14 N.J.R. 977(b)
	(Title 3, Transmittal 18 dated June 21, 1982)			

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
CIVIL SERVICE–TITLE 4				
4:1-2.1	"Base salary" defined	14 N.J.R. 679(a)	R.1982 d.331	14 N.J.R. 1089(a)
4:1-5	Commission Review and Appeals: readopted Hearing Rules	15 N.J.R. 1148(a)	R.1983 d.421	15 N.J.R. 1647(c)
4:1-5.11	Hearings: Decision notification	15 N.J.R. 111(b)	R.1983 d.100	15 N.J.R. 543(b)
4:1-7.11	Hours of work and compensation	14 N.J.R. 938(a)	R.1983 d.159	15 N.J.R. 801(a)
4:1-8	Readopted: Examinations and Applications	15 N.J.R. 1292(a)	R.1983 d.444	15 N.J.R. 1755(a)
4:1-8.3	Notice of examinations	15 N.J.R. 726(a)	R.1983 d.307	15 N.J.R. 1245(c)
4:1-8.8B	Veterans' age reduction	14 N.J.R. 455(a)	R.1982 d.326	14 N.J.R. 1089(b)
4:1-10.1, 10.2, 10.3, 10.5	Noncompetitive and labor titles	14 N.J.R. 1186(a)	R.1982 d.496	15 N.J.R. 83(a)
4:1-12	Readopted: Certification and Appointment rules	15 N.J.R. 1403(a)	R.1983 d.513	15 N.J.R. 1857(a)
4:1-12.10	Notifying eligibles of certification	14 N.J.R. 940(a)	R.1983 d.17	15 N.J.R. 141(a)
4:1-13.4	Police and firefighters: Working test periods	14 N.J.R. 115(a)	R.1982 d.204	14 N.J.R. 709(a)
4:1-15.2	Lateral title change	14 N.J.R. 940(b)	R.1983 d.340	15 N.J.R. 1372(a)
4:1-16.13	Request for reemployment (local)	15 N.J.R. 272(b)	R.1983 d.222	15 N.J.R. 1015(b)
4:1-17.16	Advancing of sick leave (State)	14 N.J.R. 299(a)	R.1982 d.300	14 N.J.R. 978(a)
4:1-18.2, 18.6–18.8	Hours of work and compensation	14 N.J.R. 938(a)	R.1983 d.159	15 N.J.R. 801(a)
4:1-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R.1983 d.18	15 N.J.R. 141(b)
4:1-18.5	Inclement weather emergency policy (State)	15 N.J.R. 273(a)	R.1983 d.196	15 N.J.R. 889(d)
4:1-20.9	Tuition aid program (State)	15 N.J.R. 274a)	R.1983 d.306	15 N.J.R. 1246(a)
4:1-25.1	Public inspection of records	14 N.J.R. 942(a)	R.1983 d.134	15 N.J.R. 689(a)
4:2-2.1	Repealed: Veterans' age reduction	14 N.J.R. 455(a)	R.1982 d.326	14 N.J.R. 1089(b)
4:2-5	Repealed (see 4:1-5)	15 N.J.R. 1148(a)	R.1983 d.421	15 N.J.R. 1647(c)
4:2-6.8	Repealed: (see 4:1-10)	14 N.J.R. 1186(a)	R.1982 d.496	15 N.J.R. 83(a)
4:2-7.1	Repealed (see 4:1-7.11, 18.8)	14 N.J.R. 938(a)	R.1983 d.159	15 N.J.R. 801(a)
4:2-8.1, 8.9	Readopted (see 4:1-8)	15 N.J.R. 1292(a)	R.1983 d.444	15 N.J.R. 1755(a)
4:2-10.1, 10.2	Repealed (see 4:1-10)	14 N.J.R. 1186(a)	R.1982 d.496	15 N.J.R. 83(a)
4:2-12.5, 12.7, 12.8	Readopted (see 4:1-12)	15 N.J.R. 1403(a)	R.1983 d.513	15 N.J.R. 1857(a)
4:2-15.2	Repealed (see 4:1-15.2)	14 N.J.R. 940(b)	R. 1983 d.340	15 N.J.R. 1372(a)
4:2-17.14	Repealed: Sick leave advance	14 N.J.R. 299(a)	R.1982 d.300	14 N.J.R. 978(a)
4:2-18.1	Repealed (see 4:1-18.5)	15 N.J.R. 273(a)	R.1983 d.196	15 N.J.R. 889(d)
4:2-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R.1983 d.18	15 N.J.R. 141(b)
4:2-20.3	Granting of increments after denial	15 N.J.R. 112(a)	R.1983 d.164	15 N.J.R. 890(a)
4:2-20.9	Repealed (see 4:1-20.9)	15 N.J.R. 274(a)	R.1983 d.306	15 N.J.R. 1246(a)
4:2-20.12	Repealed (see 4:1-25.1)	14 N.J.R. 942(a)	R.1983 d.134	15 N.J.R. 689(a)
4:3-2.1	Repealed: Veterans' age reduction	14 N.J.R. 455(a)	R.1982 d.326	14 N.J.R. 1089(b)
4:3-5	Repealed (see 4:1-5)	15 N.J.R. 1148(a)	R.1983 d.421	15 N.J.R. 1647(c)
4:3-6.7	Repealed: Modification of sheriff's officer series	15 N.J.R. 820(b)	R.1983 d.419	15 N.J.R. 1650(a)
4:3-6.9	Repealed (see 4:1-10)	14 N.J.R. 1186(a)	R.1982 d.496	15 N.J.R. 83(a)
4:3-8.2, 8.3, 8.7, 8.8	Readopted (see 4:1-8)	15 N.J.R. 1292(a)	R.1983 d.444	15 N.J.R. 1755(a)
4:3-10.1	Notice of repeal	———	———	15 N.J.R. 1965(b)
4:3-12.7, 12.8	Readopted (see: 4:1-12)	15 N.J.R. 1403(a)	R.1983 d.513	15 N.J.R. 1857(a)
4:3-13.1	Repealed: Formerly CSPM (Local) 13-4.101	14 N.J.R. 115(a)	R.1982 d.204	14 N.J.R. 709(a)
4:3-17.6	Repealed: Sick leave advance	14 N.J.R. 299(a)	R.1982 d.300	14 N.J.R. 978(a)
4:3-18.1	Repealed: Dual employment rules	14 N.J.R. 941(a)	R.1983 d.18	15 N.J.R. 141(b)
4:6	Overtime Committee Rules	14 N.J.R. 1126(a)	R.1983 d.158	15 N.J.R. 801(b)
	(Title 4, Transmittal 16 dated June 21, 1982)			
COMMUNITY AFFAIRS–TITLE 5				
5:3-2.1	Rooming house licensure: nonpublic records	15 N.J.R. 1152(a)	R.1983 d.433	15 N.J.R. 1758(a)
5:10-1.3	Hotels and multiple dwellings	13 N.J.R. 387(b)	R.1981 d.363	13 N.J.R. 704(a)
5:10-1.3	State-local cooperative housing inspection	15 N.J.R. 1054(a)	R.1983 d.389	15 N.J.R. 1575(c)
5:10-1.4	Row houses and multiple dwelling jurisdiction	15 N.J.R. 375(a)	R.1983 d.156	15 N.J.R. 803(a)
5:10-1.4, 1.6	Row house and retirement community fire safety	15 N.J.R. 1054(b)	R.1983 d.388	15 N.J.R. 1576(a)
5:10-1.17	Readopted: Hotel and multiple dwelling inspection fees	14 N.J.R. 909(b)	R.1982 d.334	14 N.J.R. 1089(c)
5:10-2.2	Hotels and multiple dwellings	13 N.J.R. 387(b)	R.1981 d.363	13 N.J.R. 704(a)
5:10-2.2, 25.3	Standards for hotels and multiple dwellings	14 N.J.R. 119(a)	R.1982 d.253	14 N.J.R. 910(a)
5:10-25.3	Hotels and multiple dwellings	13 N.J.R. 387(b)	R.1981 d.363	13 N.J.R. 704(a)
5:11-2.1	Emergency relocation benefits	15 N.J.R. 6(b)	R.1983 d.59	15 N.J.R. 330(b)
5:11-3.2	Duplicate rental assistance	14 N.J.R. 72(a)	R.1982 d.71	14 N.J.R. 278(a)
5:11-3.11	Emergency relocation benefits	15 N.J.R. 6(b)	R.1983 d.59	15 N.J.R. 330(b)
5:11-9.2	Relocation assistance hearings	13 N.J.R. 186(d)	R.1981 d.183	13 N.J.R. 332(a)
5:11-9.2	Parties to relocation assistance hearing	14 N.J.R. 1188(a)	R.1982 d.487	15 N.J.R. 83(b)
5:12	Repeal State aid for urban renewal projects	13 N.J.R. 187(a)	R.1981 d.180	13 N.J.R. 333(a)
5:12	Plain language review of residential leases	13 N.J.R. 473(a)	R.1981 d.424	13 N.J.R. 782(b)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
5:12	Repealed: Plain language review of leases	14 N.J.R. 222(a)	R.1982 d.139	14 N.J.R. 426(a)
5:13-1.1, 1.5, 1.19, 1.20, 1.25, 1.27	Limited dividend and nonprofit housing corporations	15 N.J.R. 193(a)	R.1983 d.145	15 N.J.R. 803(b)
5:13-1.3, 1.21–1.24, 1.26	Repealed	15 N.J.R. 193(a)	R.1983 d.145	15 N.J.R. 803(b)
5:17	Expiration date for retirement community disclosure	13 N.J.R. 560(d)	R.1981 d.425	13 N.J.R. 782(c)
5:21	Repealed: Uniform standards for mobile homes	13 N.J.R. 717(a)	R.1982 d.7	14 N.J.R. 142(a)
5:22-1.4	Residential tax exemptions: additions and improvements	15 N.J.R. 586(a)	R.1983 d.258	15 N.J.R. 1094(b)
5:22-2.6	Multiple dwelling exemptions and tax list designations (joint adoption, see 18:12-6A.8)	14 N.J.R. 72(b)	R.1982 d.78	14 N.J.R. 278(b)
5:23	Readopted: Uniform Construction Code	14 N.J.R. 1247(a)	R.1983 d.144	15 N.J.R. 803(c)
5:23-1.4	Manufactured homes	13 N.J.R. 717(a)	R.1982 d.7	14 N.J.R. 142(a)
5:23-1.4, -2	Uniform Construction Code	13 N.J.R. 119(a)	R.1981 d.134	13 N.J.R. 258(b)
5:23-2.5	Uniform Construction Code	13 N.J.R. 120(a)	R.1981 d.133	13 N.J.R. 258(c)
5:23-2.5	Uniform Construction Code	13 N.J.R. 390(a)	R.1981 d.462	13 N.J.R. 885(d)
5:23-2.6	Uniform Construction Code inspections	13 N.J.R. 187(b)	R.1981 d.182	13 N.J.R. 333(b)
5:23-2.8	Manufactured homes	13 N.J.R. 717(a)	R.1982 d.7	14 N.J.R. 142(a)
5:23-2.38	Licensing	14 N.J.R. 734(a)	R.1982 d.436	14 N.J.R. 1449(a)
5:23-3	Uniform Construction Code	13 N.J.R. 121(a)	R.1981 d.132	13 N.J.R. 258(d)
5:23-3.2	Uniform Construction Code	13 N.J.R. 120(a)	R.1981 d.133	13 N.J.R. 258(c)
5:23-3.3	Uniform Construction Code interpretations	13 N.J.R. 561(a)	R.1981 d.454	13 N.J.R. 886(a)
5:23-3.3	Uniform Construction Code: Casino hotels	13 N.J.R. 561(b)	R.1981 d.455	13 N.J.R. 886(b)
5.23-3.8A	Products violating the Uniform Construction Code	15 N.J.R. 587(a)	R.1983 d.296	15 N.J.R. 1247(a)
5:23-3.9	Manufactured homes	13 N.J.R. 717(a)	R.1982 d.7	14 N.J.R. 142(a)
5:23-3.14, 3.15	Building and plumbing subcode supplements	14 N.J.R. 1326(a)	R.1983 d.12	15 N.J.R. 141(c)
5:23-4.3	Temporary appointments of municipal code officials	13 N.J.R. 863(a)	R.1982 d.23	14 N.J.R. 142(b)
5:23-4.6	Manufactured homes	13 N.J.R. 717(a)	R.1982 d.7	14 N.J.R. 142(a)
5:23-4.8	Uniform Construction Code	13 N.J.R. 120(a)	R.1981 d.133	13 N.J.R. 258(c)
5:23-4.8	Interlocal Construction Code enforcement (recodified as 5:23-4.17(d))	14 N.J.R. 495(a)	R.1982 d.401	14 N.J.R. 1300(a)
5:23-4.8(c)	Now codified as 5:23-4.19	14 N.J.R. 456(a)	R.1982 d.220	14 N.J.R. 755(b)
5:23-4.8, 4.10	Manufactured homes	13 N.J.R. 717(a)	R.1982 d.7	14 N.J.R. 142(a)
5:23-4.10A	Manufactured homes	13 N.J.R. 717(a)	R.1982 d.42	14 N.J.R.233(a)
5:23-4.10A	Recodified as 5:23-4.25A	14 N.J.R. 496(a)	R.1982 d.232	14 N.J.R. 834(e)
5:23-4.15, 4.26	Licensing	14 N.J.R. 734(a)	R.1982 d.436	14 N.J.R. 1449(a)
5:23-4.17, 4.20	UCC enforcing agency fees	14 N.J.R. 943(a)	R.1982 d.402	14 N.J.R. 1300(b)
5:23-4.19	Remitting of UCC training fees	14 N.J.R. 456(a)	R.1982 d.220	14 N.J.R. 755(b)
5:23-4.20	Uniform Construction Code: Periodic inspection fees	14 N.J.R. 1129(a)	R.1982 d.463	15 N.J.R. 32(a)
5:23-4.20	Correction: UCC periodic inspection fees	14 N.J.R. 1129(a)	R.1982 d.463	15 N.J.R. 84(a)
5:23-4.25A	Manufactured homes standards	14 N.J.R. 496(a)	R.1982 d.232	14 N.J.R. 834(e)
5:23-5.2	Uniform Construction Code	13 N.J.R. 119(a)	R.1981 d.134	13 N.J.R. 258(b)
5:23-5.2, 5.9, 5.11	Licensing	14 N.J.R. 734(a)	R.1982 d.436	14 N.J.R. 1449(a)
5:23-5.3, 5.5	Uniform Construction Code	13 N.J.R. 390(a)	R.1981 d.462	13 N.J.R. 885(d)
5:23-5.5	Uniform Construction Code	13 N.J.R. 635(a)	R.1981 d.463	13 N.J.R. 886(c)
5:23-5.5	Licensing of Code officials	13 N.J.R. 801(a)	R.1982 d.10	14 N.J.R. 143(b)
5:23-5.5	Fire subcode officials and construction licensing	14 N.J.R. 8(a)	R.1982 d.56	14 N.J.R. 234(a)
5:23-5.5,5.6,5.7	Code enforcement (provisional) licensees	13 N.J.R. 799(b)	R.1982 d.8	14 N.J.R. 143(a)
5:23-5.8, 5.9	Licensing of Code officials	13 N.J.R. 801(a)	R.1982 d.10	14 N.J.R. 143(b)
5:23-5.11	Code enforcement (provisional) licensees	13 N.J.R. 799(b)	R.1982 d.8	14 N.J.R. 143(a)
5:23-5.11	Uniform Construction Code	13 N.J.R. 119(a)	R.1981 d.134	13 N.J.R. 258(b)
5:24-1.3	Condominium and cooperative conversion	13 N.J.R. 70(a)	R.1981 d.131	13 N.J.R. 258(e)
5:24-1.3	Correction: Condominium and cooperative conversion	13 N.J.R. 70(a)	R.1981 d.131	13 N.J.R. 333(c)
5:24-1.4, 1.5, 1.12	Condominium and cooperative conversion	13 N.J.R. 392(a)	R.1981 d.354	13 N.J.R. 562(a)
5:24-2	Protected tenancy for disabled and seniors	13 N.J.R. 802(a)	R.1982 d.9	14 N.J.R. 144(a)
5:25-2.8	Restoration of builders' registrations	14 N.J.R. 9(a)	R.1982 d.55	14 N.J.R. 234(b)
5:25-3.1	New home warranty and mixed use property	13 N.J.R. 863(b)	R.1982 d.22	14 N.J.R. 145(a)
5:25-5.5	New home warranties and builders' registration	13 N.J.R. 187(c)	R.1981 d.181	13 N.J.R. 333(d)
5:25-5.5	Warranty coverage claims	14 N.J.R. 944(a)	R.1982 d.386	14 N.J.R. 1210(a)
5:26	Planned real estate development full disclosure	12 N.J.R. 631(b)	R.1981 d.130	13 N.J.R. 259(a)
5:26-2.3, 3.1, 3.2, 3.4, 4.1–4.4, 5.2, 6.3, 9.1, 10.1, 10.2, 11.1	Planned real estate development full disclosure	15 N.J.R. 1055(a)	R.1983 d.446	15 N.J.R. 1758(b)
5:26-2.4	Registration fees for planned developments	14 N.J.R. 609(a)	R.1982 d.260	14 N.J.R. 912(a)
5:26-2.4	Planned real estate development registration fees	15 N.J.R. 1059(a)	R.1983 d.370	15 N.J.R. 1468(a)
5:26-2.4, 3.1, 10.5	Planned real estate development full disclosure	13 N.J.R. 474(a)	R.1981 d.365	13 N.J.R. 704(b)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
5:27	Rooming and boarding houses	13 N.J.R. 393(a)	R.1981 d.359	13 N.J.R. 704(c)
5:27-1.5	Certificate of occupancy for boarding house change of use	15 N.J.R. 821(a)	R.1983 d.342	15 N.J.R. 1468(b)
5:27-1.6	Rooming and boarding houses: License fees	15 N.J.R. 7(a)	R.1983 d.60	15 N.J.R. 330(c)
5:27-1.6, 2.1	Multi-building rooming and boarding houses	14 N.J.R. 1075(a)	R.1982 d.422	14 N.J.R. 1365(a)
5:27-1.6	Rooming and boarding houses and discrimination	13 N.J.R. 562(b)	R.1981 d.435	13 N.J.R. 842(e)
5:27-2.1	Fire safety in boarding houses;	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1210(b)
5:27-3.2	Rooming houses and discrimination	13 N.J.R. 562(b)	R.1981 d.435	13 N.J.R. 842(e)
5:27-3.5	Boarding houses: Non-ambulatory residents	14 N.J.R. 499(a)	R.1982 d.379	14 N.J.R. 1211(a)
5:27-3.12	Limited tenure residents and boarding houses	15 N.J.R. 375(b)	R.1983 d.157	15 N.J.R. 804(a)
5:27-4.8, 5.1, 5.3, 5.8, 5.9	Fire safety in boarding houses	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1210(b)
5:27-5.1	Fire drills in rooming houses	14 N.J.R. 1248(a)	R.1982 d.490	15 N.J.R. 84(b)
5:27-5.3	Correction: Fire safety in boarding houses	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1300(c)
5:27-10.6	Boarding houses: self-administration of medicine	14 N.J.R. 499(a)	R.1982 d.379	14 N.J.R. 1211(a)
5:27-12	Safety improvement loans	14 N.J.R. 496(b)	R.1982 d.378	14 N.J.R. 1210(b)
5:27-12.2	Boarding houses: rental assistance agreements	15 N.J.R. 587(b)	R.1983 d.251	15 N.J.R. 1015(c)
5:29	Petitions for rules	13 N.J.R. 259(b)	R.1981 d.242	13 N.J.R. 395(a)
5:30	Readopted: Local Finance Board rules	15 N.J.R. 463(b)	R.1983 d.277	15 N.J.R. 1180(a)
5:30	Correction: Local Finance Board rules	15 N.J.R. 463(b)	R.1983 d.277	15 N.J.R. 1373(b)
5:30-1.11	Realized revenue analysis report	13 N.J.R. 475(a)	R.1981 d.381	13 N.J.R. 755(a)
5:30-3.3	"Dedication by rider" to local budgets	14 N.J.R. 301(a)	R.1982 d.186	14 N.J.R. 654(a)
5:30-3.4	Filing of municipal budget amendments	13 N.J.R. 188(a)	R.1981 d.216	13 N.J.R. 395(b)
5:30-9.2	Form of tax collection record	13 N.J.R. 121(b)	R.1981 d.122	13 N.J.R. 260(a)
5:30-9.3	Tax collector examination	13 N.J.R. 70(d)	R.1981 d.121	13 N.J.R. 260(b)
5:36	Readopted: Grant rules for Handicapped Persons' Recreational Opportunities Act (recodified as 5:51)	15 N.J.R. 1305(a)	R.1983 d.443	15 N.J.R. 1759(a)
5:38	Federal Aid Project Notification rules	15 N.J.R. 1494(a)	R.1983 d.488	15 N.J.R. 1858(a)
5:42	Repealed (see 5:38)	15 N.J.R. 1494(a)	R.1983 d.488	15 N.J.R. 1858(a)
5:70	Congregate Housing Services Program	14 N.J.R. 609(b)	R.1982 d.272	14 N.J.R. 912(b)
5:71	County offices on aging	13 N.J.R. 395(c)	R.1981 d.356	13 N.J.R. 563(a)
5:80-3.1	HFA housing projects: maximum family income	15 N.J.R. 1212(a)	R.1983 d.470	15 N.J.R. 1860(a)
5:80-4.1	NJHFA: Debarment and suspension	12 N.J.R. 385(a)	R.1981 d.255	13 N.J.R. 397(a)
5:80-5	Housing Finance Agency: transfer of ownership interests	15 N.J.R. 822(a)	R.1983 d.315	15 N.J.R. 1373(c)
5:90	Repealed: Urban Loan Authority rules	14 N.J.R. 558(a)	R.1982 d.288	14 N.J.R. 983(a)
5:100-1.5, 1.6	Ombudsman for institutionalized elderly	15 N.J.R. 588(a)	R.1983 d.215	15 N.J.R. 1016(a)
5:100-2	Ombudsman for institutionalized elderly	15 N.J.R. 588(a)	R.1983 d.215	15 N.J.R. 1016(a)

(Title 5, Transmittal 16 dated March 19, 1981)

EDUCATION–TITLE 6

6:2-1.1, 1.2, 1.7-1.19	Filing appeals before State Board	14 N.J.R. 261(a)	R.1982 d.268	14 N.J.R. 913(a)
6:3-1	School districts: general provisions	15 N.J.R. 376(a)	R.1983 d.248	15 N.J.R. 1016(b)
6:3-1.10	School districts: standards for determining seniority	15 N.J.R. 464(a)	R.1983 d.255	15 N.J.R. 1017(a)
6:3-3	Readopted: Withdrawal from Limited Purpose Regional School Districts	15 N.J.R. 728(a)	R.1983 d.368	15 N.J.R. 1468(c)
6:8-1.1, 3.4, 3.8, 4.2, 4.6	Statewide testing program	15 N.J.R. 979(b)	R.1983 d.458	15 N.J.R. 1759(b)
6:11-4	Readopted: Types of Teaching Certificates	15 N.J.R. 1154(a)	R.1983 d.492	15 N.J.R. 1860(b)
6:11-3.3	Fees for certificates and transcript evaluation	14 N.J.R. 1188(b)	R.1983 d.40	15 N.J.R. 244(a)
6:11-3.12, 4.7	County substitute certification: School nurse, athletic coach	14 N.J.R. 1010(a)	R.1982 d.486	15 N.J.R. 84(c)
6:11-3.12, 4.7	Hiring coaches for interscholastic athletics	15 N.J.R.1152(b)	R.1983 d.493	15 N.J.R 1860(c)
6:11-7	Repealed existing subchapter	14 N.J.R. 456(b)	R.1982 d.269	14 N.J.R. 914(a)
6:11-7.1	State Approval of Teacher Education	14 N.J.R. 456(b)	R.1982 d.269	14 N.J.R. 914(a)
6:20-2.10	Local districts: petty cash fund	15 N.J.R. 982(a)	R.1983 d.491	15 N.J.R. 1861(a)
6:20-3.1	Building use charge by receiving districts	14 N.J.R. 499(b)	R.1982 d.270	14 N.J.R. 914(b)
6:20-3.1	Correction: Operative date of building use charge	14 N.J.R. 499(b)	R.1982 d.270	14 N.J.R. 978(b)
6:20-4.1, 4.2	Tuition for private schools for handicapped	15 N.J.R. 730(a)	R.1983 d.369	15 N.J.R. 1469(a)
6:21-1.4	Useful life of school buses	15 N.J.R. 982(b)	R.1983 d.457	15 N.J.R. 1760(a)
6:21-5.1–5.12	Standards for school buses	15 N.J.R. 383(a)	R.1983 d.247	15 N.J.R. 1019(a)
6:21-6, 18, 19	Repealed: see 6:21-5.1–5.12	15 N.J.R. 383(a)	R.1983 d.247	15 N.J.R. 1019(a)
6:28	Readopted: Special Education rules	15 N.J.R. 732(a)	R.1983 d.348	15 N.J.R. 1470(a)
6:28-5.10, 5.11, 6.10, 6.11	Approval of auxiliary services for private school students	14 N.J.R. 617(a)	R.1982 d.316	14 N.J.R. 1054(a)
6:29-6.3	County substitute certification: Athletic coach	14 N.J.R. 1010(a)	R.1982 d.486	15 N.J.R. 84(c)
6:29-6.3	Hiring coaches for interscholastic athletics	15 N.J.R. 1152(b)	R.1983 d.493	15 N.J.R. 1860(c)
6:39-1.1–1.4	Statewide testing program	15 N.J.R. 979(b)	R.1983 d.458	15 N.J.R. 1759(b)
6:53	Vocational education safety standards	14 N.J.R. 619(a)	R.1982 d.368	14 N.J.R. 1154(b)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
6:64-2.1–2.4	County library reorganization	15 N.J.R. 194(a)	R.1983 d.199	15 N.J.R. 890(b)
6:66	Archives and History and Records Management: transferred to Department of State by Governor's Reorganization Plan	———	———	15 N.J.R. 818(a)
6:66-2.15, 2.17, 2.20, 2.21, 3.12, 3.13	Records Management: microfilm systems and standards	15 N.J.R. 590(a)	R.1983 d.241	15 N.J.R. 1019(b)
6:68-4.1–4.9	Library Construction Incentive Act rules	15 N.J.R. 196(a)	R.1983 d.198	15 N.J.R. 890(c)
6:72-77	State Museum: transferred to Department of State by Governor's Reorganization Plan	———	———	15 N.J.R. 270
6:79-1.9, 1.11	Child nutrition program changes	14 N.J.R. 1248(b)	R.1983 d.71	15 N.J.R. 440(a)
	(Title 6, Transmittal 18 dated June 21, 1982)			
ENVIRONMENTAL PROTECTION–TITLE 7				
7:1A	Water Supply Bond Act loans	14 N.J.R. 10(a)	R.1982 d.167	14 N.J.R. 573(c)
7:1A	Extension of application closing date	Public Notice	R.1982 d.167	14 N.J.R. 1172(a)
7:1A-2.3, 2.4, 2.5, 2.8, 2.9, 2.12, 2.13, 2.14, 2.18, 2.20, 2.35	Water Supply Bond Loan rules	15 N.J.R. 1307(a)	R.1983 d.534	15 N.J.R. 1940(a)
7:1A-2.5, 2.12, 2.13	Water Supply Bond Act loans	14 N.J.R. 499(c)	R.1982 d.281	14 N.J.R. 915(a)
7:1A-3	Emergency interim repair of water systems	14 N.J.R. 1075(b)	R.1983 d.26	15 N.J.R. 141(d)
7:1C-1.5	Fees for 90-day construction permits	13 N.J.R. 123(c)	R.1981 d.187	13 N.J.R. 334(b)
7:1C-1.5	Maximum fees for waterfront development permits	13 N.J.R. 564(a)	R.1981 d.473	13 N.J.R. 943(b)
7:1C-1.13	90-day construction permits	Procedural	R.1981 d.48	13 N.J.R. 128(b)
7:1G	Loan procedures: water supply interconnections	14 N.J.R. 1012(a)	R.1983 d.425	15 N.J.R. 1650(b)
7:1H-3.4	County fees for solid waste enforcement activities	14 N.J.R. 1328(a)	R.1983 d.50	15 N.J.R. 330(d)
7:2	Readopted: State Park Service rules	15 N.J.R. 822(b)	R.1983 d.320	15 N.J.R. 1373(d)
7:2	State Park Service rules	15 N.J.R. 983(a)	R.1983 d.464	15 N.J.R. 1760(b)
7:6-1.37	Water skiing events on private lakes	15 N.J.R. 765(a)	R.1983 d.280	15 N.J.R. 1180(b)
7:6-7.1, 7.2, 7.4, 7.6	Obtaining title to abandoned vessels	15 N.J.R. 1411(a)	R.1983 d.503	15 N.J.R. 1861(b)
7:7-2	Waterfront development permits	13 N.J.R. 73(c)	R.1981 d.355	13 N.J.R. 564(b)
7:7A-1.13	Correction to Code: Wetlands maps	———	———	14 N.J.R. 1403(a)
7:7A-1.13	Wetlands maps in Atlantic County	15 N.J.R. 119(a)	R.1983 d.335	15 N.J.R. 1374(a)
7:7A-1.13	Wetlands maps in Cumberland County	15 N.J.R. 119(a)	R.1983 d.401	15 N.J.R. 1576(b)
7:7A-1.13	Wetlands maps in Cape May County	14 N.J.R. 1330(a)	R.1983 d.402	15 N.J.R. 1576(c)
7:7A-1.13	Correction: Expiration date of wetlands maps	———	———	15 N.J.R. 1654(a)
7:7A-1.13	Wetlands maps in Middlesex County	15 N.J.R. 386(a)	R.1983 d.535	15 N.J.R. 1941(a)
7:7D-2.3, 2.5, 2.8	CAFRA procedural rules	13 N.J.R. 75(a)	R.1981 d.267	13 N.J.R. 401(b)
7:7E	Coastal Management Program: "Routine implementation" determination	———	———	14 N.J.R. 1467(b)
7:7E-5.3, 5.6, 5.7	Coastal resource and development	14 N.J.R. 1129(b)	R.1983 d.27	15 N.J.R. 142(a)
7:7F	Shore Protection Program	14 N.J.R. 865(b)	R.1982 d.421	14 N.J.R. 1365(b)
7:8	Storm water management	14 N.J.R. 1022(a)	R.1983 d.24	15 N.J.R. 142(b)
7:9-2	Readopted: rules on individual subsurface disposal systems	15 N.J.R. 591(a)	R.1983 d.243	15 N.J.R. 1042(a)
7:9-4, -5, -6	Water quality standards	12 N.J.R. 108(c)	R.1981 d.80	13 N.J.R. 194(b)
7:9-10	Repealed: Duplicative review of Pinelands and coastal area sewerage installation	15 N.J.R. 1155(a)	R.1983 d.432	15 N.J.R. 1654(b)
7:9-8,-11,-14	Repealed	12 N.J.R. 108(c)	R.1981 d.80	13 N.J.R. 194(b)
7:9-10.2, 10.3, 10.9	Pinelands and coastal area sewerage approval	14 N.J.R. 504(a)	R.1982 d.298	14 N.J.R. 979(a)
7:9-10.4, 10.5, 10.6	One-year suspension of rules	14 N.J.R. 504(a)	R.1982 d.298	14 N.J.R. 979(a)
7:9-13.3, 13.5, 13.6	Sewer extension ban	12 N.J.R. 639(b)	R.1981 d.224	13 N.J.R. 402(a)
7:10	Readopted: Safe Drinking Water Act rules	15 N.J.R. 592(a)	R.1983 d.244	15 N.J.R. 1019(c)
7:10-8	Repealed: See 7:18	13N.J.R. 260(d)	R.1981 d.279	13 N.J.R. 481(c)
7:11-2	Consolidated Rate Schedule: D&R Canal and Spruce Run-Round Valley	15 N.J.R. 122(a)	R.1983 d.191	15 N.J.R. 891(a)
7:11-2, -4	Water rate schedule: D and R, Spruce Run-Round Valley	14 N.J.R. 681(a)	R.1982 d.455	14 N.J.R. 1449(b)
7:11-4	Repealed (see 7:11-2)	15 N.J.R. 122(a)	R.1983 d.191	15 N.J.R. 891(a)
7:12	Readopted: Shellfish-Growing Water Classification	15 N.J.R. 595(a)	R.1983 d.249	15 N.J.R. 1020(a)
7:12-1.1, 1.3	Condemnation of certain shellfish beds	13 N.J.R. 191(b)	R.1981 d.190	13 N.J.R. 339(b)
7:12-1.2–1.5	Shellfish beds: Reclassification	14 N.J.R. 310(a)	R.1982 d.182	14 N.J.R. 655(a)
7:12-1.3	Condemnation of certain shellfish areas	13 N.J.R. 566(a)	R.1981 d.431	13 N.J.R. 755(b)
7:12-2	Shellfish waters condemnation	13 N.J.R. 191(b)	R.1981 d.190	13 N.J.R. 339(b)
7:12-2.9, 2.12	Correction: Shellfish transplant and processing programs	15 N.J.R. 595(a)	R.1983 d.249	15 N.J.R. 1761(a)
7:13-1.11(b)7	Flood plain delineation of Great Egg Harbor River	12 N.J.R. 506(a)	R.1981 d.88	13 N.J.R. 194(d)
7:13-1.11(b)8	Flood plain delineation of Mullica River and	12 N.J.R. 506(b)	R.1981 d.7	13 N.J.R. 194(e)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
	tributaries			
7:13-1.11(d)49	Flood hazard area delineations	12 N.J.R. 640(b)	R.1981 d.144	13 N.J.R. 339(c)
7:13-1.11(d)50	Flood hazard area delineations	12 N.J.R. 640(a)	R.1981 d.145	13 N.J.R. 340(a)
7:13-1.11(c)17	Delaware Basin floodway delineations	13 N.J.R. 805(a)	R.1982 d.154	14 N.J.R. 472(b)
7:13-1.11(b)9	Floodway delineations along Tuckahoe River	13 N.J.R. 921(a)	R.1982 d.155	14 N.J.R. 473(a)
7:13-1.11(d)47	Floodway delineations in Hackensack basin	14 N.J.R. 19(a)	R.1982 d.156	14 N.J.R. 473(b)
7:13-1.11(d)39	Floodway delineations: Woodbridge and Rahway rivers	13 N.J.R. 920(a)	R.1982 d.157	14 N.J.R. 473(c)
7:13-1.11(b)5	Delineated streams along Upper Mullica River	14 N.J.R. 367(b)	R.1982 d.209	14 N.J.R. 755(c)
7:13-1.11(d)31	Delineated streams in Somerset County	14 N.J.R. 367(a)	R.1982 d.392	14 N.J.R. 1211(b)
7:13-1.11(d)42	Floodway delineations in Union County	14 N.J.R. 870(a)	R.1982 d.428	14 N.J.R. 1365(c)
7:13-1.11(b)6	Floodway delineations along Cedar Creek, Lacey Twp.	14 N.J.R. 683(a)	R.1982 d.430	14 N.J.R. 1365(d)
7:13-1.11(c)2	Floodway delineations along Big Timber Creek	14 N.J.R. 505(a)	R.1982 d.431	14 N.J.R. 1366(a)
7:13-1.11(c)27	Floodway delineations along Pond Run, Mercer County	14 N.J.R. 506(a)	R.1982 d.432	14 N.J.R. 1366(b)
7:13-1.11(d)48	Floodway delineations in Morris County	14 N.J.R. 870(b)	R.1982 d.453	14 N.J.R. 1451(a)
7:13-1.11(d)48	Floodway delineations in Essex County	14 N.J.R 1027(a)	R.1982 d.478	15 N.J.R. 32(b)
7:13-1.11(d)1	Floodway delineations in Hunterdon County	14 N.J.R. 1131(b)	R.1983 d.109	15 N.J.R. 622(c)
7:13-1.11(c)28	Floodway delineations in Burlington County	14 N.J.R. 1434(a)	R.1983 d.135	15 N.J.R. 689(b)
7:13-1.11(d)42	Floodway delineations in Somerset-Union counties	14 N.J.R. 1131(a)	R.1983 d.136	15 N.J.R. 690(a)
7:13-1.11(c)29	Floodway delineations in Monmouth County	14 N.J.R. 1134(a)	R.1983 d.168	15 N.J.R. 893(a)
7:13-1.11(b)10	Flood delineations in Ocean-Monmouth counties	14 N.J.R. 1189(a)	R.1983 d.197	15 N.J.R. 894(a)
7:13-1.11(d)47	Floodway delineation along Mill Brook in Montvale	15 N.J.R. 989(a)	R.1983 d.405	15 N.J.R. 1576(d)
7:13-1.11(c)	Floodway delineations in Mercer County	14 N.J.R. 1132(a)	R.1983 d.462	15 N.J.R. 1761(b)
7:13-1.11(d)45	Floodways along the Raritan River	15 N.J.R. 659(a)	R.1983 d.463	15 N.J.R. 1761(c)
7:13-1.11	Readopted: Delineated Floodway rules	15 N.J.R.839(a)	R.1983 d.321	15 N.J.R. 1374(b)
7:14	Pollutant discharge and waste management	12 N.J.R. 569(f)	R.1981 d.84	13 N.J.R. 194(c)
7:14-2	Construction of wastewater treatment facilities	14 N.J.R. 75(a)	R.1982 d.338	14 N.J.R. 1155(b)
7:14-2.12	Correction: Select trench backfill payment width	14 N.J.R. 75(a)	R.1982 d.338	15 N.J.R. 440(b)
7:14-5, App. A	Statewide septage management	13 N.J.R. 124(a)	R.1982 d.82	14 N.J.R. 336(c)
7:14A	Conditions for users of DTW	12 N.J.R. 569(f)	R.1981 d.84	13 N.J.R. 194(c)
7:14A	Readopted: NJPDES permit program rules	15 N.J.R. 606(a)	R.1983 d.260	15 N.J.R. 1094(c)
7:14A-1.8, 1.9, 2.1	Fee schedule for NJPDES permittees	14 N.J.R. 684(a)	R.1982 d.495	15 N.J.R. 85(a)
7:14A-1.9	Water quality: Underground injection control	14 N.J.R. 1136(a)	R.1983 d.9	15 N.J.R. 145(a)
7:14A-4	Industrial waste management facilities	12 N.J.R. 569(f)	R.1981 d.373	13 N.J.R. 705(a)
7:14A-4.2, 4.3	Hazardous waste management	14 N.J.R. 1137(a)	R.1983 d.25	15 N.J.R. 146(a)
7:14A-4.3	"Wastewater treatment unit" defined	14 N.J.R. 506(b)	R.1982 d.310	14 N.J.R. 1054(b)
7:14A-5.11, 5.13, 5.15, 5.16	Underground injection control	14 N.J.R. 1136(a)	R.1983 d.9	15 N.J.R. 145(a)
7:14A-11, 13.1	Hazardous waste management	13 N.J.R. 724(a)	R.1982 d.97	14 N.J.R. 338(a)
7:14A-13.4	Pollutant discharge and waste management	13 N.J.R. 89(a)	R.1981 d.214	13 N.J.R. 403(a)
7:17	Hard clam depuration pilot plant program	12 N.J.R. 253(a)	R.1981 d.56	13 N.J.R. 194(a)
7:18	Laboratory certification and standards of performance	13 N.J.R. 260(d)	R.1981 d.279	13 N.J.R. 481(c)
7:19	Water diversion and water supply allocation permits	13 N.J.R. 639(a)	R.1981 d.488	14 N.J.R. 42(a)
7:19-3	Water diversion fees for non-growing use	14 N.J.R. 459(a)	R.1982 d.239	14 N.J.R. 834(f)
7:19-3.9	Annual review: fee schedule for water supply allocation	———	———	15 N.J.R. 950(a)
7:19-4	Diversion assessment and payment for public water supply	15 N.J.R. 276(a)	R.1983 d.400	15 N.J.R. 1577(a)
7:21	Water policy and supply council	Organizational	R.1981 d.366	13 N.J.R. 705(b)
7:22	Natural Resources Bond Fund	13 N.J.R. 481(d)	R.1981 d.456	13 N.J.R. 886(d)
7:23-2	Flood control bond grants	13 N.J.R. 192(a)	R.1981 d.223	13 N.J.R. 403(b)
7:24	Dam restoration grants	13 N.J.R. 9(a)	R.1981 d.104	13 N.J.R. 195(b)
7:25-2	Use of Wildlife Management Areas	15 N.J.R. 840(a)	R.1983 d.336	15 N.J.R. 1374(c)
7:25-2.14	Field trials and horseback riding permits	15 N.J.R. 387(a)	R.1983 d.185	15 N.J.R. 894(b)
7:25-4.6	Nongame and exotic wildlife inspection	13 N.J.R. 806(a)	R.1981 d.513	14 N.J.R. 102(a)
7:25-5	Game Code	13 N.J.R. 262(a)	R.1981 d.253	13 N.J.R. 403(c)
7:25-5	1982-83 Game Code	14 N.J.R. 402(b)	R.1982 d.212	14 N.J.R. 755(d)
7:25-5.13, 5.28, 5.29	1982–83 Game Code changes	14 N.J.R. 871(a)	R.1982 d.351	14 N.J.R. 1158(a)
7:25-5	1983-1984 Game Code	15 N.J.R. 771(a)	R.1983 d.302	15 N.J.R. 1247(b)
7:25-6	1982-1983 Fish Code	13 N.J.R. 483(a)	R.1981 d.470	13 N.J.R. 887(a)
7:25-6	1983 Fish Code	14 N.J.R. 872(a)	R.1982 d.429	14 N.J.R. 1366(c)
7:25-6	1984-85 Fish Code	15 N.J.R. 1217(a)	R.1983 d.542	15 N.J.R. 1942(a)
7:25-7.2	Oyster seed beds recodification	13 N.J.R. 193(a)	R.1981 d.189	13 N.J.R. 340(b)
7:25-7.10	Taking of oysters	13 N.J.R. 125(a)	R.1981 d.199	13 N.J.R. 403(d)
7:25-7.10	Senior citizen's oyster license	14 N.J.R. 629(a)	R.1982 d.337	14 N.J.R. 1158(b)
7:25-7.13	Crab dredging	13 N.J.R. 125(b)	R.1981 d.200	13 N.J.R. 404(a)
7:25-7.13	Crab dredging in Atlantic Coast section	15 N.J.R. 1413(a)	R.1983 d.541	15 N.J.R. 1943(a)
7:25-9.1	Taking of hard clams: size tolerance control	14 N.J.R. 689(a)	R.1983 d.270	15 N.J.R. 1095(a)
7:25-9.2	Hard clam harvest penalties	13 N.J.R. 404(b)	R.1981 d.362	13 N.J.R. 706(a)
7:25-9.2	Penalties for harvesting undersized clams	15 N.J.R. 1220(a)	R.1983 d.461	15 N.J.R. 1762(a)

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7:25-9.4	Bay scallops	13 N.J.R. 126(a)	R.1981 d.256	13 N.J.R. 404(c)
7:25-12.1	Sea clam harvesting	Emergency	R.1981 d.448	13 N.J.R. 843(a)
7:25-12.1	Harvest of sea clams	13 N.J.R. 613(a)	R.1981 d.486	13 N.J.R. 943(c)
7:25-12.1	1982 sea clam harvest limits	Emergency	R.1982 d.80	14 N.J.R. 288(a)
7:25-12.1	Sea clam harvest	14 N.J.R. 881(a)	R.1982 d.393	14 N.J.R. 1213(a)
7:25-14	Atlantic Coast crabbing	13 N.J.R. 262(b)	R.1981 d.299	13 N.J.R. 546(a)
7:25-14	Crab pots	15 N.J.R. 388(b)	R.1983 d.291	15 N.J.R. 1181(a)
7:25-14.8–14.10	Crab harvesting	13 N.J.R. 645(a)	R.1982 d.169	14 N.J.R. 578(a)
7:25-15.1	Hard clam relay program	13 N.J.R. 645(b)	R.1982 d.117	14 N.J.R. 387(a)
7:25-15.1	Readopted: Relay of hard clams	14 N.J.R. 1055(a)	R.1982 d.411	14 N.J.R. 1300(d)
7:25-15.1	Relay of hard clams	Emergency	R.1983 d.519	15 N.J.R. 1959(a)
7:25-16.1	Upstream line revisions	13 N.J.R. 484(a)	R.1981 d.469	13 N.J.R. 887(b)
7:25-16.1	Upstream fishing lines	14 N.J.R. 882(a)	R.1982 d.454	14 N.J.R. 1451(b)
7:25-18A	Readopted: Fisheries closures and advisories	15 N.J.R. 39(a)	R.1983 d.102	15 N.J.R. 543(c)
7:25-21	Terrapin	13 N.J.R. 126(b)	R.1981 d.198	13 N.J.R. 405(a)
7:25-22.1	Marine finfish: Menhaden season	14 N.J.R. 945(a)	R.1983 d.137	15 N.J.R. 690(b)
7:25A-1.1	Emergency: Oyster dredging license moratorium	Emergency	R.1981 d.94	13 N.J.R. 195(a)
7:25A-1.1, 1.2	Oyster dredging licenses	13 N.J.R. 192(b)	R.1981 d.188	13 N.J.R. 340(c)
7:25A-1.1, 1.2, 2.1, 2.3–2.5	Oyster dredging and management	15 N.J.R. 990(a)	R.1983 d.351	15 N.J.R. 1473(a)
7:25A-2.1–2.7	Oyster management in Delaware Bay	13 N.J.R. 192(c)	R.1981 d.197	13 N.J.R. 405(b)
7:25A-3.1	Oyster seed beds recodification	13 N.J.R. 193(a)	R.1981 d.189	13 N.J.R. 340(b)
7:25A-3.1	1982 seed oyster season	14 N.J.R. 264(a)	R.1982 d.148	14 N.J.R. 426(b)
7:25A-3.1	1983 oyster seed bed season	15 N.J.R. 200(a)	R.1983 d.161	15 N.J.R. 804(b)
7:26-1	Solid waste administration	12 N.J.R. 511(a)	R.1981 d.281	13 N.J.R. 484(b)
7:26-1	Hazardous waste management	12 N.J.R. 511(a)	R.1981 d.370	13 N.J.R. 706(b)
7:26-1.1	Pollutant discharge and waste management	12 N.J.R. 569(f)	R.1981 d.84	13 N.J.R. 194(c)
7:26-1.1, 1.4	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-1.4	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-1.4	Correction: Hazardous waste management	14 N.J.R. 1137(a)	R.1983 d.25	15 N.J.R. 333(a)
7:26-1.4	Sanitary landfill closure and post-closure	14 N.J.R. 883(a)	R.1983 d.192	15 N.J.R. 894(c)
7:26-1.4	Hazardous waste: gas cylinder facility exemption	15 N.J.R. 390(a)	R.1983 d.350	15 N.J.R. 1474(a)
7:26-1.7	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-1.8	Hazardous waste management	13 N.J.R. 724(a)	R.1982 d.97	14 N.J.R. 338(a)
7:26-2.9, 2.13	Sanitary landfill closure and post-closure	14 N.J.R. 883(a)	R.1983 d.192	15 N.J.R. 894(c)
7:26-2.14	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-3.2,4.7	Solid waste collection and haulage	Procedural	R.1981 d.49	13 N.J.R. 129(a)
7:26-3.8	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-4	Readopted: solid waste fee schedules	15 N.J.R. 662(a)	R.1983 d.269	15 N.J.R. 1095(b)
7:26-4.7	Registration of hazardous waste collector/haulers	14 N.J.R. 368(a)	R.1982 d.289	14 N.J.R. 979(b)
7:26-4.10	County fees for solid waste enforcement activities	14 N.J.R. 1328(a)	R.1983 d.50	15 N.J.R. 330(d)
7:26-5.5	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-6	Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R.1982 d.434	14 N.J.R. 1368(a)
7:26-6	Correction: Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R.1982 d.434	15 N.J.R. 900(a)
7:26-7, -8	Solid waste administration	12 N.J.R. 511(a)	R.1981 d.281	13 N.J.R. 484(b)
7:26-7.4	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-7.4, 7.5, 7.7	Waste oil management as hazardous material	14 N.J.R. 20(a)	R.1982 d.494	15 N.J.R. 88(a)
7:26-7.6	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-8.13, 8.15	Waste oil management	14 N.J.R. 20(a)	R.1982 d.494	15 N.J.R. 88(a)
7:26-8.13, 8.16	Dioxin and dibenzofuran contamination	Emergency	R.1983 d.292	15 N.J.R. 1184(a)
7:26-8.13, 8.16	Dioxin and dibenzofuran contamination	15 N.J.R. 1184(a)	R.1983 d.502	15 N.J.R. 1861(c)
7:26-8.16	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-9	Hazardous waste management	12 N.J.R. 511(a)	R.1981 d.370	13 N.J.R. 706(b)
7:26-9.1, 9.5, 9.9	Hazardous waste management	14 N.J.R. 1138(a)	R.1982 d.433	14 N.J.R. 1367(a)
7:26-9.1, 9.2, 9.4,–10, 11.2, 11.3, 11.5, 11.7, 12.1, 12.2	Hazardous waste management	13 N.J.R. 567(a)	R.1982 d.324	14 N.J.R. 1089(d)
7:26-9.1, 12.1	Gas cylinder facility exemption	15 N.J.R. 390(a)	R.1983 d.350	15 N.J.R. 1474(a)
7:26-11, -12	Hazardous waste management	12 N.J.R. 511(a)	R.1981 d.370	13 N.J.R. 706(b)
7:26-12.2	Hazardous waste management	13 N.J.R. 724(a)	R.1982 d.97	14 N.J.R. 338(a)
7:26-12.3	Permits for existing hazardous waste facilities	15 N.J.R. 1063(a)	R.1983 d.403	15 N.J.R. 1578(a)
7:26-13	Siting of new hazardous waste facilities	15 N.J.R. 113(a)	R.1983 d.276	15 N.J.R. 1096(a)
7:26-13.7	Siting of commercial hazardous waste facilities	15 N.J.R. 1064(a)	R.1983 d.406	15 N.J.R. 1579(a)
7:26-14	Resource recovery grants	13 N.J.R. 9(a)	R.1981 d.184	13 N.J.R. 340(d)
7:26-14	Codification correction: Resource recovery	13 N.J.R. 9(a)	R.1981 d.184	15 N.J.R. 147(a)

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	grants			
7:26-15	Recycling of municipal solid waste (joint adoption, see 14A:6)	13 N.J.R. 865(a)	R.1982 d.32	14 N.J.R. 206(b)
7:26-15.8	Recycling grants and loans: Supplementary projects	14 N.J.R. 1346(a)	R.1983 d.119	15 N.J.R. 622(d)
7:27-2	Control and prohibition of open burning	12 N.J.R. 690(a)	R.1981 d.135	13 N.J.R. 264(a)
7:27-9	Sulfur in fuels	13 N.J.R. 870(a)	R.1982 d.456	14 N.J.R. 1452(a)
7:27-10	Sulfur in coal	12 N.J.R. 571(a)	R.1981 d.185	13 N.J.R. 341(a)
7:27-15.1	Specifications for Exhaust Gas Analytical System	Emergency	R.1983 d.407	15 N.J.R. 1607(a)
7:27-15.1	Specifications for Exhaust Gas Analytical System	15 N.J.R. 1607(a)	R.1983 d.536	15 N.J.R. 1943(b)
7:27-16	Air pollution control: Volatile organic substances	13 N.J.R. 127(a)	R.1982 d.3	14 N.J.R. 145(b)
7:28-24	Licensing of nuclear medicine technologists	14 N.J.R. 507(a)	R.1982 d.457	14 N.J.R. 1455(a)
7:28-41	Mercury vapor lamps	13 N.J.R. 9(b)	R.1981 d.464	13 N.J.R. 887(c)
7:29B	Noise measurement	13 N.J.R. 127(b)	R.1982 d.81	14 N.J.R. 339(a)
7:30-1, -2, -4, -8	State Pesticide Control Code	14 N.J.R. 787(a)	R.1982 d.435	14 N.J.R. 1385(a)
7:30-3,-5,-6,-7	State Pesticide Control Code	14 N.J.R. 787(a)	R.1983 d.166	15 N.J.R. 915(a)
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7:36-3.1	Green Acres reimbursement	14 N.J.R. 461(a)	R.1982 d.231	14 N.J.R. 835(a)
7:38-1.17	Wild and scenic rivers addition	13 N.J.R. 568(a)	R.1982 d.2	14 N.J.R. 147(a)
7:50	Pinelands management	13 N.J.R. 569(a)	R.1982 d.131	14 N.J.R. 388(a)
7:50	Pinelands Comprehensive Management Plan and Sunset Provision	Public Notice	————	14 N.J.R. 1102(b)

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8:13-2.1, 2.3, 2.4, 2.7-2.9, 2.11, 2.13-2.15	Soft-shell clam depuration	14 N.J.R. 415(a)	R.1982 d.241	14 N.J.R. 835(b)
8:18-1	Repealed: Children's boarding home rules	14 N.J.R. 1436(b)	R.1983 d.101	15 N.J.R. 544(a)
8:21-2.34	Repealed (see 8:21-12)	14 N.J.R. 1265(a)	R.1983 d.115	15 N.J.R. 623(a)
8:21-3.23	Legal animal repellants	14 N.J.R. 79(a)	R.1982 d.123	14 N.J.R. 389(a)
8:21-3.24	Ingredients for human self-defense sprays	14 N.J.R. 1029(a)	R.1982 d.451	14 N.J.R. 1456(a)
8:21-3.25	Sale and possession of nitrous oxide	14 N.J.R. 1190(a)	R.1983 d.41	15 N.J.R. 244(b)
8:21-9	Readopted: Licensing rules for food and cosmetic plants	15 N.J.R. 609(a)	R.1983 d.345	15 N.J.R. 1475(a)
8:21-9.5	License fees for wholesale food and cosmetic plants	15 N.J.R. 1317(a)	R.1983 d.456	15 N.J.R. 1762(b)
8:21-10	Designated fluid milk products	12 N.J.R. 643(c)	R.1980 d.539	13 N.J.R. 13(f)
8:21-12	Nonalcoholic beverages and bottled water	14 N.J.R. 1265(a)	R.1983 d.115	15 N.J.R. 623(a)
8:21-12.5	Correction: labeling of bottled water	15 N.J.R. 623(a)	————	15 N.J.R. 809(a)
8:22-1	State Sanitary Code–Campgrounds	13 N.J.R. 130(a)	R.1981 d.161	13 N.J.R. 342(a)
8:22-2	Repeal mobile home park rules	12 N.J.R. 577(d)	R.1980 d.499	13 N.J.R. 13(c)
8:23-1.4	Psittacosis testing of quarantined birds	15 N.J.R. 466(a)	R.1983 d.207	15 N.J.R. 918(a)
8:24	Retail food establishments; vending machines	14 N.J.R. 509(a)	R.1983 d.98	15 N.J.R. 544(b)
8:24	Correction: retail food establishments	————	R.1983 d.98	15 N.J.R. 809(b)
8:25	Readopted: Youth Camp Safety rules	15 N.J.R. 467(a)	R.1983 d.186	15 N.J.R. 918(b)
8:25-6.12	Youth camp certification fees	14 N.J.R. 1191(a)	R.1982 d.476	15 N.J.R. 33(a)
8:30	Expiration date	13 N.J.R. 265(a)	R.1981 d.283	13 N.J.R. 485(b)
8:30	Long-term care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)
8:30	Repealed (see 8:39)	15 N.J.R. 279(a)	R.1983 d.236	15 N.J.R. 1022(b)
8:30-1.4	Health care facilities licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
8:30-14	Recodified as 8:39-27	15 N.J.R. 279(a)	R.1983 d.236	15 N.J.R. 1022(b)
8:31-22.1	Doctors' offices in medical facilities	13 N.J.R. 807(a)	R.1982 d.273	14 N.J.R. 915(b)
8:31-23.1	Parking garage standards	13 N.J.R. 807(b)	R.1982 d.274	14 N.J.R. 916(a)
8:31-24.1	Hospital personnel housing	13 N.J.R. 808(a)	R.1982 d.275	14 N.J.R. 916(b)
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8:31-26.1	Health care facilities: ownership by convicted persons	15 N.J.R. 307(a)	R.1983 d.235	15 N.J.R. 1021(a)
8:31-26.3	All health care facilities: Employee physicals	14 N.J.R. 1274(a)	R.1983 d.69	15 N.J.R. 337(a)
8:31-26.3	Health care facilities: employee physical exams	15 N.J.R. 470(a)	R.1983 d.234	15 N.J.R. 1022(a)
8:31-26.4	Child abuse and neglect	13 N.J.R. 12(a)	R.1981 d.157	13 N.J.R. 342(b)
8:31-26.4	Correction: Child abuse reporting	13 N.J.R. 12(a)	R.1981 d.157	13 N.J.R. 756(a)
8:31-26.5	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
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8:31-28.1, 28.3	Need and designation of regional services	12 N.J.R. 515(a)	R.1980 d.528	13 N.J.R. 13(d)
8:31-30.1	Plan Review Fee multiplier	13 N.J.R. 265(b)	R.1981 d.284	13 N.J.R. 486(a)
8:31A-7	1982 SHARE regulations	13 N.J.R. 266(a)	R.1981 d.325	13 N.J.R. 571(c)
8:31A-7	SHARE Manual: 1983 rate review guidelines	14 N.J.R. 887(a)	R.1982 d.452	14 N.J.R. 1456(b)
8:31A-7	SHARE Manual: relief from overspending challenge	15 N.J.R. 200(b)	R.1983 d.201	15 N.J.R. 918(c)
8:31A-8.1	Hospital reporting: medical discharge abstract	15 N.J.R. 470(b)	R.1983 d.338	15 N.J.R. 1374(d)
8:31A-9.2	Correction to Code: SHARE Manual	10 N.J.R. 534(c)	R.1979 d.25	14 N.J.R. 44(a)

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8:31A-10.1	Mobile unit rate guidelines	13 N.J.R. 647(a)	R.1982 d.38	14 N.J.R. 208(a)
8:31B-2.2, 2.4	Uniform Bill-Patient Summary (Inpatient)	13 N.J.R. 410(a)	R.1981 d.404	13 N.J.R. 756(c)
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8:31B-3	Procedural and methodological regulations	13 N.J.R. 486(b)	R.1981 d.494	14 N.J.R. 45(a)
8:31B-3	Nursing Management Report: RIM Methodology	14 N.J.R. 737(a)	R.1982 d.427	15 N.J.R. 43(a)
8:31B-3	Hospital rate setting: RIM and other 1983 changes	14 N.J.R. 737(a)	R.1982 d.427	14 N.J.R. 1389(a)
8:31B-3.19	Hospital rate setting: Patient care cost finding	14 N.J.R. 737(a)	R.1983 d.194	15 N.J.R. 919(a)
8:31B-3.20D	Rate of return: For-profit hospitals	13 N.J.R. 266(b)	R.1981 d.290	13 N.J.R. 486(c)
8:31B-3.26, 3.72	Hospital rate setting: economic factor; periodic adjustments	15 N.J.R. 471(a)	R.1983 d.206	15 N.J.R. 920(a)
8:31B-3.27, 3.73	Hospital rate setting: capital facilities; reconciliation	15 N.J.R. 201(a)	R.1983 d.200	15 N.J.R. 920(b)
8:31B-4	Hospital financial elements and reporting regulations	12 N.J.R. 516(a)	R.1980 d.453	12 N.J.R. 645(a)
8:31B-4.44, 4.66	1983 Financial Elements and Reporting	14 N.J.R. 946(b)	R.1982 d.449	14 N.J.R. 1457(a)
8:31B-4.62	Excluded health care services	12 N.J.R. 643(d)	R.1981 d.10	13 N.J.R. 92(a)
8:31B-5.1,5.2,5.3	Diagnostic related groups	13 N.J.R. 726(b)	R.1982 d.27	14 N.J.R. 147(b)
8:31B-6.1–6.5	Mobile unit rate guidelines	13 N.J.R. 647(a)	R.1982 d.38	14 N.J.R. 208(a)
8:33	Certificate of Need application changes	13 N.J.R. 267(a)	R.1981 d.296	13 N.J.R. 487(b)
8:33-2.2	Batching cycle for long-term care facilities	15 N.J.R. 307(b)	R.1983 d.205	15 N.J.R. 920(c)
8:33D-1.3	Regional hemophilia care centers	13 N.J.R. 727(a)	R.1982 d.26	14 N.J.R. 147(c)
8:33E-1.1	Cardiac diagnostic facilities	13 N.J.R. 649(a)	R.1982 d.24	14 N.J.R. 147(d)
8:33E-2.2	Cardiac surgical centers	13 N.J.R. 651(a)	R.1982 d.25	14 N.J.R. 147(e)
8:33F	Regional renal disease services: certification of need	15 N.J.R. 1221(a)	R.1983 d.431	15 N.J.R. 1654(c)
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8:33G	Certificate of Need reviews: CT scanners	13 N.J.R. 487(c)	R.1981 d.472	13 N.J.R. 944(a)
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8:33H-3.3	Medicare and Medicaid beds in long-term care	14 N.J.R. 191(a)	R.1982 d.180	14 N.J.R. 578(b)
8:33H-3.3	Long-term care: expansion and new construction	15 N.J.R. 473(a)	R.1983 d.195	15 N.J.R. 921(a)
8:33H-3.10	Long-term care: bed need methodology	15 N.J.R. 1226 (a)	R.1983 d.429	15 N.J.R. 1656(a)
8:33I	Megavoltage radiation units (recodified from 8:31-27)	13 N.J.R. 406(b)	R.1981 d.406	13 N.J.R. 756(b)
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8:37	Intermediate care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)
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8:37-4.7	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
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8:39-Foreword	Long-term care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)
8:39-1	Foreword: Amend operational dates	13 N.J.R. 265(a)	R.1981 d.283	13 N.J.R. 485(b)
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8:39-1.35	Operational dates	13 N.J.R. 265(a)	R.1981 d.283	13 N.J.R. 485(b)
8:39-1.35	Long-term care facilities	14 N.J.R. 417(a)	R.1982 d.205	14 N.J.R. 709(b)
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8:42-1.4, 2.4	Licensure fees	14 N.J.R. 1273(a)	R.1983 d.66	15 N.J.R. 336(a)
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8:42B	Drug treatment facilities: licensure	15 N.J.R. 397(a)	R.1983 d.309	15 N.J.R. 1248(a)
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8:43-6.9	Licensure of Residential Health Care Facilities	12 N.J.R. 644(a)	R.1980 d.529	13 N.J.R. 13(e)
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8:43B-6	Readopted: Hospital Medical Staff rules	15 N.J.R. 1065(a)	R.1983 d.469	15 N.J.R. 1762(c)
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8:43F-4.3, 4.20	Medical day care: admission physical; social workers	15 N.J.R. 312(a)	R.1983 d.208	15 N.J.R. 923(c)
8:44	Readopted: Operation of Clinical Laboratories	15 N.J.R. 995(a)	R.1983 d.498	15 N.J.R 1862(a)
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8:57-1.1–1.18	Reportable disease rules	12 N.J.R. 577(e)	R.1980 d.498	13 N.J.R. 13(b)
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8:71	Correction: Generic drug list	13 N.J.R. 654(a)	R.1981 d.503	14 N.J.R. 102(b)
8:71	Generic drug list additions	13 N.J.R. 217(c)	R.1982 d.58	14 N.J.R. 235(a)
8:71	Amitriptyline addition	14 N.J.R. 22(b)	R.1982 d.106	14 N.J.R. 342(a)
8:71	Generic drug list additions	14 N.J.R. 22(a)	R.1982 d.115	14 N.J.R. 389(c)
8:71	Additions to generic drug list	14 N.J.R. 22(a)	R.1982 d.197	14 N.J.R. 655(b)
8:71	Additions to generic drug list	14 N.J.R. 369(a)	R.1982 d.240	14 N.J.R. 836(a)
8:71	Correction: Generic drug list	14 N.J.R. 369(a)	R.1982 d.240	14 N.J.R. 980(a)
8:71	Generic drug list changes	14 N.J.R. 22(a)	R.1982 d.371	14 N.J.R. 1159(a)
8:71	Generic drug list changes	13 N.J.R. 645(a)	R.1982 d.372	14 N.J.R. 1159(b)
8:71	Generic drug list changes	14 N.J.R. 369(a)	R.1982 d.373	14 N.J.R. 1160(a)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R.1982 d.374	14 N.J.R. 1160(b)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R.1982 d.426	14 N.J.R. 1392(a)
8:71	Correction: Generic drug list	14 N.J.R. 690(a)	R.1982 d.426	15 N.J.R. 33(b)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R.1982 d.488	15 N.J.R. 90(a)
8:71	Generic drug list additions	14 N.J.R. 690(a)	R.1982 d.489	15 N.J.R. 91(a)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R.1983 d.30	15 N.J.R. 147(e)
8:71	Additions to generic drug list	14 N.J.R. 1077(a)	R.1983 d.31	15 N.J.R. 148(a)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
8:71	Steri-med 50mg hydrochlorothiazide tabs	14 N.J.R. 887(b)	R.1983 d.32	15 N.J.R. 148(b)
8:71	Generic drug list deletions	14 N.J.R. 1030(b)	R.1983 d.34	15 N.J.R. 149(a)
8:71	Generic drug list changes	14 N.J.R. 1278(a)	R.1983 d.65	15 N.J.R. 339(a)
8:71	Generic drug list changes	14 N.J.R. 888(a)	R.1983 d.138	15 N.J.R. 690(c)
8:71	Generic drug list changes	14 N.J.R. 1278(a)	R.1983 d.139	15 N.J.R. 691(a)
8:71	Generic drug list changes	15 N.J.R. 127(a)	R.1983 d.140	15 N.J.R. 691(b)
8:71	Oxycodones; Schedule II policy	14 N.J.R. 1077(a)	———	15 N.J.R. 700(a)
8:71	Generic drug list changes	15 N.J.R. 127(a)	R.1983 d.272	15 N.J.R. 1100(a)
8:71	Generic drug list addition	14 N.J.R. 690(a)	R.1983 d.273	15 N.J.R. 1100(b)
8:71	Generic drug list changes	15 N.J.R. 126(b)	R.1983 d.274	15 N.J.R. 1100(c)
8:71	Additions to generic drug list	15 N.J.R. 846(a)	R.1983 d.499	15 N.J.R. 1862(b)
8:71	Generic drug list additions	15 N.J.R. 420(a)	R.1983 d.500	15 N.J.R. 1863(a)
	(Title 8, Transmittal 14 dated September 18, 1980)			
HIGHER EDUCATION–TITLE 9				
9:1-6.1, 6.4	Petitions from out-of-state institutions	14 N.J.R. 372(a)	R.1982 d.219	14 N.J.R. 756(a)
9:2-2.25	Mandatory retirement at State colleges	14 N.J.R. 947(a)	R.1982 d.444	14 N.J.R. 1458(a)
9:2-2.25	Correction: State college retirement	14 N.J.R. 947(a)	R.1982 d.444	15 N.J.R. 809(c)
9:2-13.1–13.12	State college auxiliary organizations	14 N.J.R. 1141(a)	R.1982 d.493	15 N.J.R. 91(b)
9:3-1.1	Approval of renovation projects	15 N.J.R. 1070(a)	R.1983 d.447	15 N.J.R. 1767(a)
9:4-1.5	County colleges: Chargebacks to sending counties	14 N.J.R. 690(b)	R.1982 d.335	14 N.J.R. 1099(a)
9:4-1.6	County colleges: General education requirements	15 N.J.R. 203(a)	R.1983 d.147	15 N.J.R. 805(a)
9:4-3.1, 3.10	County college annual audit	14 N.J.R. 318(a)	R.1982 d.218	14 N.J.R. 757(a)
9:4-3.4	Correction: Assets to be capitalized by county colleges	———	———	15 N.J.R. 700(b)
9:4-5	County colleges reduction in force rules	15 N.J.R. 128(a)	R.1983 d.146	15 N.J.R. 805(b)
9:5-1.5	State funding for senior citizens	15 N.J.R. 73(b)	R.1983 d.118	15 N.J.R. 625(a)
9:7	Readopted: Student Assistance Programs	15 N.J.R. 129(a)	R.1983 d.126	15 N.J.R. 692(a)
9:7-2.3	Foreign nationals and student assistance eligibility	15 N.J.R. 1071(a)	R.1983 d.468	15 N.J.R. 1768(a)
9:7-2.10	Student Assistance Programs: minimum academic progress	15 N.J.R. 205(a)	R.1983 d.261	15 N.J.R. 1101(a)
9:7-3.1	1983-84 Tuition Aid Grant Award Table	15 N.J.R. 206(a)	R.1983 d.250	15 N.J.R. 1032(a)
9:7-3.1	1983-84 Tuition Aid Grant Award Table	15 N.J.R. 1427(a)	R.1983 d.485	15 N.J.R. 1864(a)
9:9	Readopted: Student Loan Program rules	15 N.J.R. 475(a)	R.1983 d.413	15 N.J.R. 1663(b)
9:11-1	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R.1982 d.385	14 N.J.R. 1214(c)
9:11-1.5, 1.16	Educational Opportunity Fund financial aid rules	15 N.J.R. 206(b)	R.1983 d.170	15 N.J.R. 924(b)
9:12-1, -2	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R.1982 d.385	14 N.J.R. 1214(c)
9:15	Readopted: Graduate Medical Education Program	15 N.J.R. 1429(a)	R.183 d.518	15 N.J.R. 1864(b)
	(Title 9, Transmittal 17 dated June 21, 1982)			
HUMAN SERVICES–TITLE 10				
10:1-2	Public comments and petitions regarding department rules	———	R.1983 d.165	15 N.J.R. 924(c)
10:3-2	Capital Funding Agreement for community-based facilities	15 N.J.R. 1072(a)	R.1983 d.392	15 N.J.R. 1580(a)
10:4	Group homes and community relations	14 N.J.R. 1192(a)	R.1982 d.475	15 N.J.R. 33(c)
10:13, 10:14, 10:15	Repealed: Obsolete veterans' loan and housing rules	15 N.J.R. 1430(a)	R.1983 d.523	15 N.J.R. 1944(a)
10:38	Interim Assistance Procedures Manual	13 N.J.R. 220(d)	R.1981 d.225	13 N.J.R. 412(c)
10:43	Readopted: Need for Guardianship rules	15 N.J.R. 1111(a)	R. 1983 d.390	15 N.J.R. 1581(a)
10:44	Readopted: Standards for Public Institutions for Mentally Retarded	15 N.J.R. 1156(a)	R.1983 d.432	15 N.J.R. 1664(a)
10:44A	Group homes and supervised apartments for developmentally disabled	14 N.J.R. 531(a)	R.1983 d.23	15 N.J.R. 149(b)
10:45	Readopted: Guardianship Services for mentally retarded	15 N.J.R. 1073(a)	R.1983. d.391	15 N.J.R. 1581(b)
10:49-1.2	Amend recipient controls	12 N.J.R. 274(a)	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.2	Medicaid ID: Special Status Card	14 N.J.R. 418(a)	R.1982 d.261	14 N.J.R. 917(b)
10:49-1.3	Provider participation	13 N.J.R. 496(c)	R.1981 d.393	13 N.J.R. 758(c)
10:49-1.3, 1.4	Nurse-midwife services	14 N.J.R. 889(a)	R.1982 d.415	14 N.J.R. 1393(a)
10:49-1.5	Amend recipient controls	12 N.J.R. 274(a)	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.5	Record keeping by providers	12 N.J.R. 520(b)	R.1981 d.329	13 N.J.R. 574(b)
10:49-1.7	Utilization of insurance benefits	12 N.J.R. 187(c)	R.1981 d.123	13 N.J.R. 272(a)
10:49-1.8	Medicaid: prior authorization and emergency situations	15 N.J.R. 997(a)	R. 1983 d. 376	15 N.J.R. 1582(a)
10:49-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R.1982 d.52	14 N.J.R. 235(b)
10:49-1.13, 1.14	Providers using management agencies	13 N.J.R. 272(b)	R.1981 d.246	13 N.J.R. 412(d)
10:49-1.17	Suspension of provider from Medicaid program	12 N.J.R. 581(a)	R.1980 d.501	13 N.J.R. 17(a)
10:49-1.17	Suspended providers	13 N.J.R. 222(a)	R.1981 d.315	13 N.J.R. 574(c)
10:49-1.17	Provider participation	13 N.J.R. 496(c)	R.1981 d.393	13 N.J.R. 758(c)
10:49-1.24	Medical day care in hospital-affiliated facilities	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:49-1.26	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:49-1.27	Final audits	13 N.J.R. 133(c)	R.1981 d.114	13 N.J.R. 273(a)

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10:49-1.27	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R.1983 d.5	15 N.J.R. 155(a)
10:49-2	Medicaid: readopted rules on availability of program information	15 N.J.R. 998(a)	R.1983 d.344	15 N.J.R. 1475(b)
10:49-5	Readopted: Fair Hearing rules	15 N.J.R. 848(a)	R.1983 d.327	15 N.J.R. 1375(b)
10:49-5.3, 5.4	Recipient fair hearings	12 N.J.R. 581(b)	R.1980 d.512	13 N.J.R. 17(f)
10:49-5.6	Recipient fair hearings	12 N.J.R. 581(b)	R.1980 d.512	13 N.J.R. 17(f)
10:49-6	Readopted: Medicaid Administrative Provisions	15 N.J.R. 1075(a)	R.1983 d.349	15 N.J.R. 1475(c)
10:49-6.5	Medicaid: Payment recovery from estates	14 N.J.R. 80(a)	R.1982 d.147	14 N.J.R. 427(c)
10:49-6.8	Compromising claims	12 N.J.R. 582(a)	R.1980 d.502	13 N.J.R. 17(b)
10:50	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:50	Readopted: Transportation Services Manual	15 N.J.R. 999(a)	R. 1983 d. 375	15 N.J.R. 1582(b)
10:50-2.7	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:51	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:51-1.7	Pharmacy Manual: legend drug dispensing fee	Emergency	R.1983 d.333	15 N.J.R. 1386(a)
10:51-1.13, 1.14	Emergency amend "Less than effective" drugs	Emergency	R.1981 d.476	13 N.J.R. 945(a)
10:51-1.13, 1.14	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R.1982 d.28	14 N.J.R. 158(a)
10:51-1.14, 1.17	Pharmaceutical Services: Fees and delivery	14 N.J.R. 1336(a)	R.1983 d.56	15 N.J.R. 339(b)
10:51-1.17	Legend drug dispensing fee	13 N.J.R. 575(c)	R.1981 d.411	13 N.J.R. 758(d)
10:51-1.17, 3.15	Pharmacy Manual: legend drug dispensing fee and capitation rates	15 N.J.R. 1386(a)	R.1983 d.501	15 N.J.R. 1864(c)
10:51-1.19	Emergency amendment: "Less than effective" drugs	Emergency	R.1981 d.476	13 N.J.R. 945(a)
10:51-1.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R.1982 d.28	14 N.J.R. 158(a)
10:51-1(App.B,D)	Pharmaceutical Services Manual	13 N.J.R. 134(a)	R.1981 d.124	13 N.J.R. 274(a)
10:51-1(App.B,D)	Non-legend drugs and legend services	13 N.J.R. 739(a)	R.1981 d. 505	14 N.J.R. 46(a)
10:51-1(App. E)	Pharmacy Manual: Protein replacements	14 N.J.R. 418(b)	R.1982 d.211	14 N.J.R. 757(b)
10:51-1(App. B,C,D)	Pharmaceutical Services	14 N.J.R. 1142(a)	R.1982 d.458	14 N.J.R. 1458(b)
10:51-1(App.B,D,E)	Pharmaceutical Services	15 N.J.R. 664(a)	R.1983 d.293	15 N.J.R. 1253(b)
10:51-2	Pharmacy Manual billing procedures	13 N.J.R. 274(b)	R.1981 d.247	13 N.J.R. 415(a)
10:51-2.6	Reporting chemotherapy injectable drugs	14 N.J.R. 813(a)	R.1982 d.340	14 N.J.R. 1161(a)
10:51-3	Pharmaceutical services in LTC facilities	13 N.J.R. 415(b)	R.1981 d.344	13 N.J.R. 577(a)
10:51-3.15	Capitation of fee for legend drugs dispensed by LTC pharmacy providers	13 N.J.R. 577(b)	R.1981 d.465	13 N.J.R. 887(d)
10:51-3.15	Pharmacy Manual: capitation rates	Emergency	R.1983 d.333	15 N.J.R. 1386(a)
10:51-4.5	Repeal payments for pharmaceutical consultants	12 N.J.R. 410(a)	R.1981 d.101	13 N.J.R. 228(c)
10:51-5	Readopted: PAAD in Pharmacy Manual	15 N.J.R. 209(a)	R.1983 d.155	15 N.J.R. 806(a)
10:51-5.9, 5.12	Prescription policies; telephone orders	15 N.J.R. 209(a)	R.1983 d.155	15 N.J.R. 806(a)
10:51-5.16, 5.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R.1982 d.28	14 N.J.R. 158(a)
10:51-5.28-5.33	Pharmaceutical Assistance to the Aged	13 N.J.R. 289(a)	R.1981 d.248	13 N.J.R. 415(c)
10:51-6	Expired: Institutional Pharmacy Permits	15 N.J.R. 209(a)	R.1983 d.155	15 N.J.R. 806(a)
10:52	Hospital and special hospital manuals	13 N.J.R. 416(a)	R.1981 d.327	13 N.J.R. 578(a)
10:52-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.1	Nurse-midwife services	14 N.J.R. 889(a)	R.1982 d.415	14 N.J.R. 1393(a)
10:52-1.1	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:52-1.3	Non-covered hospital services	13 N.J.R. 14(d)	R.1981 d.126	13 N.J.R. 291(a)
10:52-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R.1982 d.73	14 N.J.R. 278(c)
10:52-1.3	Second opinion requirement on certain surgery	14 N.J.R. 1143(a)	R.1982 d.459	14 N.J.R. 1458(c)
10:52-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R.1981 d.51	13 N.J.R. 147(c)
10:52-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R.1982 d.52	14 N.J.R. 235(b)
10:52-1.9	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:52-1.17	Out-of-State inpatient hospital services	13 N.J.R. 15(a)	R.1981 d.162	13 N.J.R. 358(b)
10:52-1.17	Correction: Out-of-State hospital services	13 N.J.R. 15(a)	R.1981 d.162	13 N.J.R. 416(b)
10:52-1.18	Out-of-State hospital services	13 N.J.R. 359(a)	R.1981 d.293	13 N.J.R. 497(a)
10:52-2.2	Uniform billing of hospital services	13 N.J.R. 93(a)	R.1982 d.13	14 N.J.R. 158(b)
10:52-2.8A	Outpatient dental services	13 N.J.R. 416(c)	R.1981 d.479	13 N.J.R. 946(a)
10:52-2.13	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:52-3.6	Outpatient dental services	13 N.J.R. 416(c)	R.1981 d.479	13 N.J.R. 946(a)
10:53	Hospital and special hospital manuals	13 N.J.R. 416(a)	R.1981 d.327	13 N.J.R. 578(a)
10:53-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R.1981 d.51	13 N.J.R. 147(c)
10:53-1.1	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:53-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R.1982 d.73	14 N.J.R. 278(c)
10:53-1.3	Second opinion requirement	14 N.J.R. 1143(a)	R.1982 d.459	14 N.J.R. 1458(c)
10:53-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R.1981 d.51	13 N.J.R. 147(c)
10:53-1.15	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:53-2.18	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:54-1	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:54-1.2	Routine chest X rays	13 N.J.R. 94(a)	R.1981 d.125	13 N.J.R. 292(b)
10:54-1.2	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R.1982 d.73	14 N.J.R. 278(c)
10:54-1.2	Second opinion requirement	14 N.J.R. 1143(a)	R.1982 d.459	14 N.J.R. 1458(c)
10:54-1.3	Record keeping by providers	12 N.J.R. 520(b)	R.1981 d.329	13 N.J.R. 574(b)

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10:54-1.5	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R.1981 d.374	13 N.J.R. 706(d)
10:54-1.6	Reimbursement for anesthesia time	12 N.J.R. 413(a)	R.1981 d.220	13 N.J.R. 417(b)
10:54-1.20	Physicians Services: Sterilization by hysterectomy	14 N.J.R. 1337(a)	R.1983 d.55	15 N.J.R. 339(c)
10:54-1.22	Routine chest X rays	13 N.J.R. 94(a)	R.1981 d.125	13 N.J.R. 292(b)
10:54-2.1	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:54-2.4, 2.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:54-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:54-3	Procedure Code Manual	12 N.J.R. 520(c)	R.1980 d.511	13 N.J.R. 17(e)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 95(a)	R.1981 d.111	13 N.J.R. 299(a)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 223(a)	R.1981 d.211	13 N.J.R. 418(c)
10:54-3	Procedure codes for pacemakers	13 N.J.R. 297(a)	R.1981 d.251	13 N.J.R. 430(a)
10:54-3	Procedure codes for physicians services	13 N.J.R. 298(a)	R.1981 d.305	13 N.J.R. 578(b)
10:54-3	Physician services procedure codes	13 N.J.R. 298(b)	R.1981 d.314	13 N.J.R. 578(c)
10:54-3	Procedure Code Manual	13 N.J.R. 578(d)	R.1981 d.475	13 N.J.R. 946(b)
10:54-3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R.1982 d.73	14 N.J.R. 278(c)
10:54-3	Procedure codes: Second opinion requirement	14 N.J.R. 1143(a)	R.1982 d.459	14 N.J.R. 1458(c)
10:54-3	Procedure codes: Nurse-midwife services	14 N.J.R. 889(a)	R.1982 d.415	14 N.J.R. 1393(a)
10:55	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:56	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:56-1.8, 1.12	Dental Services Manual	12 N.J.R. 700(a)	R.1981 d.219	13 N.J.R. 430(b)
10:56-1.14, 1.15	Limitations on diagnostic dental services	13 N.J.R. 875(a)	R.1982 d.403	14 N.J.R. 1301(a)
10:56-3.15	Orthodontics	13 N.J.R. 134(b)	R.1981 d.113	13 N.J.R. 299(b)
10:57-1.4	Podiatry services	13 N.J.R. 360(a)	R.1981 d.300	13 N.J.R. 579(a)
10:57-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:57-1.9	Podiatry services	13 N.J.R. 360(a)	R.1981 d.300	13 N.J.R. 579(a)
10:57-1.20, 2.5–2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:57-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:58	Nurse-midwife services	14 N.J.R. 889(a)	R.1982 d.415	14 N.J.R. 1393(a)
10:59	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:59-1.7, 1.8	Repair of durable medical equipment	12 N.J.R. 25(a)	R.1980 d.510	13 N.J.R. 17(d)
10:59-1.9	Medical Supplier Manual	13 N.J.R. 430(c)	R.1981 d.376	13 N.J.R. 707(a)
10:59-1.10	Repair of durable medical equipment	12 N.J.R. 25(a)	R.1980 d.510	13 N.J.R. 17(d)
10:59-1.10	IPPB equipment	13 N.J.R. 223(b)	R.1981 d.328	13 N.J.R. 579(b)
10:59-1.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R.1980 d.510	13 N.J.R. 17(d)
10:59-2.6–2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:59-2.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R.1980 d.510	13 N.J.R. 17(d)
10:60	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:60-1, 2.1–2.3	Home Health Services Manual revisions	14 N.J.R. 264(b)	R.1982 d.199	14 N.J.R. 656(a)
10:60-1.3	Covered home health services: medical supplies	15 N.J.R. 610(a)	R.1983 d.266	15 N.J.R. 1102(a)
10:60-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:61-1.4	Record retention requirements	13 N.J.R. 95(b)	R.1981 d.110	13 N.J.R. 299(c)
10:61-1.4	Physician orders for laboratory services	13 N.J.R. 430(d)	R.1981 d.342	13 N.J.R. 579(c)
10:61-2.3	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:61-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:62	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:62-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:62-1.7	Procedure codes for ophthamologists and optometrists	13 N.J.R. 299(d)	R.1981 d.280	13 N.J.R. 497(b)
10:62-3	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:62-3.8	Vision Care Manual: lens and frame envelopes	15 N.J.R. 783(a)	R.1983 d.434	15 N.J.R. 1768(b)
10:63-1.2	Rehabilitation in long-term care	14 N.J.R. 420(a)	R.1982 d.210	14 N.J.R. 757(c)
10:63-1.4	Long Term Care Manual	12 N.J.R. 700(a)	R.1981 d.219	13 N.J.R. 430(b)
10:63-1.4	Special equipment in long-term care	13 N.J.R. 877(a)	R.1982 d.110	14 N.J.R. 391(a)
10:63-1.5	Inspection of long-term care	14 N.J.R. 81(a)	R.1982 d.72	14 N.J.R. 279(a)
10:63-1.5	Medical Evaluation Team (LTC) and alternate care option	15 N.J.R. 485(a)	R.1983 d.304	15 N.J.R. 1254(a)
10:63-1.6	Level III care in LTC facilities	14 N.J.R. 462(a)	R.1982 d.264	14 N.J.R. 917(c)
10:63-1.8	Long Term Care Manual	12 N.J.R. 700(a)	R.1981 d.219	13 N.J.R. 430(b)
10:63-1.8	Clinical records in long-term care facilities	12 N.J.R. 701(a)	R.1981 d.33	13 N.J.R. 146(c)
10:63-1.11	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:63-1.14	Retention of records in LTC facilities	13 N.J.R. 431(a)	R.1981 d.345	13 N.J.R. 579(d)
10:63-1.19	LTCSM: Termination of Medicaid eligibility	13 N.J.R. 15(b)	R.1981 d.62	13 N.J.R. 225(b)
10:63-1.21	Three-year audit cycle	12 N.J.R. 701(a)	R.1981 d.23	13 N.J.R. 146(a)
10:63-1.22	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R.1983 d.5	15 N.J.R. 155(a)
10:63-2	Readopted: Billing Procedures in long-term care	15 N.J.R. 421(a)	R.1983 d.182	15 N.J.R. 925(a)
10:63-3.1	Reimbursement to Long Term Care Facilities	12 N.J.R. 702(a)	R.1981 d.87	13 N.J.R. 227(a)
10:63-3.2	LTC: Related-party lease costs	14 N.J.R. 742(a)	R.1983 d.74	15 N.J.R. 442(b)
10:63-3.8	LTC's nursing care costs	13 N.J.R. 360(b)	R.1981 d.326	13 N.J.R. 579(e)
10:63-3.10	LTC: Capital Facilities Allowance rate	14 N.J.R. 743(a)	R.1983 d.73	15 N.J.R. 443(a)
10:63-3.20	Long-term care facilities: Reimbursement appeals	14 N.J.R. 269(a)	R.1983 d.11	15 N.J.R. 156(a)

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10:63-3.21	Rescission: Long-term care per diem reduction	13 N.J.R. 498(a)	R.1981 d.375	13 N.J.R. 707(b)
10:64	Hearing Aid Services Manual	14 N.J.R. 413(a)	R.1982 d.74	14 N.J.R. 279(b)
10:65	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:65-1.2–1.8, 2.1, 2.4–2.7	Medical day care	14 N.J.R. 1332(a)	R.1983 d.75	15 N.J.R. 442(a)
10:65-2.1	Medical day care rates	13 N.J.R. 362(a)	R.1981 d.318	13 N.J.R. 580(a)
10:66	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:66-1.5, 1.6	Mental health partial care services	13 N.J.R. 662(a)	R.1982 d.19	14 N.J.R. 158(c)
10:66-2.10	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:66-3.1-3.3	Independent clinic services procedure codes	13 N.J.R. 363(a)	R.1981 d.313	13 N.J.R. 580(b)
10:66-3.3	Procedure codes for Medicaid	12 N.J.R. 662(b)	R.1981 d.112	13 N.J.R. 299(e)
10:66-3.3	Independent Clinic Services Manual	13 N.J.R. 224(a)	R.1981 d.212	13 N.J.R. 431(b)
10:66-3.3	Mental health partial care services	13 N.J.R. 662(a)	R.1982 d.19	14 N.J.R. 158(c)
10:66-3.3	Family planning procedure codes	13 N.J.R. 663(a)	R.1982 d.84	14 N.J.R. 343(b)
10:66-3.3	Independent Clinic Services:procedures code revisions	14 N.J.R. 1339(a)	R.1983 d.386	15 N.J.R. 1583(a)
10:67-1.2	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:67-1.8	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R.1981 d.374	13 N.J.R. 706(d)
10:67-2.5,2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:67-2.10	Psychological services procedure codes	13 N.J.R. 298(a)	R.1981 d.305	13 N.J.R. 578(b)
10:68-2.5,2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R.1981 d.249	13 N.J.R. 417(a)
10:68-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R.1981 d.250	13 N.J.R. 418(a)
10:69A	Readopted: Pharmaceutical Assistance Manual (PAAD)	15 N.J.R. 211(a)	R.1983 d.154	15 N.J.R. 806(b)
10:69A-2.1	Pharmaceutical Assistance for Aged and Disabled	14 N.J.R. 321(b)	R.1982 d.198	14 N.J.R. 659(a)
10:69A-5.6	PAA eligibility determinations	13 N.J.R. 432(a)	R.1981 d.332	13 N.J.R. 580(c)
10:69A-7.1	PAA: Payment recovery from estates	14 N.J.R. 80(a)	R.1982 d.147	14 N.J.R. 427(c)
10:69B	Lifeline Credit and Tenants Lifeline Assistance Programs	15 N.J.R. 1227(a)	R.1983 d.524	15 N.J.R. 1944(b)
10:81	PAM: Readopted Federal requirements	13 N.J.R. 759(a)	R.1981 d.518	14 N.J.R. 102(c)
10:81-1.14	PAM: Welfare board minutes	13 N.J.R. 877(b)	R.1982 d.151	14 N.J.R. 473(d)
10:81-2, 3	PAM: readopted AFDC application and eligibility rules	15 N.J.R. 933(a)	R.1983 d.319	15 N.J.R. 1375(c)
10:81-2.6, 2.17, 2.18	PAM: AFDC changes	14 N.J.R. 1078(a)	R.1982 d.482	15 N.J.R. 92(a)
10:81-2.7	PAM: Deprivation of parential support in AFDC-C	12 N.J.R. 703(a)	R.1981 d.28	13 N.J.R. 146(b)
10:81-3.1, 3.5, 3.11, 3.13, 3.18	PAM: AFDC changes	14 N.J.R. 1078(a)	R.1982 d.482	15 N.J.R. 92(a)
10:81-3.17	PAM: Readopted revisions	14 N.J.R. 1168(a)	R.1982 d.441	14 N.J.R. 1459(a)
10:81-3.35	PAM: Legally responsible relatives	14 N.J.R. 814(a)	R.1982 d.352	14 N.J.R. 1161(b)
10:81-3.38	PAM: Liquidation and transfer of resources	14 N.J.R. 1437(a)	R.1983 d.94	15 N.J.R. 443(b)
10:81-3.41	PAM: exempt income	15 N.J.R. 1430(b)	R.183 d.505	15 N.J.R. 1864(d)
10:81-4.5–4.11, 4.13, 4.14, 4.16, 4.18, 4.19	PAM: Vendor payments	14 N.J.R. 1034(a)	R.1982 d.424	14 N.J.R. 1395(a)
10:81-5.2	PAM: Periodic redetermination	14 N.J.R. 1341(a)	R.1983 d.54	15 N.J.R. 340(a)
10:81-5.9	PAM: corrections to Administrative Code	———	———	15 N.J.R. 1388(c)
10:81-6.17, 7.18	PAM: Replacement of lost or stolen checks	14 N.J.R. 373(a)	R.1982 d.419	14 N.J.R. 1396(a)
10:81-7.1	AFDC: New or changed income	13 N.J.R. 300(a)	R.1981 d.262	13 N.J.R. 432(b)
10:81-7.13	PAM: Request and authorization for records disposal	14 N.J.R. 947(b)	R.1982 d.417	14 N.J.R. 1397(a)
10:81-7.22	AFDC: Funeral or burial payments for children	13 N.J.R. 580(d)	R.1981 d.447	13 N.J.R. 845(d)
10:81-7.22	PAM: Funeral and burial contributions	14 N.J.R. 462(b)	R.1982 d.286	14 N.J.R. 980(b)
10:81-7.26	PAM: Veterans' funeral expenses	14 N.J.R. 374(a)	R.1982 d.228	14 N.J.R. 836(b)
10:81-7.26, 8.4	PAM: RSDI lump sum benefits	13 N.J.R. 925(a)	R.1982 d.90	14 N.J.R. 344(a)
10:81-8.22	PAM: Extension of Medicaid benefits	14 N.J.R. 893(a)	R.1982 d.357	14 N.J.R. 1161(c)
10:81-8.22	PAM revisions	14 N.J.R. 1168(a)	R.1982 d.441	14 N.J.R. 1459(a)
10:81-8.23, 8.24, 8.25	PAM: AFDC changes	14 N.J.R. 1078(a)	R.1982 d.482	15 N.J.R. 92(a)
10:81-10	PAM: Refugee programs	14 N.J.R. 948(a)	R.1982 d.425	14 N.J.R. 1397(b)
10:81-10.7	PAM: corrections to Administrative Code	———	———	15 N.J.R. 1388(c)
10:81–App. A	Repealed: See 10:81-10	14 N.J.R. 948(a)	R.1982 d.425	14 N.J.R. 1397(b)
10:82	ASH: Readopted Federal requirements	13 N.J.R. 763(a)	R.1981 d.519	14 N.J.R. 102(d)
10:82-1, 2, 3	ASH: readopted rules on AFDC eligible units, monthly grants, resources	15 N.J.R. 935(a)	R.1983 d.318	15 N.J.R. 1377(a)
10:82-1.2, 1.4, 1.5, 1.7, 2.1–2.6, 2.8–2.10, 2.13, 2.19	ASH: Federal requirements	14 N.J.R. 952(a)	R.1982 d.443	14 N.J.R. 1459(b)
10:82-2.1, 2.2, 2.18, 2.20	ASH: Readopted revisions	14 N.J.R. 1169(a)	R.1982 d.440	14 N.J.R. 1461(a)
10:82-2.9	Correction: Stepparent's income in AFDC-C	13 N.J.R. 763(a)	R.1981 d.519	14 N.J.R. 281(a)
10:82-2.14	ASH: Established monthly earnings	13 N.J.R. 16(a)	R.1981 d.47	13 N.J.R. 147(b)

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10:82-2.14	AFDC: New or changed income	13 N.J.R. 300(a)	R.1981 d.262	13 N.J.R. 432(b)
10:82-3.1, 3.2, 3.4	ASH: Resources	14 N.J.R. 1438(a)	R.1983 d.93	15 N.J.R. 443(c)
10:82-3.2	Correction to ASH: Exemption resources	———	———	15 N.J.R. 346(c)
10:82-3.2	ASH: HUD community development block grant	13 N.J.R. 96(a)	R.1981 d.96	13 N.J.R. 227(b)
10:82-3.2, 4.5	Exempt resources and disregard of earned income	13 N.J.R. 224(b)	R.1981 d.282	13 N.J.R. 499(a)
10:82-3.2	ASH: exempt income	15 N.J.R. 1431(a)	R.1983 d.504	15 N.J.R. 1865(a)
10:82-3.8	ASH: Relatives as a resource	14 N.J.R. 814(b)	R.1982 d.353	14 N.J.R. 1161(d)
10:82-3.13	Correction: Federal requirement for ASH	13 N.J.R. 763(a)	R.1981 d.519	14 N.J.R. 837(a)
10:82-3.13, 4.1, 4.3, 4.4, 4.15	ASH: Federal requirements	14 N.J.R. 952(a)	R.1982 d.443	14 N.J.R. 1459(b)
10:82-4.9	ASH: Foster care rates	14 N.J.R. 374(b)	R.1982 d.208	14 N.J.R. 709(c)
10:82-4.11, 4.13	ASH: Corrections to Administrative Code	———	———	15 N.J.R. 1389(a)
10:82-4.15	Irregular and nonrecurring income in AFDC	13 N.J.R. 224(c)	R.1981 d.287	13 N.J.R. 499(b)
10:82-5.3	ASH: Day care rates	13 N.J.R. 134(c)	R.1981 d.243	13 N.J.R. 432(c)
10:82-5.3	ASH: Care for unwed mothers	13 N.J.R. 134(c)	R.1982 d.43	14 N.J.R. 235(c)
10:82-5.3	ASH: Federal requirements	14 N.J.R. 952(a)	R.1982 d.443	14 N.J.R. 1459(b)
10:82-5.3, 5.10	ASH: Child care; emergency assistance	14 N.J.R. 1169(a)	R.1982 d.440	14 N.J.R. 1461(a)
10:82-5.7	ASH: corrections to Administrative Code	———	———	15 N.J.R. 1389(a)
10:82-5.10	ASH: Emergency assistance	12 N.J.R. 584(a)	R.1980 d.552	13 N.J.R. 101(a)
10:82-5.10	ASH: Emergency house furnishings allowance	14 N.J.R. 375(a)	R.1982 d.207	14 N.J.R. 709(d)
10:82-5.10	ASH: Return of child from foster care placement	14 N.J.R. 698(a)	R.1982 d.376	14 N.J.R. 1215(a)
10:83	Repeal Medical Assistance for Aged	14 N.J.R. 1081(a)	R.1982 d.460	14 N.J.R. 1462(a)
10:85-1, 2, 3 4, 5, 6, 10	Readopted: portions of General Assistance Manual	15 N.J.R. 938(a)	R.1983 d.328	15 N.J.R. 1378(a)
10:85-1.2, 1.5, 2.2	General Assistance and Faulkner Act municipalities	13 N.J.R. 301(a)	R.1982 d.61	14 N.J.R. 281(b)
10:85-2.2	GAM: Temporary director of municipal welfare	12 N.J.R. 584(b)	R.1980 d.505	13 N.J.R. 17(c)
10:85-2.2	GAM: Local assistance board	13 N.J.R. 96(b)	R.1981 d.98	13 N.J.R. 228(b)
10:85-2.2	GAM: Local assistance board appointments	14 N.J.R. 1144(a)	R.1982 d.492	15 N.J.R. 92(b)
10:85-3.1	GAM: Common living quarters	13 N.J.R. 927(a)	R.1982 d.102	14 N.J.R. 344(b)
10:85-3.1	GAM: Eligibility of young people	14 N.J.R. 815(a)	R.1982 d.355	14 N.J.R. 1162(a)
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10:85-3.2	General Assistance application process	12 N.J.R. 584(c)	R.1980 d.514	13 N.J.R. 18(a)
10:85-3.2	GAM: Clarification of "unemployable"	13 N.J.R. 927(b)	R.1982 d.103	14 N.J.R. 344(c)
10:85-3.2	GAM: Workfare compliance	13 N.J.R. 929(a)	R.1982 d.104	14 N.J.R. 344(d)
10:85-3.2	GAM: Verification of unemployment/disability benefits	14 N.J.R. 956(a)	R.1982 d.418	14 N.J.R. 1398(a)
10:85-3.2(f)	GAM: Residency and Municipal responsibility	15 N.J.R. 313(a)	R.1983 d.374	15 N.J.R. 1476(a)
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10:85-3.3	GAM: Members of household	14 N.J.R. 893(b)	R.1982 d.375	14 N.J.R. 1216(a)
10:85-3.3	GAM: Residential health care rates	14 N.J.R. 894(a)	R.1983 d.105	15 N.J.R. 550(a)
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10:85-4.6	GAM: Emergency grants	12 N.J.R. 585(a)	R.1980 d.538	13 N.J.R. 18(d)
10:85-4.6	GAM: Emergency grants	14 N.J.R. 124(a)	R.1982 d.135	14 N.J.R. 428(b)
10:85-4.6	GAM: Emergency house furnishings	14 N.J.R. 1342(a)	R.1983 d.58	15 N.J.R. 340(b)
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10:85-5.2	GAM: Diagnostic-Related Group payments	12 N.J.R. 585(b)	R.1980 d.515	13 N.J.R. 18(b)
10:85-5.2	GAM–Payments for inpatients hospital care	13 N.J.R. 433(b)	R.1981 d.394	13 N.J.R. 768(a)
10:85-5.3	Submission of Form GA-18	12 N.J.R. 586(a)	R.1980 d.531	13 N.J.R. 18(c)
10:85-5.3	GAM: Recipients in residential health care facilities	12 N.J.R. 662(c)	R.1980 d.547	13 N.J.R. 100(a).
10:85-5.3	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R.1981 d.263	13 N.J.R. 433(a)
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10:85-5.6, 8.4	GAM: Renal services; child health services	14 N.J.R. 420(b)	R.1982 d.377	14 N.J.R. 1217(a)
10:85-6.5	GAM: Repayment by SSI recipients	12 N.J.R. 586(b)	R.1980 d.551	13 N.J.R. 100(d)
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10:85-8.2	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R.1981 d.263	13 N.J.R. 433(a)
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10:85-8.3	GAM: Prospective SSI recipients	13 N.J.R. 145(a)	R.1981 d.160	13 N.J.R. 363(b)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:85-8.4	GAM: pharmaceutical assistance to disabled	15 N.J.R. 783(b)	R.1983 d.284	15 N.J.R. 1181(b)
10:85-9.1	GAM: Legally responsible relatives	14 N.J.R. 543(a)	R.1982 d.284	14 N.J.R. 980(d)
10:85-9.3, 9.5	GAM: Corrections to Administrative Code	———	———	15 N.J.R. 1389(b)
10:85-10.3, 10.6, 10.8	GAM: Workfare compliance	13 N.J.R. 929(a)	R.1982 d.104	14 N.J.R. 344(d)
10:87	Emergency amend Food Stamp Manual	Emergency	R.1981 d.64	13 N.J.R. 226(b)
10:87	Student participation in Food Stamps	13 N.J.R. 96(c)	R.1981 d.97	13 N.J.R. 228(a)
10:87	Food Stamp Manual	13 N.J.R. 364(a)	R.1981 d.316	13 N.J.R. 581(a)
10:87	FSM: Readopted Federal requirements	13 N.J.R. 769(a)	R.1981 d.517	14 N.J.R. 103(a)
10:87	Correction: FSM–Federal requirements	13 N.J.R. 769(a)	R.1981 d.517	14 N.J.R. 208(b)
10:87-2.2, 2.3, 2.21	Readopted Food Stamp Program revisions	15 N.J.R. 97(a)	R.1983 d.72	15 N.J.R. 444(a)
10:87-2.3, 2.21	Food Stamp Program: readopted revisions	15 N.J.R. 629(a)	R.1983 d.223	15 N.J.R. 1033(a)
10:87-2.4, 2.7, 2.8	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R.1982 d.473	15 N.J.R. 34(a)
10:87-2.7	Food stamp participants and job search	14 N.J.R. 1041(a)	R.1982 d.437	14 N.J.R. 1462(b)
10:87-2.32, 2.34, 2.35	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R.1983 d.121	15 N.J.R. 625(b)
10:87-2.34	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R.1982 d.473	15 N.J.R. 34(a)
10:87-2.38	Readopted FSP revisions	15 N.J.R. 247(a)	R.1983 d.72	15 N.J.R. 444(a)
10:87-3.2, 3.12	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R.1982 d.473	15 N.J.R. 34(a)
10:87-3.10, 3.11	FSP: readopted revisions	15 N.J.R. 629(a)	R.1983 d.223	15 N.J.R. 1033(a)
10:87-3.15–3.21	Food stamp participants and job search	14 N.J.R. 1041(a)	R.1982 d.437	14 N.J.R. 1462(b)
10:87-3.19	Readopted FSP revisions	15 N.J.R. 97(a)	R.1983 d.72	15 N.J.R. 444(a)
10:87-3.23, 3.24	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R.1983 d.121	15 N.J.R. 625(b)
10:87-4.3, 4.8	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R.1983 d.121	15 N.J.R. 625(b)
10:87-4.4, 4.6, 4.7, 4.14, 4.16	FSP: readopted revisions	15 N.J.R. 629(a)	R.1983 d.223	15 N.J.R. 1033(a)
10:87-4.4, 4.19	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R.1982 d.473	15 N.J.R. 34(a)
10:87-4.8, 4.12, 5.5	Food Stamp Program: Resource exclusions	15 N.J.R. 212(a)	R.1983 d.141	15 N.J.R. 692(b)
10:87-5.4, 5.6	FSP: readopted revisions	15 N.J.R. 629(a)	R.1983 d.223	15 N.J.R. 1033(a)
10:87-5.5	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R.1983 d.121	15 N.J.R. 625(b)
10:87-5.10	Readopted FSP revisions	15 N.J.R. 97(a)	R.1983 d.72	15 N.J.R. 444(a)
10:87-5.10	Food Stamp Program income deductions and maximum allotments	Emergency	R.1983 d.460	15 N.J.R. 1774(a)
10:87-6.2, 6.3, 6.16, 6.17, 6.18	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R.1983 d.121	15 N.J.R. 625(b)
10:87-6.14, 6.15	FSP: Readopted emergency revisions	15 N.J.R. 97(a)	R.1983 d.72	15 N.J.R. 444(a)
10:87-7.14, 7.15	FSP: readopted revisions	15 N.J.R. 629(a)	R.1983 d.223	15 N.J.R. 1033(a)
10:87-7.16, 7.17	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R.1982 d.473	15 N.J.R. 34(a)
10:87-7.18	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R.1983 d.121	15 N.J.R. 625(b)
10:87-9.7	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R.1982 d.473	15 N.J.R. 34(a)
10:87-9.7	FSP: readopted revisions	15 N.J.R. 629(a)	R.1983 d.223	15 N.J.R. 1033(a)
10:87-9.16	Replacement of food stamp benefits	14 N.J.R. 1081(b)	R.1982 d.474	15 N.J.R. 35(a)
10:87-11.1–11.12, 11.15, 11.16, 11.20–11.29	Food Stamp Program: readopted revisions	15 N.J.R. 633(a)	R.1983 d.224	15 N.J.R. 1034(a)
10:87-12.1	Readopted FSP revisions	15 N.J.R. 97(a)	R.1983 d.72	15 N.J.R. 444(a)
10:87-12.1, 12.2	Food Stamp Manual	Emergency	R.1980 d.558	13 N.J.R. 100(e)
10:87-12.1, 12.2	FSP: income deductions and maximum allotments	Emergency	R.1983 d.460	15 N.J.R. 1774(a)
10:87-12.1, 12.3, 12.4, 12.6	Readopted: Food Stamp Program adjustments	14 N.J.R. 757(d)	R.1982 d.318	14 N.J.R. 1057(a)
10:87-12.1, 12.2, 12.6	Food Stamp Program: Readopted revisions	14 N.J.R. 1170(a)	R.1982 d.442	14 N.J.R. 1463(a)
10:87-12.3	Food Stamp Program maximum net income levels	13 N.J.R. 500(a)	R.1981 d.400	13 N.J.R. 772(a)
10:87-12.3,12.4	Food Stamp income levels	Emergency	R.1981 d.278	13 N.J.R. 500(a)
10:87-12.3, 12.4,12.7	FSP: Maximum income eligibility limits	15 N.J.R. 1185(a)	R.1983 d.382	15 N.J.R. 1583(b)
10:87-12.4	Food Stamp Manual	Emergency	R.1980 d.558	13 N.J.R. 100(e)
10:87-12.5, 12.6	FSP: Readopted emergency revisions	15 N.J.R. 247(a)	R.1983 d.121	15 N.J.R. 625(b)
10:87-12.7	Readopted FSP revisions	15 N.J.R. 247(a)	R.1983 d.72	15 N.J.R. 444(a)
10:88	Repealed: Food Stamp Plan of Operation Manual	15 N.J.R. 611(a)	R.1983 d.246	15 N.J.R. 1034(b)
10:89	Readopted Home Energy Assistance rules	13 N.J.R. 888(a)	R.1982 d.62	14 N.J.R. 281(c)
10:89-Fwd, 2.3, 3.2, 3.4, 3.6, 4.1	Home Energy Assistance	15 N.J.R. 1338(a)	R.1983 d.465	15 N.J.R. 1768(c)
10:89-2.3, 3.1, 3.2, 3.4, 3.5,	Readopted: Home Energy Assistance Handbook	14 N.J.R. 1311(a)	R.1982 d.497	15 N.J.R. 92(c)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
3.6, 4.1, 5.2, 5.3				
10:89-3.6	Emergency rule on Home Energy Assistance	Emergency	R.1980 d.548	13 N.J.R. 100(b)
10:90	Monthly Reporting Policy Handbook	14 N.J.R. 958(a)	R.1982 d.399	14 N.J.R. 1302(a)
10:90-2.,2.4 4.1-4.4.,4.6, 5.3,5.6,6.1	Monthly Reporting Policy Handbook	15 N.J.R. 1162(a)	R. 1983 d.398	15 N.J.R. 1584(a)
10:90-2.3	Monthly Reporting Policy Handbook	15 N.J.R. 849(a)	R.1983 d.326	15 N.J.R. 1381(a)
10:91	Repealed: Services to families and children	14 N.J.R. 744(a)	R.1982 d.317	14 N.J.R. 1057(b)
10:93	Repealed: obsolete rules on refugee assistance programs	15 N.J.R. 611(b)	R.1983 d.245	15 N.J.R. 1035(a)
10:94-3	Medicaid Only: readopted nonfinancial eligibility criteria	15 N.J.R. 948(a)	R.1983 d.317	15 N.J.R. 1382(a)
10:94-4,-5	Medicaid Only: Income and resource eligibility	12 N.J.R. 663(a)	R.1981 d.177	13 N.J.R. 364(b)
10:94-4,–5	Medicaid Only: readopted financial eligibility standards	15 N.J.R. 999(b)	R.1983 d.373	15 N.J.R. 1477(a)
10:94-4.4, 5.3	Medicaid Only: exclusion of burial spaces and funds	15 N.J.R. 422(a)	R.1983 d.167	15 N.J.R. 925(b)
10:94-5.4, 5.5, 5.6	Readopt Medicaid Only computation amounts	13 N.J.R. 501(a)	R.1981 d.385	13 N.J.R. 773(a)
10:94-5.4, 5.5, 5.6	Correction: Medicaid Only computation amounts	13 N.J.R. 501(a)	R.1981 d.385	13 N.J.R. 846(a)
10:94-5.4, 5.5, 5.6	Readopted: Medicaid Only computation amounts	14 N.J.R. 758(a)	R.1982 d.314	14 N.J.R. 1058(a)
10:94-5.4, 5.5, 5.6	Medicaid Only: eligibility computation amounts	Emergency	R.1983 d.289	15 N.J.R. 1187(a)
10:94-7.5	Medicaid Only: Burial and funeral expenses	14 N.J.R. 816(a)	R.1982 d.354	14 N.J.R. 1162(c)
10:94-8	Medicaid Only	12 N.J.R. 663(a)	R.1981 d.177	13 N.J.R. 364(b)
10:94-9	Medical Assistance for Aged Continuation	14 N.J.R. 1084(a)	R.1982 d.461	14 N.J.R. 1463(b)
10:98	State Plan for blind and visually impaired	14 N.J.R. 745(a)	R.1982 d.311	14 N.J.R. 1058(b)
10:98	State Plan for Vocational Rehabilitation Services	14 N.J.R. 1193(a)	R.1983 d.149	15 N.J.R. 807(b)
10:100-1	Service Programs: Organization and Administration rules	———	———	15 N.J.R. 1966(a)
10:100-1.23	Readopt SSI payment levels	13 N.J.R. 502(a)	R.1981 d.386	13 N.J.R. 773(b)
10:100-1.23	Readopted: SSI payment levels	14 N.J.R. 760(a)	R.1983 d.315	14 N.J.R. 1059(a)
10:100-1.23	SSI payment levels (recodified as 10:100-App.A)	Emergency	R.1983 d.290	15 N.J.R. 1188(a)
10:100-3.6	Special Payments Handbook: Funeral contributions	14 N.J.R. 463(b)	R.1982 d.285	14 N.J.R. 981(a)
10:100-App.A	SSI payment levels	15 N.J.R. 1188(a)	R.1983 d.383	15 N.J.R. 1586(a)
10:109-1	Ruling 11	13 N.J.R. 581(b)	R.1981 d.445	13 N.J.R. 846(b)
10:109-1.4	Ruling 11: Tuition Aid	14 N.J.R. 375(b)	R.1982 d.227	14 N.J.R. 837(b)
10:109-3.2, 3.4	Ruling 11–Sick leave and leave without pay	13 N.J.R. 515(a)	R.1981 d.395	13 N.J.R. 774(a)
10:109–App.I,II	Ruling 11: Salary increases for CWA employees	13 N.J.R. 741(a)	R.1981 d.498	14 N.J.R. 46(b)
10:109-App. II	County welfare agencies: Salary parity with State	14 N.J.R. 630(a)	R.1982 d.319	14 N.J.R. 1060(a)
10:120-3	Youth and Family Services: readopted fair hearing rules	15 N.J.R. 1340(a)	R.1983 d.442	15 N.J.R. 1769(a)
10:121-2	Adoption subsidy	14 N.J.R. 746(a)	R.1982 d.321	14 N.J.R. 1060(b)
10:121-3	Adoption complaint investigation fees	15 N.J.R. 1341(a)	R.1983 d.509	15 N.J.R. 1865(b)
10:121-5.1	Medical information form	12 N.J.R. 703(c)	R.1981 d.63	13 N.J.R. 226(a)
10:121A	Adoption agency practices	13 N.J.R. 99(a)	R.1981 d.298	13 N.J.R. 516(a)
10:122-1.1–1.3, 2.1, 2.2, 3.2, 3.3	Combined standards for child care centers	15 N.J.R. 850(a)	R.1983 d.372	15 N.J.R. 1586(b)
10:122-1.1–1.3, 2.1, 2.2, 2.4, 2.5, 2.6, 3.1–3.6	Child care centers for ages 2 1/2–5	15 N.J.R. 214(a)	R.1983 d.179	15 N.J.R. 926(a)
10:122-4.1, 4.3–4.7	Child care centers: Staff requirements	14 N.J.R. 816(b)	R.1982 d.384	14 N.J.R. 1218(a)
10:122-4.1, 4.3–4.7	Correction: Child care centers	14 N.J.R. 816(b)	R.1982 d.384	14 N.J.R. 1307(a)
10:122-4.2	Standards for child care centers	14 N.J.R. 82(a)	R.1982 d.136	14 N.J.R.428(c)
10:122-4.2–4.7, 5.1–5.4, 6.1–6.6, 6.9, 7.3	Combined standards for child care centers	15 N.J.R. 850(a)	R.1983 d.372	15 N.J.R. 1586(b)
10:122-4.4, 4.6, 5.1–5.4, 6.1–6.9, 7.1,7.2,7.6,7.7	Child care centers for ages 2 1/2–5	15 N.J.R. 214(a)	R.1982 d.179	15 N.J.R. 926(a)
10:122-7.1–7.7	Child care centers	14 N.J.R. 82(a)	R.1982 d.136	14 N.J.R. 428(c)
10:123-2.4	Rooming houses: visits by county welfare staff	15 N.J.R. 1168(a)	R.1983 d.420	15 N.J.R. 1665(a)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R.1981 d.423	13 N.J.R. 774(b)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R.1981 d.423	14 N.J.R. 287(a)
10:123-3.1, 3.2	Personal needs allowance: Residential health care	14 N.J.R. 699(a)	R.1982 d.301	14 N.J.R. 981(b)
10:124	Children's shelter facilities and homes	14 N.J.R. 125(a)	R.1982 d.222	14 N.J.R. 761(a)
10:127	Residential child care facilities	15 N.J.R. 486(a)	R.1983 d.393	15 N.J.R. 1597(a)
10:130	Shelters for victims of domestic violence	14 N.J.R. 197(a)	R.1982 d.138	14 N.J.R. 429(a)
10:130	Repealed: Children's shelters manual	14 N.J.R. 125(a)	R.1982 d.222	14 N.J.R. 761(a)
10:130-3	Funding of shelters for victims of domestic violence	15 N.J.R. 1169(a)	R.1983 d.399	15 N.J.R. 1603(a)
10:131	Adoption assistance and child welfare	14 N.J.R. 744(a)	R.1982 d.317	14 N.J.R. 1057(b)
10:132	Court actions and proceedings	13 N.J.R. 595(b)	R.1981 d.434	13 N.J.R. 846(c)
10:140	1982 State Plan for Services to Developmentally Disabled	14 N.J.R. 699(b)	R.1982 d.320	14 N.J.R. 1060(c)

(Title 10, Transmittal 15 dated November 10, 1980)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
CORRECTION–TITLE 10A				
	(Title 10A, Transmittal 7 dated June 21, 1982)			
INSURANCE–TITLE 11				
11:1-5.5	Notice of Cancellation and Nonrenewal: property and casualty insurance	———	———	15 N.J.R. 810(a)
11:1-14	Licensees: Address change; process serving	14 N.J.R. 748(a)	R.1982 d.336	14 N.J.R. 1099(b)
11:2-17.7	Claims settlement practices	14 N.J.R. 966(a)	R.1982 d.400	14 N.J.R. 1307(b)
11:2-18	Readable policies	14 N.J.R. 967(a)	R.1982 d.410	14 N.J.R. 1307(c)
11:2-18.4	Correction: Readable policies	14 N.J.R. 1308	R.1982 d.410	14 N.J.R. 1398(b)
11:3-7.3, 7.7	Additional personal injury protection	14 N.J.R. 543(b)	R.1982 d.246	14 N.J.R. 917(d)
11:3-8	Nonrenewal of automobile policies	15 N.J.R. 231(a)	R.1983 d.190	15 N.J.R. 927(a)
11:3-12	Automobile rate filers: flat uniform premium tax and fees	15 N.J.R. 1170(a)	R.1983 d.424	15 N.J.R. 1666(a)
11:3-13	Auto insurance: collision and comprehensive deductibles	15 N.J.R. 1342(a)	R.1983 d.467	15 N.J.R. 1769(b)
11:3-13	Options for collision and comprehensive coverages	Emergency	R.1983 d.537	15 N.J.R. 1961(a)
11:5	Readopted: Real Estate Commission rules	15 N.J.R. 1343(a)	R.1983 d.471	15 N.J.R. 1865(c)
11:13	Commercial lines insurance	14 N.J.R. 1045(a)	R.1982 d.423	14 N.J.R. 1398(c)
	(Title 11, Transmittal 17 dated June 21, 1982)			
LABOR–TITLE 12				
12:15-1.3	Maximum weekly benefit rates	13 N.J.R. 602(b)	R.1981 d.419	13 N.J.R. 777(a)
12:15-1.3	Correction: Operative date	13 N.J.R. 602(b)	R.1981 d.419	13 N.J.R. 894(b)
12:15-1.3	1983 unemployment and disability benefits	14 N.J.R. 969(a)	R.1982 d.383	14 N.J.R. 1218(b)
12:15-1.3	Unemployment and disability: 1984 maximum weekly rates	15 N.J.R. 1434(a)	R.1983 d.521	15 N.J.R. 1944(c)
12:15-1.4	Taxable wage base for unemployment compensation	13 N.J.R. 602(c)	R.1981 d.421	13 N.J.R. 777(b)
12:15-1.4	Correction: Operative date	13 N.J.R. 602(c)	R.1981 d.421	13 N.J.R. 894(b)
12:15-1.4	1983 wage base for unemployment contributions	14 N.J.R. 970(a)	R.1982 d.382	14 N.J.R. 1219(a)
12:15-1.4	Unemployment compensation: 1984 taxable wage base	15 N.J.R. 1435(a)	R.1983 d.522	15 N.J.R. 1944(d)
12:15-1.5	Unemployment compensation contribution rates	13 N.J.R. 603(a)	R.1981 d.418	13 N.J.R. 777(c)
12:15-1.5	1983 contribution rates for government entities	14 N.J.R. 970(b)	R.1982 d.381	14 N.J.R. 1219(b)
12:17-10.3, 10.4	Repayment of unemployment benefits	15 N.J.R. 74(a)	R.1983 d.83	15 N.J.R. 447(a)
12:45	Vocational Rehabilitation Services: legal authority	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:46	Vocational Rehabilitation Services: Administration	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:47	Vocational Rehabilitation Services: advisory councils	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:48	Vocational Rehabilitation Services: potential, eligibility, economic need	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:49	Vocational Rehabilitation Services: appeals	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:50	Repealed: Disability Determinations Service	14 N.J.R. 1438(b)	R.1983 d.82	15 N.J.R. 693(a)
12:51	Vocational rehabilitation facilities	13 N.J.R. 230(a)	R.1981 d.289	13 N.J.R. 517(a)
12:56-3.2	Correction to Code: Exemptions from minimum wage rates	———	———	15 N.J.R. 43(b)
12:56-7.2	Wage and hour: "Administrative" defined	14 N.J.R. 1145(a)	R.1982 d.468	15 N.J.R. 36(a)
12:57	Wage orders for minors	13 N.J.R. 307(a)	R.1981 d.226	13 N.J.R. 441(c)
12:190	Safety standards for explosives	13 N.J.R. 517(b)	R.1982 d.229	14 N.J.R. 837(c)
12:191	Repealed	13 N.J.R. 517(b)	R.1982 d.229	14 N.J.R. 837(c)
12:192	Repealed	13 N.J.R. 517(b)	R.1982 d.229	14 N.J.R. 837(c)
12:193	Repealed	13 N.J.R. 517(b)	R.1982 d.229	14 N.J.R. 837(c)
12:195	Carnival-amusement rides	13 N.J.R. 441(d)	R.1981 d.321	13 N.J.R. 603(b)
12:195	Readopted: rules on Carnival–Amusement Rides	15 N.J.R. 1002(a)	R.1983 d.364	15 N.J.R. 1477(b)
12:235-1.5	Workers' compensation benefit rates	13 N.J.R. 604(a)	R.1981 d.420	13 N.J.R. 777(d)
12:235-1.5	1983 workers' compensation benefits	14 N.J.R. 971(a)	R.1982 d.380	14 N.J.R. 1219(c)
12:235-1.5	1984 workers' compensation benefit rates	15 N.J.R. 1437(a)	R.1983 d.520	15 N.J.R. 1945(a)
	(Title 12, Transmittal 14 dated January 14, 1981)			
LAW AND PUBLIC SAFETY–TITLE 13				
13:1	Readopted: Police Training Commission rules	15 N.J.R. 866(a)	R.1983 d.316	15 N.J.R. 1382(b)
13:2-7.10, 24.4	ABC: wholesaler to retailer credit controls	15 N.J.R. 1557(a)	R.1983 d.545	15 N.J.R. 1945(b)
13:2-8.1	Correction to ABC rules: Definition of club member	———	———	15 N.J.R. 1876(b)
13:2-23.16	ABC: exceptions to prohibited promotions	15 N.J.R. 1558(a)	R.1983 d.527	15 N.J.R. 1946(a)
13:2-24.11	ABC: manufacturers' rebates and coupons	15 N.J.R. 1003(a)	R.1983 d.361	15 N.J.R. 1478(a)
13:3-1.2, 1.11 1.14, 1.16, 1.17	Amusement games control	15 N.J.R. 680(a)	R.1983 d.303	15 N.J.R. 1254(b)
13:3-1.10, 1.14, 2.2, 3.9, 4.3	Amusement games licensing forms, fees	14 N.J.R. 1194(a)	R.1982 d.498	15 N.J.R. 93(a)

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13:3-2.2, 3.4, 3.5, 3.6, 3.8, 3.9, 3.10, 3.15, 4.3, 7.1, 7.2, 7.9	Amusement games control	15 N.J.R. 680(a)	R.1983 d.303	15 N.J.R. 1254(b)
13:3-8.1–8.7	Repealed	14 N.J.R. 1194(a)	R.1982 d.498	15 N.J.R. 93(a)
13:4-2.3	Fact-finding conferences on discrimination complaints	15 N.J.R. 500(a)	R.1983 d.385	15 N.J.R. 1604(a)
13:4-12.1	Discrimination complaints and hearings before OAL	15 N.J.R. 501(a)	R.1983 d.347	15 N.J.R. 1481(a)
13:18-10	Readopted: Unsatisfied claim and Judgment Fund rules on excess medical benefits	15 N.J.R. 872(a)	R.1983 d.387	15 N.J.R. 1604(b)
13:19-2	Repealed: Probationary Driver Licenses	15 N.J.R. 501(b)	R.1983 d.242	15 N.J.R. 1035(b)
13:19-10	Point system; motorized becycle offenses	15 N.J.R. 1004(a)	R.1983 d.360	15 N.J.R. 1481(b)
13:19-11	Out-of-state conviction for drunk driving	15 N.J.R. 1009(a)	R.1983 d.352	15 N.J.R. 1481(c)
13:20-7.3, 7.4	Readopted: Motor vehicle inspection	14 N.J.R. 918(a)	R.1982 d.364	14 N.J.R. 1162(e)
13:20-7.4	Motor vehicle inspection: repeal odd-even system	Emergency	R.1983 d.294	15 N.J.R. 1261(a)
13:20-17.3	Attendance fee for driver improvement school	14 N.J.R. 1145(b)	R.1982 d.485	15 N.J.R. 93(b)
13:20-31.3	Fee for driver alcohol education program	14 N.J.R. 1195(a)	R.1983 d.19	15 N.J.R. 156(b)
13:20-32.4, 32.14, 32.15	Motor vehicle reinspection centers: mechanic certification	Emergency	R.1983 d.404	15 N.J.R. 1608(a)
13:20-32.4, 32.14, 32.15	Motor vehicle reinspection centers: mechanic certification	15 N.J.R. 1608(a)	R.1983 d.525	15 N.J.R 1946(b)
13:20-32.6, 32.9, 32.11	Motor vehicle reinspection centers: Fees	14 N.J.R. 1196(a)	R.1983 d.20	15 N.J.R. 156(c)
13:20-33.1, 33.2, 33.50, 33.51	Licensed motor vehicle reinspection centers	Emergency	R.1983 d.547	15 N.J.R. 1963(a)
13:21-4.5	Repealed: "Title only" motor vehicle certification	14 N.J.R. 632(a)	R.1982 d.370	14 N.J.R. 1163(a)
13:21-9.3	Restoration fee for motor vehicle license	14 N.J.R. 1146(a)	R.1982 d.484	15 N.J.R. 94(a)
13:25-6	Repeal (see 13:19-10)	15 N.J.R. 1004(a)	R.1983 d.360	15 N.J.R. 1481(b)
13:25-9	Approved helmets for motorized bicycle operators	15 N.J.R. 684(a)	R.1983 d.489	15 N.J.R. 1865(d)
13:26	Readopted: Transportation of Bulk Commodities rules	15 N.J.R. 1116(a)	R.1983 d.441	15 N.J.R. 1770(a)
13:27-3.13	Board of Architects examination fees	15 N.J.R. 502(a)	R.1983 d.271	15 N.J.R. 1102(b)
13:27-7	Pre-prepared plans for single family houses	15 N.J.R. 1010(a)	R.1983 d.466	15 N.J.R. 1770(b)
13:27A	Price posting in barber shops	14 N.J.R. 749(a)	R.1982 d.387	14 N.J.R. 1219(d)
13:28-2	Correction: Expiration date for N.J.A.C. 13:28-2	———	———	15 N.J.R. 347(a)
13:29-1.6	CPA qualifying requirements	14 N.J.R. 749(b)	R.1982 d.405	14 N.J.R. 1309(a)
13:29-1.7	Board of Accountancy: conditional credit	14 N.J.R. 1279(a)	R.1983 d.211	15 N.J.R. 1035(c)
13:29-3.1–3.9, 3.12–3.18	Board of Accountancy: Professional misconduct	14 N.J.R. 895(a)	R.1982 d.407	14 N.J.R. 1309(b)
13:32-1.8	Pressure seal on plumbing permit applications	14 N.J.R. 750(a)	R.1982 d.388	14 N.J.R. 1219(e)
13:33-1.1–1.7, 1.9–1.13, 1.15–1.19, 1.25, 1.34, 1.39, 1.42	Licensure of ophthalmic dispensers and technicians	14 N.J.R. 545(a)	R.1983 d.15	15 N.J.R. 157(a)
13:33-1.38	Minimum standards for eyeglass dispensing	14 N.J.R. 1085(a)	R.1983 d.81	15 N.J.R. 447(b)
13:34-1.1, 1.3–1.7, 2.1, 3.1–3.7, 4.1, 4.2	Marriage counselor practice	15 N.J.R 1441(a)	R.1983 d.544	15 N.J.R. 1947(a)
13:35-1–6	Board of Medical Examiners: standards and rules	15 N.J.R. 503(a)	R.1983 d.314	15 N.J.R. 1255(a)
13:35-3.3, 6.13	Medical examiners board: chiropractic endorsement; fees	15 N.J.R. 784(a)	R.1983 d.510	15 N.J.R 1865(e)
13:35-6.5	Responsibility for pronouncement of death	14 N.J.R. 90(a)	R.1982 d.214	14 N.J.R. 767(a)
13:35-6.5	Correction: Responsibility for pronouncement of death	14 N.J.R. 767(a)	R.1982 d.214	14 N.J.R. 918(b)
13:35-6.7	Medical examiners board: prescribing amphetamines	15 N.J.R. 785(a)	R.1983 d.490	15 N.J.R. 1866(a)
13:35-7,9,10	Repealed (see 13:35-1–6)	15 N.J.R. 503(a)	R.1983 d.314	15 N.J.R. 1255(a)
13:35-9	Certified Nurse-Midwife and lay midwife practice	14 N.J.R. 632(b)	R.1982 d.416	14 N.J.R. 1400(a)
13:35-11	In-State clinical training by foreign medical schools	15 N.J.R. 75(a)	R.1983 d.97	15 N.J.R. 550(b)
13:36-3.4	Mortuary science examination subjects	14 N.J.R. 897(a)	R.1982 d.409	14 N.J.R. 1309(c)
13:36-4.1	Mortuary science: License renewals	14 N.J.R. 751(a)	R.1982 d.333	14 N.J.R. 1110(a)
13:36-5.12	Mortuary advertising requirements	14 N.J.R. 898(a)	R.1982 d.404	14 N.J.R. 1309(d)
13:37-9.2	Practical nursing licensure by examination	14 N.J.R. 701(a)	R.1982 d.406	14 N.J.R. 1309(e)
13:37-12.1	Board of Nursing: Licensure fees	14 N.J.R. 635(a)	R.1982 d.408	14 N.J.R. 1310(a)
13:38-2.1	Optometric practice: minimum examination	15 N.J.R. 1234(a)	R.1983 d.511	15 N.J.R. 1866(b)
13:38-6.1	Optometric practices: readopted rule on patient records	15 N.J.R. 1011(a)	R.1983 d.359	15 N.J.R. 1481(d)
13:39-5	Readopted: Rules for registration of pharmacists	15 N.J.R. 1172(a)	R.1983 d.440	15 N.J.R. 1770(c)
13:39-6.4, 6.5,	Computerized recordkeeping in pharmacies	14 N.J.R. 1343(a)	R.1983 d.22	15 N.J.R. 157(b)

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13:39-8.14, 9.14	Pharmacist-in-Charge; in-store pharmacies	14 N.J.R. 898(b)	R.1983 d.341	15 N.J.R. 1482(a)
13:39-9.16	Board of Pharmacy examination fee	14 N.J.R. 1280(a)	R.1983 d.21	15 N.J.R. 157(c)
13:39-9.16	Board of Pharmacy fees	15 N.J.R. 78(a)	R.1983 d.95	15 N.J.R. 553(a)
13:40-1.1, 2.1	Engineers and surveyors: Sealing of documents	14 N.J.R. 1345(a)	R.1983 d.36	15 N.J.R. 157(d)
13:40-3.1	Engineers and land surveyors: Misconduct	14 N.J.R. 1196(b)	R.1983 d.16	15 N.J.R. 158(a)
13:40-6	Engineers and Land Surveyors: readopted licensing fee schedule	15 N.J.R. 1077(a)	R.1983 d.418	15 N.J.R. 1667(a)
13:40-6.1	Examination fees for engineers and surveyors	15 N.J.R. 78(b)	R.1983 d.148	15 N.J.R. 807(c)
13:41-3.2	Professional planning examination fees	15 N.J.R. 79(a)	R.1983 d.114	15 N.J.R. 626(a)
13:42	Readopted: Licensure of psychologists; misconduct	15 N.J.R. 1497(a)	R.1983 d.543	15 N.J.R. 1947(b)
13:43-3.3	Certified Shorthand Reporter disclosure	15 N.J.R. 80(a)	R.1983 d.122	15 N.J.R. 626(b)
13:43-4	Certified Shorthand Reporting: examination and licensure fees	15 N.J.R. 873(a)	R.1983 d.414	15 N.J.R. 1667(b)
13:44-2.9	Veterinary board: Temporary permits	15 N.J.R. 130(a)	R.1983 d.113	15 N.J.R. 626(c)
13:44-4.1	Veterinary Medical Examiners fee schedule	14 N.J.R. 1281(a)	R.1982 d.502	15 N.J.R. 94(b)
13:44-4.1	Veterinary Medical Examiners: registration fees	15 N.J.R. 612(a)	R.1983 d.252	15 N.J.R. 1035(d)
13:45A-18.1	Fee for consumer contract review	14 N.J.R. 464(a)	R.1982 d.221	14 N.J.R. 767(b)
13:46-1.1	Boxing and wrestling programs: Definitions	14 N.J.R. 751(b)	R.1982 d.389	14 N.J.R. 1220(a)
13:46-1.2–1.4	Weights and classes: Recodified as subchapter 1A	14 N.J.R. 751(b)	R.1982 d.389	14 N.J.R. 1220(a)
13:46-4	Boxing and wrestling programs: Licenses and permits	14 N.J.R. 751(b)	R.1982 d.389	14 N.J.R. 1220(a)
13:46-15.15–15.18	Complimentary tickets for boxing and wrestling events	14 N.J.R. 971(b)	R.1982 d.398	14 N.J.R. 1220(b)
13:46-18.12, 18.18	Repealed	14 N.J.R. 635(b)	R.1982 d.271	14 N.J.R. 919(a)
13:46-18.15	Same day boxing programs	14 N.J.R. 635(b)	R.1982 d.271	14 N.J.R. 919(a)
13:47A-3.1	Securities industry: Nonduplication of fingerprinting	14 N.J.R. 550(a)	R.1982 d.304	14 N.J.R. 981(c)
13:47A-5.2	Broker-dealer registration	14 N.J.R. 551(a)	R.1982 d.265	14 N.J.R. 919(b)
13:47A-9.13	Repealed exemption restriction for private offering to sophisticated investors	14 N.J.R. 552(a)	R.1982 d.266	14 N.J.R. 919(c)
13:47B-1.1	Correction to Code: Liquid measuring devices	———	———	14 N.J.R. 1315(b)
13:70-3,14, 15, 29, 29	Readopted: Thoroughbred rules	15 N.J.R. 685(a)	R.1983 d.295	15 N.J.R. 1256(a)
13:70-3.47	Thoroughbred rules	14 N.J.R. 1146(b)	R.1983 d.14	15 N.J.R. 158(b)
13:70-4.1	Thoroughbred racing: License fees	14 N.J.R. 1444(a)	R.1983 d.103	15 N.J.R. 553(b)
13:70-6.55, 6.56, 18.6	Thoroughbred rules	14 N.J.R. 1146(b)	R.1983 d.14	15 N.J.R. 158(b)
13:70-9.18	Jockey fees	15 N.J.R. 518(a)	R.1983 d.512	15 N.J.R. 1866(c)
13:70-19.43	Repealed (see 13:70-3,14,15,19,29)	15 N.J.R. 685(a)	R.1983 d.295	15 N.J.R. 1256(a)
13:71-1.23	Harness racing: No smoking in barn areas	15 N.J.R. 873(b)	R.1983 d.337	15 N.J.R. 1383(a)
13:71-5,9, 21,23	Readopted: Harness rules	15 N.J.R. 685(a)	R.1983 d.295	15 N.J.R. 1256(a)
13:71-6.24, 11.9	Harness racing: Vaccination; respiratory bleeding	14 N.J.R. 1147(a)	R.1983 d.13	15 N.J.R. 158(c)
13:71-7.1	Harness racing: License fees	14 N.J.R. 1445(a)	R.1983 d.104	15 N.J.R. 554(a)
13:76	Arson investigators: training requirements	15 N.J.R. 1078(a)	R.1983 d.365	15 N.J.R. 1482(b)
	(Title 13, Transmittal 18 dated June 21,1982)			
PUBLIC UTILITIES–TITLE 14				
14:1-3.3	Board proceedings and ex parte communications	14 N.J.R. 1148(a)	R.1983 d.415	15 N.J.R. 1667(c)
14:3-3.6	Diversion-of-service disputes	15 N.J.R. 787(a)	R.1983 d.526	15 N.J.R. 1949(a)
14:3-7.16	Diversion-of-service disputes	15 N.J.R. 787(a)	R.1983 d.526	15 N.J.R 949(a)
14:17-18	Cable television: common tariff rate-making	15 N.J.R. 1356(a)	R.1983 d.435	15 N.J.R. 1673(a)
14:18-11	Readopted: CATV application for municipal consent and certification rules	15 N.J.R. 874(a)	R.1983 d.346	15 N.J.R. 1483(a)
	(Title 14, Transmittal 16 dated June 21, 1982)			
ENERGY–TITLE 14A				
14A:3	Correction: Expiration date of N.J.A.C. 14A:3, Energy Conservation	———	———	15 N.J.R. 701(a)
14A:3-1,2, 3,4,6,7, 8,9	Readopted: Energy Conservation rules	15 N.J.R. 789(a)	R.1983 d.298	15 N.J.R. 1256(b)
14A:3-11.3, 11.5	Designation of used oil collection sites	13 N.J.R. 681(a)	R.1982 d.262	14 N.J.R. 919(d)
14A:3-15.8	Recycling grants and loans: Supplementary projects	14 N.J.R. 1346(a)	R.1983 d.119	15 N.J.R. 622(d)
14A:4	Solar energy systems: readopted standards and qualifications for tax exemption	15 N.J.R. 1448(a)	R.1983 d.487	15 N.J.R. 1867(a)
14A:5	Solar energy systems: readopted sales tax exemption rules	15 N.J.R. 1450(a)	R.1983 d.486	15 N.J.R. 1867(b)
14A:12-1	Computing cost savings in shared-savings	14 N.J.R. 820(a)	R.1983 d.10	15 N.J.R. 158(d)

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15:2	Commercial recording: Expedited information services	15 N.J.R. 14(a)	R.1983 d.61	15 N.J.R. 340(d)
15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R.1982 d.339	14 N.J.R. 1163(b)
	(Title 15, Transmittal 13 dated March 19, 1981)			
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	(Title 15A, Transmittal 1 dated March 20, 1978)			
TRANSPORTATION–TITLE 16				
16:2	Readopted: Award of Contracts for Professional services	15 N.J.R. 1176(a)	R.1983 d.410	15 N.J.R. 1668(a)
16:16	Readopted: State aid for municipal operation and construction of roads	15 N.J.R. 1505(a)	R.1983 d.494	15 N.J.R. 1867(c)
16:17	Readopted: State aid for municipal operation and construction of roads	15 N.J.R. 1505(a)	R.1983 d.494	15 N.J.R. 1867(c)
16:22-1.1, 1.2, 1.4	Transportation Rehabilitation and Improvement funds	14 N.J.R. 97(a)	R.1982 d.68	14 N.J.R. 284(a)
16:25-13	Railroad crossing and bridge cases	14 N.J.R. 1197(a)	R.1983 d.45	15 N.J.R. 341(a)
16:28-1	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
16:26-1.1	Traffic signal information	13 N.J.R. 152(b)	R.1981 d.164	13 N.J.R. 372(a)
16:27-1.4	Repeal traffic and parking on NJDOT property	13 N.J.R. 153(a)	R.1981 d.165	13 N.J.R. 372(b)
16:28-1.2	Speed rate, Route I-80 interchange, Morris County	———	———	**15 N.J.R.** 1868(a)
16:28-1.2	Speed limit on Route I-80	13 N.J.R. 153(b)	R.1981 d.150	13 N.J.R. 372(c)
16:28-1.15	Speed limits along Route 13	13 N.J.R. 155(a)	R.1981 d.152	13 N.J.R. 372(d)
16:28-1.16	Speed rates on I-195	14 N.J.R. 323(a)	R.1982 d.172	14 N.J.R. 580(a)
16:28-1.17	Speed limits on Route 147	13 N.J.R. 239(a)	R.1981 d.196	13 N.J.R. 451(a)
16:28-1.22	Speed rate on Route 109 in Cape May County	———	———	**15 N.J.R.** 1868(e)
16:28-1.23	Speed limits along Route 18	13 N.J.R. 744(b)	R.1981 d.484	13 N.J.R. 947(d)
16:28-1.23	School speed zone on Route 18 in Old Bridge	Emergency	R.1982 d.465	15 N.J.R. 41(a)
16:28-1.23	Speed rate on Route 18 in East Brunswick	14 N.J.R. 1446(a)	R.1983 d.51	15 N.J.R. 341(b)
16:28-1.23	Readopted school zone on Route 18 in Old Bridge	15 N.J.R. 41(a)	R.1983 d.70	15 N.J.R. 448(a)
16:28-1.23	Speed limits on Route 18 in Monmouth and Midlesex Counties	15 N.J.R. 519(a)	R.1983 d.232	15 N.J.R. 1036(a)
16:28-1.41	US 9 and 35 speed changes in Atlantic County	13 N.J.R. 838(a)	R.1982 d.11	14 N.J.R. 160(c)
16:28-1.49	Speed limits on Route 35	13 N.J.R. 451(b)	R.1981 d.333	13 N.J.R. 612(a)
16:28-1.56	Speed rates on US 40 and 322	14 N.J.R. 323(a)	R.1982 d.172	14 N.J.R. 580(a)
16:28-1.69	Speed rates on US 130	14 N.J.R. 323(a)	R.1982 d.172	14 N.J.R. 580(a)
16:28-1.69	Speed rates on US130 in Gloucester County	14 N.J.R. 824(a)	R.1982 d.323	14 N.J.R. 1060(d)
16:28-1.69	Speed rates on US 130 in North Brunswick	14 N.J.R. 1197(b)	R.1982 d.499	15 N.J.R. 94(c)
16:28-1.72	Speed limits on US 206 and 130 in Bordentown	14 N.J.R. 324(a)	R.1982 d.168	14 N.J.R. 580(b)
16:28-1.75	Speed rates on Route 36 in Monmouth County	15 N.J.R 1236(a)	R.1983 d.417	15 N.J.R. 1869(d)
16:28-1.90	School zone on Route 166 in Dover Twp.	15 N.J.R. 520(a)	R.1983 d.231	15 N.J.R. 1036(b)
16:28-1.111	Speed limits for Route 87	13 N.J.R. 452(a)	R.1981 d.334	13 N.J.R. 613(a)
16:28A-1	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R 1867(d)
16:28A-1.1, 1.2, 1.4, 1.7	Parking on Routes US1, 1 and 9, 4, US9	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.2	Parking on Routes 1 and 9	13 N.J.R. 239(b)	R.1981 d.195	13 N.J.R. 452(b)
16:28A-1.2	Parking on Route 1 and 9 in Newark	14 N.J.R. 1049(a)	R.1982 d.420	14 N.J.R. 1402(a)
16:28A-1.3, 1.5	Parking on Routes 3 and 5	14 N.J.R. 552(b)	R.1982 d.247	14 N.J.R. 919(e)
16:28A-1.4	Route 4 bus stops	14 N.J.R. 98(a)	R.1982 d.83	14 N.J.R. 347(b)
16:28A-1.4	Bus stops on Route 4 in Elmwood Park	14 N.J.R. 825(a)	R.1982 d.328	14 N.J.R. 1100(b)
16:28A-1.6	Restricted parking along Route 7	13 N.J.R. 522(a)	R.1981 d.383	13 N.J.R. 778(b)
16:28A-1.6	Restricted parking on Route 7	13 N.J.R. 745(a)	R.1981 d.483	13 N.J.R. 947(b)
16:28A-1.6	Parking on Route 7	14 N.J.R. 424(a)	R.1982 d.203	14 N.J.R. 710(a)
16:28A-1.7	Route US 9 parking	13 N.J.R. 154(a)	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.7	Route US 9 parking	13 N.J.R. 157(b)	R.1981 d.156	13 N.J.R. 373(b)
16:28A-1.7	US 9 parking	13 N.J.R. 239(b)	R.1981 d.195	13 N.J.R. 452(b)
16:28A-1.7	Parking on US 9	13 N.J.R. 240(a)	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.7	Restricted parking along Route US 9	13 N.J.R. 452(c)	R.1981 d.335	13 N.J.R. 613(b)
16:28A-1.7	Restricted parking on US 9	13 N.J.R. 745(b)	R.1981 d.487	13 N.J.R. 947(f)
16:28A-1.7	Parking on Routes US9 and 40	13 N.J.R. 932(b)	R.1982 d.44	14 N.J.R. 236(a)
16:28A-1.7	Parking on US9	14 N.J.R. 199(a)	R.1982 d.116	14 N.J.R. 391(b)
16:28A-1.7	Parking on US 9 in Dover Twp, Ocean County	15 N.J.R. 686(a)	R. 1983 d.279	15 N.J.R. 1181(c)
16:28A-1.8	Parking and bus stops on Route 10	14 N.J.R. 464(b)	R.1982 d.223	14 N.J.R. 838(a)
16:28A-1.9	Bus stops on Routes 17 and 166	13 N.J.R. 933(a)	R.1982 d.45	14 N.J.R. 236(b)
16:28A-1.9	Readopted: Route 17 parking in Mahwah	14 N.J.R. 429(e)	R.1982 d.201	14 N.J.R. 710(b)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:28A-1.9	Parking on Route 17 in Paramus	15 N.J.R. 520(b)	R.1983 d.228	15 N.J.R. 1036(c)
16:28A-1.9, 1.10, 1.11, 1.13, 1.15	Parking on Routes 17, 20, 21, US22, 23	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.13	Parking on US22	14 N.J.R. 199(a)	R.1982 d.116	14 N.J.R. 391(b)
16:28A-1.13	Route US 22	13 N.J.R. 154(a)	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 753(a)	R.1982 d.313	14 N.J.R. 1061(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 1198(a)	R.1982 d.500	15 N.J.R. 94(d)
16:28A-1.14	Restricted parking along Route US 22 alternate	13 N.J.R. 453(b)	R.1981 d.336	13 N.J.R. 613(c)
16:28A-1.15	Route 23 parking	13 N.J.R. 154(a)	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.15	Parking on Route 23	13 N.J.R. 241(a)	R.1981 d.192	13 N.J.R. 454(b)
16:28A-1.15	Restricted parking along Route 23	13 N.J.R. 454(a)	R.1981 d.337	13 N.J.R. 613(d)
16:28A-1.15	Parking on Route 23 (Temporary)	14 N.J.R. 1199(a)	R.1982 d.501	15 N.J.R. 95(a)
16:28A-1.15	Parking on Route 23 in Sussex County	Emergency	R.1983 d.96	15 N.J.R. 555(a)
16:28A-1.15	Readopted: Parking on Route 23 in Sussex County	15 N.J.R. 555(a)	R.1983 d.225	15 N.J.R. 1036(d)
16:28A-1.16	Restricted parking along Route 24	13 N.J.R. 455(a)	R.1981 d.338	13 N.J.R. 613(e)
16:28A-1.16	Route 24 parking	14 N.J.R. 553(a)	R.1982 d.248	14 N.J.R. 919(f)
16:28A-1.18	Restricted parking along Route 27	13 N.J.R. 373(c)	R.1981 d.312	13 N.J.R. 613(f)
16:28A-1.18	Route 27 bus stops in Edison	13 N.J.R. 934(a)	R.1982 d.46	14 N.J.R. 236(c)
16:28A-1.18	Parking on Route 27	14 N.J.R. 554(a)	R.1982 d.249	14 N.J.R. 920(a)
16:28A-1.18	Route 27 parking in South Brunswick	15 N.J.R. 317(a)	R.1983 d.150	15 N.J.R. 807(d)
16:28A-1.18, 1.19	Parking on Routes 27, 28	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.19	Route 28 parking	13 N.J.R. 155(b)	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.19	Route 28 parking	13 N.J.R. 157(b)	R.1981 d.156	13 N.J.R. 373(b)
16:28A-1.19	Parking on Route 28	13 N.J.R. 242(a)	R.1981 d.193	13 N.J.R. 455(b)
16:28A-1.19	Parking on Route 28	13 N.J.R. 240(a)	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.19	Route 28 parking in Roselle Park	14 N.J.R. 138(a)	R.1982 d.111	14 N.J.R. 391(c)
16:28A-1.19	Handicapped parking on Route 28 in Elizabeth	15 N.J.R. 1237(a)	R.1983 d.408	15 N.J.R. 1868(c)
16:28A-1.20, 1.21	Parking on Routes 29 and US 30	14 N.J.R. 554(b)	R.1982 d.250	14 N.J.R. 920(b)
16:28A-1.21	Parking on US30	14 N.J.R. 825(b)	R.1982 d.322	14 N.J.R. 1061(b)
16:28A-1.21	Parking on US30 in Atlantic County and Route 94 in Sussex County	15 N.J.R. 1080(a)	R.1983 d.377	15 N.J.R. 1868(d)
16:28A-1.22	Parking on Route 31	14 N.J.R. 555(a)	R.1982 d.251	14 N.J.R. 920(c)
16:28A-1.23	Route 33 parking	13 N.J.R. 154(a)	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.23	Route 33 parking	13 N.J.R. 156(a)	R.1981 d.154	13 N.J.R. 374(a)
16:28A-1.23	Route 33 parking in Hopewell Township	13 N.J.R. 838(b)	R.1982 d.12	14 N.J.R. 161(a)
16:28A-1.23, 1.24, 1.25	Parking on Routes 33, 34, 35	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.23, 1.25	Restricted parking on Routes 33 and 35	13 N.J.R. 746(a)	R.1981 d.482	13 N.J.R. 947(c)
16:28A-1.25	Route 35 parking	13 N.J.R. 157(a)	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.25	Parking on Routes 35 and 439	14 N.J.R. 35(a)	R.1982 d.60	14 N.J.R. 284(b)
16:28A-1.25	Parking on Route 35	14 N.J.R. 324(b)	R.1982 d.173	14 N.J.R. 580(c)
16:28A-1.25	Route 35 parking	14 N.J.R. 1198(a)	R.1982 d.500	15 N.J.R. 94(d)
16:28A-1.25	Route 35 parking	14 N.J.R. 1199(a)	R.1982 d.501	15 N.J.R. 95(a)
16:28A-1.25	Route 35 parking in Dover Township	15 N.J.R. 318(a)	R.1983 d.151	15 N.J.R. 808(a)
16:28A-1.25	Parking on Route 35 in Old Bridge	15 N.J.R. 792(a)	R.1983 d.297	15 N.J.R. 1256(c)
16:28A-1.26	Parking on Route 36	13 N.J.R. 453(a)	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.26, 1.27	Parking on Routes 36, 38	14 N.J.R. 702(b)	R.1982 d.312	14 N.J.R. 1061(c)
16:28A-1.27	Parking on Route 38	14 N.J.R. 424(a)	R.1982 d.203	14 N.J.R. 710(a)
16:28A-1.27	Parking on Route 38	14 N.J.R. 753(a)	R.1982 d.313	14 N.J.R. 1061(a)
16:28A-1.28	Restricted parking on US 40 and Route 70	13 N.J.R. 747(a)	R.1981 d.481	13 N.J.R. 947(e)
16:28A-1.28	Parking on Routes US9 and 40	13 N.J.R. 932(b)	R.1982 d.44	14 N.J.R. 236(a)
16:28A-1.28, 1.31, 1.32	Parking on Routes 40, 45, 46	14 N.J.R. 702(b)	R.1982 d.312	14 N.J.R. 1061(c)
16:28A-1.31	Bus stops on Routes 45 and 77 in Gloucester County	15 N.J.R. 1358(b)	R.1983 d.437	15 N.J.R. 1869(a)
16:28A-1.32	Parking on Route US 46	13 N.J.R. 241(a)	R.1981 d.192	13 N.J.R. 454(b)
16:28A-1.32	Parking on Route US 46	13 N.J.R. 242(b)	R.1981 d.194	13 N.J.R. 455(c)
16:28A-1.32	Restricted parking along Route US 46	13 N.J.R. 522(b)	R.1981 d.384	13 N.J.R. 779(a)
16:28A-1.32	Restricted parking on US 46	13 N.J.R. 747(b)	R.1981 d.480	13 N.J.R. 948(a)
16:28A-1.32	Parking on Routes US46 and 202 in Morris County	13 N.J.R. 935(a)	R.1982 d.47	14 N.J.R. 236(d)
16:28A-1.33	Parking on Route 47	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.33	Parking on Route 47 in Glassboro	15 N.J.R. 1559(b)	R.1983 d.531	15 N.J.R. 1954(a)
16:28A-1.33	Parking on Routes 47 (Deptford) and 73 (Mt. Laurel)	15 N.J.R. 1451(a)	R.1983 d.478	15 N.J.R. 1869(b)
16:28A-1.34	Parking on Route 49	14 N.J.R. 554(a)	R.1982 d.249	14 N.J.R. 920(a)
16:28A-1.34	Parking on Route 49 in Millville	14 N.J.R. 1283(a)	R.1983 d.1	15 N.J.R. 162(a)
16:28A-1.36, 1.37	Parking on Routes 57 and 70	13 N.J.R. 242(b)	R.1981 d.194	13 N.J.R. 455(c)
16:28A-1.36, 1.37	Parking on Routes 57, 70	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.37	Restricted parking along Route 70	13 N.J.R. 456(a)	R.1981 d.339	13 N.J.R. 614(a)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:28A-1.37	Route 70 parking	13 N.J.R. 747(a)	R.1981 d.481	13 N.J.R. 947(e)
16:28A-1.37	Parking on Route 70 in Lakehurst	15 N.J.R. 426(a)	R.1983 d.172	15 N.J.R. 929(a)
16:28A-1.37	Parking on Routes 70 and 183 in Camden and Sussex Counties	15 N.J.R. 1560(a)	R.1983 d.532	15 N.J.R. 1954(b)
16:28A-1.38	Parking on Route 71 in Belmar	14 N.J.R. 325(a)	R.1982 d.174	14 N.J.R. 580(d)
16:28A-1.38	Parking on Route 71 in Spring Lake Heights	15 N.J.R. 686(a)	R.1983 d.279	15 N.J.R. 1181(c)
16:28-1.38, 1.40, 1.41, 1.42, 1.45, 1.46	Parking on Routes 71, 73, 77, 79, 94, US 130	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.40	Parking on Routes 47 (Deptford) and 73 (Mt. Laurel)	15 N.J.R. 1451(a)	R.1983 d.478	15 N.J.R. 1869(b)
16:28A-1.41	Parking on Route 77	14 N.J.R. 324(b)	R.1982 d.173	14 N.J.R. 580(c)
16:28A-1.41	Bus stops on Routes 45 and 77 in Gloucester County	15 N.J.R. 1358(b)	R.1983 d.437	15 N.J.R. 1869(a)
16:28A-1.43	Restricted parking along Route 82	13 N.J.R. 522(b)	R.1981 d.384	13 N.J.R. 779(a)
16:28A-1.43	Parking on Route 82 in Springfield	15 N.J.R. 1452(a)	R.1983 d.479	15 N.J.R. 1869(c)
16:28A-1.43	Parking on Routes 82 and 208 in Union and Fair Lawn	15 N.J.R. 1562(a)	R.1983 d.533	15 N.J.R. 1954(c)
16:28A-1.44	Route 88 parking	13 N.J.R. 155(b)	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.45	Parking on US30 in Atlantic County and Route 94 in Sussex County	15 N.J.R. 1080(a)	R.1983 d.377	15 N.J.R. 1868(d)
16:28A-1.46	Parking on US 130	13 N.J.R. 746(a)	R.1981 d.482	13 N.J.R. 947(c)
16:28A-1.50	Bus stops on Routes 17 and 166	13 N.J.R. 933(a)	R.1982 d.45	14 N.J.R. 236(b)
16:28A-1.50, 1.51	Parking on Routes 166, 168	14 N.J.R. 702(b)	R.1982 d.312	14 N.J.R. 1061(c)
16:28A-1.51	Restricted parking along Route 168	13 N.J.R. 522(b)	R.1981 d.384	13 N.J.R. 779(a)
16:28A-1.52, 1.55, 1.57	Parking on Routes 173, US 202, US 206	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.55	Parking on Routes US46 and 202 in Morris County	13 N.J.R. 935(a)	R.1982 d.47	14 N.J.R. 236(d)
16:28A-1.55	Restricted parking on State highways	13 N.J.R. 455(a)	R.1981 d.338	13 N.J.R. 613(e)
16:28A-1.55	Parking on US 202 in Morris Township	15 N.J.R. 131(a)	R.1983 d.111	15 N.J.R. 626(d)
16:28A-1.56, 1.63	Parking on US 202-206 and 202-31	14 N.J.R. 556(a)	R.1982 d.252	14 N.J.R. 920(d)
16:28A-1.57	Route US 206 parking	13 N.J.R. 155(b)	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.57	Route US 206 parking	13 N.J.R. 156(a)	R.1981 d.154	13 N.J.R. 374(a)
16:28A-1.57	Parking along US 206	13 N.J.R. 453(b)	R.1981 d.336	13 N.J.R. 613(c)
16:28A-1.57	US206 parking in Hamilton Township	14 N.J.R. 139(a)	R.1982 d.112	14 N.J.R. 391(d)
16:28A-1.60	Restricted parking on Route US 322-47	13 N.J.R. 523(a)	R.1981 d.382	13 N.J.R. 779(b)
16:28A-1.61	Bus stops on US9W in Fort Lee	14 N.J.R. 139(b)	R.1982 d.113	14 N.J.R. 391(e)
16:28A-1.61	Bustops and parking on US 9W	14 N.J.R. 465(a)	R.1982 d.224	14 N.J.R. 838(b)
16:28A-1.61	Parking on US 9W in Fort Lee	15 N.J.R. 521(a)	R.1983 d.227	15 N.J.R. 1036(e)
16:28A-1.64	Route 41 parking	13 N.J.R. 157(a)	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.64	Parking on Route 41	14 N.J.R. 425(a)	R.1982 d.202	14 N.J.R. 710(c)
16:28A-1.64	Parking on Route 41 in Cherry Hill	14 N.J.R. 1446(b)	R.1983 d.52	15 N.J.R. 342(a)
16:28A-1.65	Route 15 parking	13 N.J.R. 154(a)	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.65	Parking on Route 15	14 N.J.R. 466(a)	R.1982 d.226	14 N.J.R. 838(c)
16:28A-1.65	Route 15 Parking	14 N.J.R. 1198(a)	R.1982 d.500	15 N.J.R. 94(d)
16:28A-1.66	Parking on Route 18	13 N.J.R. 239(b)	R.1981 d.195	13 N.J.R. 452(b)
16:28A-1.67	Route 63 parking	13 N.J.R. 157(a)	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.67, 1.71	Parking on Routes 63, 67	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.68	Route 93 parking	13 N.J.R. 155(b)	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.68	Parking on Route 93	14 N.J.R. 199(a)	R.1982 d.116	14 N.J.R. 391(b)
16:28A-1.68, 1.70	Parking on Routes 93, 439	14 N.J.R. 702(b)	R.1982 d.312	14 N.J.R. 1061(c)
16:28A-1.69	Parking on Route 124	13 N.J.R. 240(a)	R.1981 d.191	13 N.J.R. 453(a)
16:28A-1.70	Parking on Routes 35 and 439	14 N.J.R. 35(a)	R.1982 d.60	14 N.J.R. 284(b)
16:28A-1.70	Parking on Route 439 in Elizabeth	15 N.J.R. 521(b)	R.1983 d.226	15 N.J.R. 1037(a)
16:28A-1.70	Handicapped parking on Route 439 in Elizabeth	15 N.J.R 1012(a)	R.1983 d.362	15 N.J.R. 1868(b)
16:28A-1.71	Bus stops on Route 67 in Fort Lee	14 N.J.R. 139(b)	R.1982 d.113	14 N.J.R. 391(e)
16:28A-1.72, 1.73	Parking on Routes 31-57 and 32	14 N.J.R. 555(a)	R.1982 d.251	14 N.J.R. 920(c)
16:28A-1.74–1.94	Parking on Routes 33-34, 35, 35-71, 37, US 40-50, 53, 59, I-80, 87, US 130, 33, 153, 159, 161, 182,62, 208, 280, I-280, 287, I-295, US322, US322-45	14 N.J.R. 637(a)	R.1982 d.283	14 N.J.R. 982(a)
16:28A-1.81	Parking along Route 87 in Atlantic City	15 N.J.R. 234(a)	R.1983 d.130	15 N.J.R. 694(a)
16:28A-1.88	Parking on Routes 82 and 208 in Union and Fair Lawn	15 N.J.R. 1562(a)	R.1983 d.533	15 N.J.R. 1954(c)
16:28A-1.95	Readopted: Parking on Rising Sun Square Road	14 N.J.R. 825(b)	R.1982 d.322	14 N.J.R. 1061(b)
16:28A-1.96	Parking on Routes 70 and 183 in Camden and Sussex Counties	15 N.J.R. 1560(a)	R.1983 d.532	15 N.J.R. 1954(b)
16:28A-2	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)

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16:29	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
16:29-1.3, 1.20, 1.24–1.28	No passing zone changes	14 N.J.R. 1283(b)	R.1983 d.2	15 N.J.R. 162(b)
16:30	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
16:30-2.5	Stop intersection on Route 71, Oceanport-Eatontown	15 N.J.R. 318(b)	R.1983 d.152	15 N.J.R. 808(b)
16:30-2.6	Readopted: Stop sign on Old Yorke Road	14 N.J.R. 990(a)	R.1982 d.414	14 N.J.R. 1402(b)
16:30-2.6	Stop intersection: Rising Sun Square-Old York Road, Bordentown	15 N.J.R. 1359(a)	R.1983 d.436	15 N.J.R. 1869(e)
16:30-3.4	Readopted: US9 bus and HOV lane	14 N.J.R. 661(b)	R.1982 d.299	14 N.J.R. 982(c)
16:30-3.6	Readopt HOV lanes along Route 444	13 N.J.R. 456(b)	R.1981 d.323	14 N.J.R. 614(b)
16:30-3.6	Repealed: HOV lanes on Parkway	14 N.J.R. 662(a)	R.1982 d.294	14 N.J.R. 982(d)
16:30-3.7	Bus lane on US 22 in Westfield-Mountainside	15 N.J.R. 522(a)	R.1983 d.229	15 N.J.R. 1037(b)
16:30-7.5	Exclusion of trucks on US1 and 9, Pulaski Skyway	15 N.J.R. 1506(a)	R.1983 d.480	15 N.J.R. 1870(a)
16:30-9.1	Drawbridge use on Route 35 in Old Bridge-Sayerville	15 N.J.R. 132(a)	R.1983 d.106	15 N.J.R. 554(b)
16:31	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
16:31-1.1	U turns on US 206 in Bordentown	15 N.J.R. 426(b)	R.1983 d.173	15 N.J.R. 930(a)
16:31-1.1	Turns on US 206 in Somerset County	15 N.J.R. 522(b)	R.1983 d.230	15 N.J.R. 1037(c)
16:31-1.3	Turns on Route 46 in Dover, Morris County	15 N.J.R. 319(a)	R.1983 d.153	15 N.J.R. 808(c)
16:31-1.10	Turns along Route US 30	13 N.J.R. 457(a)	R.1981 d.340	13 N.J.R. 614(c)
16:31-1.16	No left turn along Route 79	13 N.J.R. 614(d)	R.1981 d.460	13 N.J.R. 895(b)
16:31-1.17	Left turns on Route 73, Winslow Twp.	14 N.J.R. 466(b)	R.1982 d.225	14 N.J.R. 838(d)
16:31-1.18	Turns on Route 31 in Hunterdon County	14 N.J.R. 826(a)	R.1982 d.327	14 N.J.R. 1100(c)
16:31-1.19	Turns on Route 33 in Mercer County	14 N.J.R. 973(a)	R.1982 d.394	14 N.J.R. 1220(c)
16:31-1.20	Left turns on Route 28 in Somerset County	14 N.J.R. 1447(a)	R.1983 d.53	15 N.J.R. 342(b)
16:31-1.21	Turns on Route 15 in Morris County	15 N.J.R. 319(a)	R.1983 d.153	15 N.J.R. 808(c)
16:31A	Readopted: State traffic rules	15 N.J.R. 1450(b)	R.1983 d.495	15 N.J.R. 1867(d)
16:31A-1.4, 1.13, 1.17, 1.19, 1.23	Prohibited rights on red: Routes 4, 18, 24, 28, 33	13 N.J.R. 935(b)	R.1982 d.48	14 N.J.R. 236(e)
16:31A-1.25, 1.35, 1.37, 1.65	Prohibited rights on red: Routes 35, 49, US46, and 206	13 N.J.R. 936(a)	R.1982 d.49	14 N.J.R. 237(a)
16:31A-1.67	Route I-280 right-on-red prohibition in Orange	13 N.J.R. 937(a)	R.1982 d.50	14 N.J.R. 237(b)
16:31A-1.77	Route 181 right-on-red prohibition in Sparta	13 N.J.R. 937(b)	R.1982 d.51	14 N.J.R. 237(c)
16:32	Designated routes for special categories of trucks	Emergency	R.1983 d.124	15 N.J.R. 643(a)
16:32	Readopted: Designated routes for special categories of trucks	15 N.J.R. 643(a)	R.1983 d.259	15 N.J.R. 1102(c)
16:32	Correction: Designated routes for special categories of trucks	15 N.J.R. 1102(c)	R.1983 d.259	15 N.J.R. 1182(a)
16:41-2.1, 2.3–2.14, 2.18, 2.19, 3.3	Access driveways along highways	14 N.J.R. 1284(a)	R.1983 d.530	15 N.J.R. 1955(a)
16:41-7.2	Street intersections	14 N.J.R. 1289(a)	R.1983 d.529	15 N.J.R. 1957(a)
16:41-8.1, 8.4, 8.5, 8.6	Outdoor advertising	13 N.J.R. 615(a)	R.1981 d.497	14 N.J.R. 46(d)
16:41A-7.1	Outdoor Advertising Tax Act	13 N.J.R. 616(a)	R.1981 d.496	14 N.J.R. 47(a)
16:51	Recodified as 16:73	13 N.J.R. 881(a)	R.1982 d.40	14 N.J.R. 209(a)
16:51-4	Repealed: Delegation of powers	13 N.J.R. 881(a)	R.1982 d.40	14 N.J.R. 209(a)
16:53-1.1–1.3, 1.6–1.9, 1.11, 1.19, 1.21–1.30, 2	Autobus specifications	14 N.J.R. 1347(a)	R.1983 d.110	15 N.J.R. 694(b)
16:53-1.29, 1.30, 3.23, 3.24, 6.21, 6.30, 7.17, 7.23, 8.22, 8.25	Autobus specifications	15 N.J.R. 877(b)	R.1983 d.445	15 N.J.R. 1771(a)
16:53-2	Autobus specifications	13 N.J.R. 834(a)	R.1982 d.30	14 N.J.R. 160(b)
16:53-3.1–3.39, 4, 5.1, 6, 7, 8, 9.1, 9.2	Autobus specifications	14 N.J.R. 1347(a)	R.1983 d.110	15 N.J.R. 694(b)
16:54	Licensing of aeronautical facilities	12 N.J.R. 289(a)	R.1981 d.141	13 N.J.R. 374(c)
16:54-1.3	"Commercial purposes" and balloon operations	14 N.J.R. 326(a)	R.1982 d.175	14 N.J.R. 580(e)
16:55-1	Licensing of aeronautical activities	15 N.J.R. 1453(a)	R.1983 d.476	15 N.J.R. 1870(b)
16:56	Repealed (See 16:55-1)	15 N.J.R. 1453(a)	R.1983 d.476	15 N.J.R. 1870(b)
16:56-3	Repeal aircraft registry logs	13 N.J.R. 457(b)	R.1981 d.341	13 N.J.R. 616(b)
16:58-2	Repealed: Sport parachuting license rules	14 N.J.R. 1289(b)	R.1983 d.8	15 N.J.R. 162(c)
16:60-1.3	Issuance of summons; peace officers; aircraft accidents	15 N.J.R. 1456(a)	R.1983 d.477	15 N.J.R. 1870(c)
16:61-1.1, 2.1, 2.2, 2.4	Issuance of summons; peace officers; aircraft accidents	15 N.J.R. 1456(a)	R.1983 d.477	15 N.J.R. 1870(c)
16:62	Repealed (See 16:55-1)	15 N.J.R. 1453(a)	R.1983 d.476	15 N.J.R. 1870(b)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:65	Readopted: Contract Administration rules	15 N.J.R. 1080(b)	R.1983 d.409	15 N.J.R 1668(b)
16:65	Contract Administration rules recodified as 16:44	———	———	15 N.J.R. 1772(a)
16:65-9	Corporate reorganization of contractors	13 N.J.R. 524(a)	R.1981 d.399	13 N.J.R. 779(c)
16:72	N.J. Transit procurement policies and procedures	13 N.J.R. 158(a)	R.1981 d.176	13 N.J.R. 374(d)
16:73	Reduced Fare Transportation Program	13 N.J.R. 881(a)	R.1982 d.40	14 N.J.R. 209(a)
16:75	NJ TRANSIT: bus allocation rules	15 N.J.R. 881(a)	R.1983 d.371	15 N.J.R. 1484(a)
	(Title 16, Transmittal 15 dated March 19, 1981)			
TREASURY-GENERAL–TITLE 17				
17:1	Readopted: General Administration pension rules	15 N.J.R. 523(a)	R.1983 d.174	15 N.J.R. 930(b)
17:1-1.3	Alternate Benefit Program: monthly report due date	15 N.J.R. 1457(a)	R.1983 d.546	15 N.J.R. 1957(b)
17:1-1.3, 1.8, 1.18, 1.19	Transfer between retirement systems; hearings	14 N.J.R. 1290(a)	R.1982 d.491	15 N.J.R. 95(b)
17:1-1.5	Pensions: Monthly transmittals and interest charges	15 N.J.R. 80(b)	R.1983 d.77	15 N.J.R. 448(b)
17:1-1.10	Pensions: Audit differences and minimum adjustments	14 N.J.R. 1200(a)	R.1982 d.470	15 N.J.R. 36(b)
17:1-1.14	Annual reports of salary changes	14 N.J.R. 200(a)	R.1982 d.358	14 N.J.R. 1163(c)
17:1-1.24	Pensioners' Group Health Insurance	14 N.J.R. 328(a)	R.1982 d.346	14 N.J.R. 1163(d)
17:1-2.3	Alternate Benefit Program: Salary agreements and deductions	14 N.J.R. 1149(a)	R.1982 d.438	14 N.J.R. 1464(a)
17:1-2.22, 2.23	Alternate Benefit Program: Life and disability insurance	14 N.J.R. 1200(b)	R.1982 d.483	15 N.J.R. 95(c)
17:1-2.36	Alternate Benefit Program: Transfers and interest	14 N.J.R.1201(a)	R.1982 d.480	15 N.J.R. 96(a)
17:1-4.6, 4.25	Transfers and hearings	14 N.J.R. 1290(a)	R.1982 d.491	15 N.J.R. 95(b)
17:1-4.11	Pension purchases and final payments	14 N.J.R. 328(b)	R.1982 d.347	14 N.J.R. 1163(e)
17:1-4.11	Teachers' Pension: Credit for prior military service	15 N.J.R. 1238(a)	R.1983 d.416	15 N.J.R. 1668(c)
17:1-4.13, 4.34	Pensions: Service credit; purchases	14 N.J.R. 1201(b)	R.1982 d.469	15 N.J.R. 36(c)
17:1-5,-7	Hearing request; Adjustment Program	14 N.J.R. 1290(a)	R.1982 d.491	15 N.J.R. 95(b)
17:1-8.12	Social Security: Employer penalties for late filings	14 N.J.R. 1202(a)	R.1982 d.471	15 N.J.R. 37(a)
17:1-8.12	Social Security: Late filing penalties	15 N.J.R. 319(b)	R.1983 d.132	15 N.J.R. 696(a)
17:1-8.14	Social Security late transmittal fee	15 N.J.R. 687(a)	R. 1983 d. 265	15 N.J.R. 1104(a)
17:1-12.1	Division of Pensions administrative priorities	14 N.J.R. 329(a)	R.1982 d.350	14 N.J.R.1164(a)
17:1-12.2	Loan information	14 N.J.R. 1201(b)	R.1982 d.469	15 N.J.R. 36(c)
17:1-12.3	Retirement system loans	14 N.J.R. 1447(b)	R.1983 d.39	15 N.J.R. 245(a)
17:1-12.4	Interfund transfers: court attendants appointed sheriff's officers	15 N.J.R. 525(a)	R.1983 d.216	15 N.J.R. 1037(d)
17:1-12.5	Interfund transfers and accumulated interest	15 N.J.R. 526(a)	R.1983 d.217	15 N.J.R. 1037(e)
17:1-12.6	Pension credit for extended maternity leave	15 N.J.R. 1012(b)	R.1983 d.334	15 N.J.R. 1383(b)
17:2-2.3, 3.3 7.1, 7.2	PERS: Ineligibility; contributory insurance rates; interfund transfers	14 N.J.R. 1150(a)	R.1983 d.7	15 N.J.R. 162(d)
17:2-3.3	PERS: Contributory insurance rate	14 N.J.R. 200(b)	R.1982 d.343	14 N.J.R. 1164(b)
17:2-3.9	Repealed: PERS insurance liability for unenrolled members	15 N.J.R. 16(a)	R.1983 d.76	15 N.J.R. 449(a)
17:2-3.12,–5	PERS: Beneficiary designation; purchases	14 N.J.R. 1151(a)	R.1983 d.6	15 N.J.R. 163(a)
17:2-6.26	PERS: Critical disability claims	13 N.J.R. 748(a)	R.1981 d.515	14 N.J.R. 105(a)
17:3	Readopted: Teachers' Pension and Annuity Fund rules	15 N.J.R. 526(b)	R.1983 d.175	15 N.J.R. 930(c)
17:3-1.1	Teachers' Pension: Board meetings	14 N.J.R. 201(a)	R.1982 d.344	14 N.J.R. 1164(c)
17:3-1.4	Teachers' Pension: delegates to annual convention	15 N.J.R. 1360(a)	R.1983 d.483	15 N.J.R. 1870(d)
17:3-1.11, 3.12	Teachers' Pension and Annuity Fund	14 N.J.R. 1202(b)	R.1983 d.78	15 N.J.R. 449(b)
17:3-2.1	Teachers' Pension: eligible positions	15 N.J.R. 1360(b)	R.1983 d.483	15 N.J.R. 1871(a)
17:3-2.8	Teachers' Pension: repealed insurance liability for unenrolled members	15 N.J.R. 1177(a)	R.1983 d.439	15 N.J.R. 1773(a)
17:3-5	Teachers' Pension: Purchase and eligible service	13 N.J.R. 618(b)	R.1981 d.510	14 N.J.R. 105(b)
17:3-5.5, 6.2	Teachers' Pension	14 N.J.R. 1202(b)	R.1983 d.78	15 N.J.R. 449(b)
17:3-6.4	Loan repayments to teachers' fund	13 N.J.R. 748(b)	R.1982 d.14	14 N.J.R. 161(c)
17:3-6.15	Teachers' Pension: Compulsory retirement	13 N.J.R. 620(a)	R.1981 d.509	14 N.J.R. 105(c)
17:3-7.1, 7.2	Teachers' Pension	14 N.J.R. 1202(b)	R.1983 d.78	15 N.J.R. 449(b)
17:4-1.12	Police and Firemen's Retirement: Proof of age	14 N.J.R. 1204(a)	R.1983 d.4	15 N.J.R. 163(b)
17:4-2.5	Pensions: age requirements for police and firemen	15 N.J.R. 883(a)	R.1983 d.481	15 N.J.R. 1871(b)
17:4-3.6	Police and Firemen's Retirement: Insurance liability	14 N.J.R. 1291(a)	R.1983 d.47	15 N.J.R. 342(c)
17:4-4.1	Police and Firemen's Retirement: "creditable salary"	15 N.J.R. 1238(b)	R.1983 d.482	15 N.J.R. 1871(c)
17:4-5.1	Insurance purchases and retirement	13 N.J.R. 310(b)	R.1982 d.292	13 N.J.R. 525(c)
17:4-5.3, 5.6	Police and Firemen's Retirement System changes	14 N.J.R. 1204(b)	R.1983 d.3	15 N.J.R. 163(c)
17:4-5.5	Police and Firemen's Retirement: Reinstatement	15 N.J.R. 132(b)	R.1983 d.127	15 N.J.R. 696(b)
17:4-6.2, 6.6	Insurance purchases and retirement	13 N.J.R. 310(b)	R.1982 d.292	13 N.J.R. 525(c)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
17:4-6.4	Police and Firemen's Retirement	14 N.J.R. 1204(b)	R.1983 d.3	15 N.J.R. 163(c)
17:4-6.14	Insurance purchases and retirement	13 N.J.R. 310(b)	R.1982 d.292	13 N.J.R. 525(c)
17:4-7.1, 7.2	Police and Firemen's Retirement	14 N.J.R. 1204(b)	R.1983 d.3	15 N.J.R. 163(c)
17:5-1.9	State Police Retirement: Proof of age	14 N.J.R. 1205(a)	R.1983 d.49	15 N.J.R. 342(d)
17:5-2.4	State Police Retirement System	14 N.J.R. 1448(a)	R.1983 d.48	15 N.J.R. 342(e)
17:5-4.1, 4.2 4.3	State Police pension purchases and eligible service	13 N.J.R. 939(a)	R.1982 d.66	14 N.J.R. 284(e)
17:5-5.15	State Police: Critical disability claims	13 N.J.R. 939(a)	R.1982 d.67	14 N.J.R. 285(a)
17:5-6.1, 6.2	State Police Retirement: Interfund transfers	14 N.J.R. 1292(a)	R.1983 d.46	15 N.J.R. 343(a)
17:6-1.9	Consolidated Police and Firemen's: Interest charge	14 N.J.R. 1293(a)	R.1983 d.35	15 N.J.R. 163(d)
17:6-3.9	Consolidated police and firemen's disability	13 N.J.R. 749(b)	R.1982 d.349	14 N.J.R. 1164(d)
17:7	Readopted: Prison Officers' Pension Fund rules	15 N.J.R 527(a)	R.1983 d.176	15 N.J.R. 930(d)
17:8-2.6, 3.3	Supplemental Trust: Suspended deductions; withdrawal or retirement	15 N.J.R. 81(a)	R.1983 d.128	15 N.J.R. 697(a)
17:8-4	Supplemental Annuity: Voluntary employee contributions	14 N.J.R. 556(b)	R.1982 d.348	14 N.J.R. 1164(e)
17:9	Readopted: Health Benefits Program rules	15 N.J.R. 529(a)	R.1983 d.177	15 N.J.R. 930(e)
17:9	State Health Benefits Program	15 N.J.R. 792(b)	R.1983 d.330	15 N.J.R. 1383(c)
17:9-1.4, 1.6	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:9-1.5	Health Benefits Program: employer termination of participation	15 N.J.R. 793(a)	R.1983 d.332	15 N.J.R. 1383(d)
17:9-1.7	State Health Benefits Program: local governments	15 N.J.R. 884(a)	R.1983 d.331	15 N.J.R. 1383(e)
17:9-2.1, 2.2, 2.3, 2.6, 2.7, 2.11	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:9-2.10	HMO options for employees who move	15 N.J.R. 81(b)	R.1983 d.129	15 N.J.R. 697(b)
17:9-4.6	State Health Benefits Program: "Local, full time"	14 N.J.R. 1296(a)	R.1983 d.43	15 N.J.R. 343(c)
17:9-5.3, 5.5, 5.6, 5.8, 5.10	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:9-5.11	Health coverage and 10-month employees	14 N.J.R. 36(a)	R.1982 d.341	14 N.J.R. 1165(a)
17:9-6.1–6.6, 7.1, 7.2, 7.4	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R.1983 d.44	15 N.J.R. 343(b)
17:10	Readopted: Judicial Retirement System rules	15 N.J.R. 530(a)	R.1983 d.178	15 N.J.R. 931(a)
17:10-1.3, 1.4	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:10-1.8	Judicial Retirement System: proof of age	14 N.J.R. 1298(a)	R.1983 d.214	15 N.J.R. 1038(b)
17:10-2.1	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:10-3.1	Judicial Retirement: computation of benefits	14 N.J.R. 1299(a)	R.1983 d.213	15 N.J.R. 1038(c)
17:10-3.2	Judicial Retirement System: Maternity leave	14 N.J.R. 201(b)	R.1982 d.345	14 N.J.R. 1165(b)
17:10-3.6, 4.3, 4.4, 4.7, 4.8, 4.9, 5.1, 5.2, 5.3	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:10-5.10	Judicial Retirement System: Disability	14 N.J.R. 140(a)	R.1982 d.342	14 N.J.R. 1165(c)
17:10-6.1	Judicial Retirement System administration	14 N.J.R. 1296(b)	R.1983 d.212	15 N.J.R. 1038(a)
17:12-5.1	Subscription fee for State contract information	14 N.J.R. 1085(b)	R.1982 d.481	15 N.J.R. 96(b)
17:16-5.1, 5.2	Readopted: State Investment Council, classification of funds	15 N.J.R. 531(a)	R.1983 d.233	15 N.J.R. 1038(d)
17:16-5.1–5.6	State Investment Council funds	14 N.J.R. 329(b)	R.1982 d.397	14 N.J.R. 1220(d)
17:16-17.2, 17.3	State Investment Council: Applicable funds; equity investments	15 N.J.R. 133(a)	R.1983 d.107	15 N.J.R. 627(a)
17:16-27.1, 27.2, 27.3	State Investment Council: Certificates of deposit	15 N.J.R. 794(a)	R.1983 d.281	15 N.J.R. 1182(b)
17:16-31.15	Cash Management Fund: Statement correction	14 N.J.R. 899(a)	R.1982 d.363	14 N.J.R. 1166(a)
17:16-37.1-37.4	State Investment Council: repurchase agreements	15 N.J.R. 795(a)	R.1983 d.282	15 N.J.R. 1182(c)
17:16-39.1-39.6	State Investment Council: bankers acceptances	15 N.J.R. 796(a)	R.1983 d.283	15 N.J.R. 1182(d)
17:16-43.1, 43.2	Mortgage-backed securities	14 N.J.R. 652(a)	R.1982 d.396	14 N.J.R. 1221(a)
17:16-44	State Employees Deferred Compensation Plan	14 N.J.R. 900(a)	R.1982 d.362	14 N.J.R. 1166(b)
17:16-45	State Investment Council: real estate equity	15 N.J.R. 1457(b)	R.1983 d.473	15 N.J.R. 1871(d)
17:20	Lottery Commission rules	15 N.J.R. 1361(a)	R.1983 d.472	15 N.J.R. 1871(e)
17:20-10	Correction to Code: Lottery ticket rules	———	———	15 N.J.R. 166(a)
17:27	Readopted: Affirmative Action procedures; public contracts	15 N.J.R. 1459(a)	R.1983 d.506	15 N.J.R. 1872(a)

(Title 17, Transmittal 17 dated June 21, 1982)

TREASURY-TAXATION–TITLE 18

18:3-1.2, 2.1	New Jersey wines	13 N.J.R. 839(a)	R.1982 d.181	14 N.J.R. 664(a)
18:5-12.5	Penalty for smuggling unstamped cigarettes	14 N.J.R. 331(a)	R.1982 d.256	14 N.J.R. 920(e)
18:7-1.1	Corporation Business Tax changes	14 N.J.R. 1206(a)	R.1983 d.62	15 N.J.R. 343(d)
18:7-1.15	Investment company defined	13 N.J.R. 684(b)	R.1982 d.34	14 N.J.R. 209(b)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
18:7-3	Installment payments for corporation tax	13 N.J.R. 688(a)	R.1982 d.6	14 N.J.R. 105(d)
18:7-3.1, 3.3, 3.4	Corporation Business Tax changes	14 N.J.R. 1206(a)	R.1983 d.62	15 N.J.R. 343(d)
18:7-3.5	Corporation Business Tax and short table	14 N.J.R. 826(b)	R.1982 d.395	14 N.J.R. 1221(b)
18:7-3.5	Corporation Business Tax: short tax table	15 N.J.R. 320(a)	R.1983 d.219	15 N.J.R. 1038(e)
18:7-3.10	Corporation Tax: regulated investment companies	15 N.J.R. 1365(a)	R.1983 d.496	15 N.J.R. 1872(b)
18:7-3.14	Correction: Installment payments for corporation tax	13 N.J.R. 688(a)	R.1982 d.6	14 N.J.R. 1065(a)
18:7-4.1, 4.10, 5.2, 8.5	Corporation Business Tax changes	14 N.J.R. 1206(a)	R.1983 d.62	15 N.J.R. 343(d)
18:7-11.12	Emergency extension for filing corporate return	Emergency	R.1981 d.163	13 N.J.R. 377(a)
18:7-11.12, 13.6, 14.2	Installment payments for corporation tax	13 N.J.R. 688(a)	R.1982 d.6	14 N.J.R. 105(d)
18:7-11.12	Corporation Tax: filing extension; "amount of underpayment"	15 N.J.R. 1366(a)	R.1983 d.497	15 N.J.R. 1872(c)
18:9	Readopted: Business Personal Property Tax rules	15 N.J.R. 1081(a)	R.1983 d.345	15 N.J.R. 1487(a)
18:12–18:17	Readopted: Local Property Tax rules	15 N.J.R. 1082(a)	R.1983 d.355	15 N.J.R. 1487(b)
18:12-4	Local property tax: revaluation of real property	15 N.J.R. 322(a)	R.1983 d.221	15 N.J.R. 1039(a)
18:12-6A.8	Multiple dwelling exemptions and tax list designations (joint adoption, see 5:22-2.6)	14 N.J.R. 72(b)	R.1982 d.78	14 N.J.R. 278(b)
18:12-6A.8	Residential exemptions: improvements to multiple dwellings	15 N.J.R. 613(a)	R.1983 d.256	15 N.J.R. 1105(a)
18:12-7.12	Readopted: Homestead rebate filing extension	13 N.J.R. 948(b)	R.1982 d.41	14 N.J.R. 212(a)
18:12-7.12	Homestead Rebate: Extension of time to file	Emergency	R.1982 d.439	14 N.J.R. 1466(a)
18:12-9	Mobile homes tax moratorium (local property)	13 N.J.R. 162(b)	R.1981 d.207	13 N.J.R. 462(c)
18:12A-1.6	Appeals to county tax boards	14 N.J.R. 231(a)	R.1982 d.176	14 N.J.R. 580(f)
18:12A-1.12	Local property tax	13 N.J.R. 621(a)	R.1981 d.478	13 N.J.R. 948(c)
18:12A-1.20	County boards of taxation	13 N.J.R. 44(d)	R.1981 d.44	13 N.J.R. 165(a)
18:14-1.1, 2.2, 2.3, 2.4, 2.7, 2.8, 2.10, 3.4, 3.6, 3.9, 3.10	Local property tax senior citizens deduction	13 N.J.R. 462(d)	R.1981 d.426	13 N.J.R. 779(f)
18:14-3.9	Local property tax: senior citizens' deduction	15 N.J.R. 885(a)	R.1983 D.366	15 N.J.R. 1487(c)
18:18-3.6	Distributers and gas jobbers bond ceiling	14 N.J.R. 202(a)	R.1982 d.140	14 N.J.R. 430(a)
18:19-1.1, 2.1, 2.2, 2.6, 2.10, 3.1, 3.3	Gallon and liter pricing of motor fuels	13 N.J.R. 855(a)	R.1982 d.77	14 N.J.R. 285(c)
18:19-2.2	Retail gasoline prices display	14 N.J.R. 331(b)	R.1982 d.257	14 N.J.R. 921(a)
18:19-2.7	Cash discounts: Motor fuel sales	14 N.J.R. 705(a)	R.1982 d.369	14 N.J.R. 1166(c)
18:19-2.7	Motor fuels sales: electronic pumps	15 N.J.R. 614(a)	R. 1983 d. 257	15 N.J.R. 1105(b)
18:24	Readopted: Sales and Use Tax rules	15 N.J.R. 1086(a)	R.1983 d.357	15 N.J.R. 1487(d)
18:24-2.3	Sales and Use Tax Act	13 N.J.R. 163(a)	R.1981 d.209	13 N.J.R. 465(a)
18:24-2.15	Sales tax recordkeeping standards	13 N.J.R. 751(a)	R.1982 d.36	14 N.J.R. 212(b)
18:24-5.7	Capital improvement installations and sales tax	14 N.J.R. 140(b)	R.1982 d.141	14 N.J.R. 430(b)
18:24-7.19	Sales and Use Tax Act	13 N.J.R. 163(b)	R.1981 d.206	13 N.J.R. 465(b)
18:24-7.19	Sales tax moratorium on mobile homes	15 N.J.R. 1088(a)	R.1983 d.367	15 N.J.R. 1488(a)
18:24-11.3	Sales Tax increase: transitional provisions	15 N.J.R. 324(a)	R.1983 d.220	15 N.J.R. 1039(b)
18:24-12.4	Sales Tax exemptions	13 N.J.R. 111(a)	R.1981 d.210	13 N.J.R. 465(c)
18:24-24.2	Underground gas tanks as real property	13 N.J.R. 883(b)	R.1982 d.85	14 N.J.R. 348(a)
18:24-27.1,27.2	Sales and Use Tax Act	13 N.J.R. 164(a)	R.1981 d.208	13 N.J.R. 465(d)
18:24-28	Taxation of purchase or use of race horses	13 N.J.R. 622(a)	R.1981 d.436	13 N.J.R. 847(c)
18:24-29	Sales tax exemption: household soaps and paper products	15 N.J.R. 797(a)	R.1983 d.324	15 N.J.R. 1384(a)
18:26	Readopted: Transfer Inheritance and Estate Tax rules	15 N.J.R. 1088(b)	R.1983 d.356	15 N.J.R. 1488(b)
18:26-2.11	Transfer Inheritance Tax: distribution by agreement	15 N.J.R. 798(a)	R.1983 d.323	15 N.J.R. 1384(b)
18:26-2.12, 5.9 5.17, 5.19, 6.16, 6.17, 8.6, 8.12	Transfer Inheritance Tax	13 N.J.R. 623(a)	R.1981 d.477	13 N.J.R. 948(d)
18:26-8.7	Pre-audit payment of inheritance tax	14 N.J.R. 1153(a)	R.1982 d.445	14 N.J.R. 1464(b)
18:35-1,2	Readopted: Gross Income Tax and Debt Setoff rules	15 N.J.R. 1091(a)	R.1983 d.353	15 N.J.R. 1488(c)
18:35-1.15	Exclusions from taxable gross income	14 N.J.R. 271(a)	R.1982 d.164	14 N.J.R. 581(a)
18:35-1.16	All-savers interest exclusion	14 N.J.R. 332(a)	R.1982 d.258	14 N.J.R. 921(b)
18:35-2	Debt liability and tax refunds and rebates	13 N.J.R. 940(a)	R.1982 d.161	14 N.J.R. 474(b)
18:35-2.3, 2.4, 2.5, 2.7	Gross income tax refunds and debt setoff	14 N.J.R. 705(b)	R.1982 d.479	15 N.J.R. 37(b)

(Title 18, Transmittal 16 dated January 14, 1981)

TITLE 19 SUBTITLES A-L–OTHER AGENCIES (Except Casino Control Commission)

5:90	Repealed: Urban Loan Authority rules	14 N.J.R. 558(a)	R.1982 d.288	14 N.J.R. 983(a)
19:1-1.6	Debarment and suspension from contracting	14 N.J.R. 1050(a)	R.1982 d.413	14 N.J.R. 1310(b)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
19:1-5	Home improvement loan program	13 N.J.R. 312(b)	R.1981 d.268	13 N.J.R. 529(c)
19:3-1.1, 1.2, 1.4	Subdivision and zoning fees	15 N.J.R. 428(a)	R.1983 d.254	15 N.J.R. 1039(c)
19:4-3.2	Meadowlands zoning exemptions	14 N.J.R. 231(b)	R.1982 d.163	14 N.J.R. 581(b)
19:4-4.18A-4.27A	New planned park zone	15 N.J.R. 16(b)	R.1983 d.514	15 N.J.R. 1873(a)
19:4-4.142	Variances and appeals	13 N.J.R. 529(d)	R.1981 d.446	13 N.J.R. 847(d)
19:4-5.17	Meadowlands variances	13 N.J.R. 694(a)	R.1982 d.1	14 N.J.R. 162(b)
19:4-6	Readopted: General Provisions for HMDC development	15 N.J.R 1506(b)	R.1983 d.507	15 N.J.R. 1873(b)
19:4-6.25	Variances and appeals	13 N.J.R. 529(d)	R.1981 d.446	13 N.J.R. 847(d)
19:4-6.26	Meadowlands variances	13 N.J.R. 694(a)	R.1982 d.1	14 N.J.R. 162(b)
19:4-6.28	District zoning; change in zoning map	13 N.J.R. 624(a)	R.1981 d.467	13 N.J.R. 895(c)
19:4-6.28	Zoning change in Little Ferry	15 N.J.R. 133(b)	R.1983 d.142	15 N.J.R. 697(c)
19:4-6.28	Zoning change in Secaucus	15 N.J.R. 532(a)	R.1983 d.322	15 N.J.R. 1384(c)
19:4-6.28	Zoning change in Carlstadt	15 N.J.R. 1367(a)	R.1983 d.508	15 N.J.R. 1874(a)
19:4A	Flood plain management	15 N.J.R. 18(a)	R.1983 d.143	15 N.J.R. 697(d)
19:8	Readopted: Garden State Parkway rules	15 N.J.R. 615(a)	R.1983 d.237	15 N.J.R. 1039(d)
19:8-1.2	Speed limits on Garden State Parkway	14 N.J.R. 827(a)	R.1982 d.325	14 N.J.R. 1101(a)
19:8-1.9	Autobus length allowable on Parkway	14 N.J.R. 333(a)	R.1982 d.116	14 N.J.R. 581(c)
19:8-2.11	Garden State Arts Center	13 N.J.R. 247(e)	R.1981 d.169	13 N.J.R. 378(a)
19:8-2.12	Emergency service	13 N.J.R. 165(b)	R.1981 d.115	13 N.J.R. 315(a)
19:8-2.12	Emergency service fees on Garden State Parkway	15 N.J.R. 134(a)	R.1983 d.99	15 N.J.R. 554(c)
19:8-3.1	Tolls on Garden State Parkway	13 N.J.R. 248(a)	R.1981 d.170	13 N.J.R. 378(b)
19:8-7.3	State Police motor vehicle accident reports	13 N.J.R. 531(a)	R.1981 d.387	13 N.J.R. 780(a)
19:8-9	Off-premise outdoor advertising along Parkway	14 N.J.R. 901(a)	R.1982 d.361	14 N.J.R. 1166(d)
19:9	Readopted: Turnpike Authority rules	15 N.J.R. 886(a)	R.1983 d.301	15 N.J.R. 1257(a)
19:9-1.9	Out-of-service school buses	13 N.J.R. 751(b)	R.1981 d.520	14 N.J.R. 106(a)
19:9-1.9	Bus length on Turnpike	14 N.J.R. 1087(a)	R.1982 d.448	14 N.J.R. 1464(c)
19:9-1.15	Transportation of Explosives	15 N.J.R. 687(b)	R.1983 d.263	15 N.J.R. 1105(c)
19:9-2.1	Hearing officer in rejected bidder appeals	14 N.J.R. 974(a)	R.1982 d.446	14 N.J.R. 1464(d)
19:9-3.1	Towing rates	13 N.J.R. 49(b)	R.1981 d.37	13 N.J.R. 165(c)
19:9-4.2	Fees for photographs and slides	14 N.J.R. 974(b)	R.1982 d.447	14 N.J.R. 1464(e)
19:12	PERC: Negotiations and impasse procedures	Organizational	R.1981 d.357	13 N.J.R. 625(a)
19:16	Firemen and Police: Negotiations	Organizational	R.1981 d.357	13 N.J.R. 625(a)
19:17	Appeal Board on representation fees	14 N.J.R. 903(a)	R.1983 d.310	15 N.J.R. 1257(b)
19:25-1.7, 3	Pre-candidacy activity: "testing the waters"	15 N.J.R. 616(a)	R. 1983 d. 287	15 N.J.R. 1182(e)
19:25-8	Financial disclosure by legislative agents	13 N.J.R. 695(a)	R.1981 d.471	13 N.J.R. 895(d)
19:25-8	Interpretive statement on disclosure	13 N.J.R. 695(a)	R.1981 d.471	14 N.J.R. 392(a)
19:25-9.3, 9.7, 11.6, 12.6	Pre-candidacy activity: "testing the waters"	15 N.J.R. 616(a)	R.1983 d.287	15 N.J.R. 1182(e)
19:25-15	Public Financing of General Election for Governor	13 N.J.R. 49(a)	R.1981 d.54	13 N.J.R. 248(b)
19:25-1.53, 1.54, 15.11, 15.24	Pre-candidacy activity: "testing the waters"	15 N.J.R. 616(a)	R.1983 d.287	15 N.J.R. 1182(e)
19:25-15.38, 15.39	Correction: Political action committees	13 N.J.R. 49(a)	R.1981 d.54	15 N.J.R. 96(c)
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19:25-19	Financial disclosure by candidates for State office	15 N.J.R. 799(a)	R.1983 d.285	15 N.J.R. 1183(a)
19:25-19.1	Severability	13 N.J.R. 49(a)	R.1981 d.54	13 N.J.R. 248(b)
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19:30-2.2	Additional administrative fees	15 N.J.R. 429(a)	R.1983 d.262	15 N.J.R. 1105(d)
19:30-4.2	Targeting of authority assistance	13 N.J.R. 625(b)	R.1981 d.457	13 N.J.R. 898(a)
19:30-4.4	EDA: Targeting of Authority assistance	13 N.J.R. 165(d)	R.1981 d.168	13 N.J.R. 378(c)
19:30-5	Debarment of applicants and contractors	12 N.J.R. 356(a)	R.1981 d.167	13 N.J.R. 378(d)

(Title 19, Transmittal 16 dated January 14, 1981)

TITLE 19 SUBTITLE K–CASINO CONTROL COMMISSION

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19:40-3	Confidential information: maintenance and release	15 N.J.R. 238(a)	R.1983 d.380	15 N.J.R. 1604(c)
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19:41-4.3	Employee residency qualifications	14 N.J.R. 37(a)	R.1982 d.63	14 N.J.R. 285(d)
19:41-5	Repealed (see 19:41)	15 N.J.R. 532(b)	R.1983 d.181	15 N.J.R. 931(b)
19:41-7.14	Personal History Disclosure Form 2A	14 N.J.R. 380(b)	R.1982 d.190	14 N.J.R. 664(b)
19:41-9.1, 9.4	Casino assessments	13 N.J.R. 531(b)	R.1981 d.367	13 N.J.R. 709(a)
19:41-9.7	Hotel alcoholic beverage license fees	14 N.J.R. 1364(a)	R.1983 d.80	15 N.J.R. 449(c)
19:41-9.9A	Junkets: Readopted emergency rules	15 N.J.R. 257(a)	R.1983 d.112	15 N.J.R. 627(b)
19:41-9.12, 9.13,	Fixed fees and employee licensing	14 N.J.R. 38(a)	R.1982 d.57	14 N.J.R. 237(e)

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19:43-1.8	Casino service industry licenses	12 N.J.R. 447(a)	R.1981 d.273	13 N.J.R. 534(a)
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19:45	Accounting and internal controls	13 N.J.R. 534(b)	R.1981 d.437	13 N.J.R. 848(b)
19:45	Readopted: Accounting and internal controls	15 N.J.R. 240(a)	R.1983 d.125	15 N.J.R. 699(a)
19:45-1.1, 1.8, 1.9	Junkets: Readopted emergency rules	15 N.J.R. 257(a)	R.1983 d.112	15 N.J.R. 627(b)
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19:45-1.15	Gaming control	13 N.J.R. 534(b)	R.1982 d.171	14 N.J.R. 582(a)
19:45-1.24	Patrons' cash deposits	13 N.J.R. 47(c)	R.1981 d.272	13 N.J.R. 541(a)
19:45-1.24	Patrons' cash deposits	14 N.J.R. 381(a)	R.1982 d.189	14 N.J.R. 664(c)
19:45-1.34	Internal controls: slot booths	13 N.J.R. 534(b)	R.1982 d.171	14 N.J.R. 582(a)
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19:46-1.3	Gaming chips	13 N.J.R. 534(b)	R.1981 d.408	13 N.J.R. 780(b)
19:46-1.3	Gaming chips	15 N.J.R. 1239(a)	R.1983 d.539	15 N.J.R. 1957(c)
19:46-1.6	Gaming chips and plaques	14 N.J.R. 828(a)	R.1983 d.299	15 N.J.R. 1259(b)
19:46-1.11, 1.26	Craps table and slot machine rules	13 N.J.R. 534(b)	R.1981 d.388	13 N.J.R. 780(c)
19:46-1.16, 1.18	Use of cards and dice	14 N.J.R. 829(a)	R.1983 d.308	15 N.J.R. 1259(c)
19:46-1.16	Inspection of dice	15 N.J.R.1368(a)	R.1983 d.540	15 N.J.R. 1958(a)
19:46-1.18	Security of playing cards	15 N.J.R. 1370(a)	R.1983 d.538	15 N.J.R. 1958(b)
19:46-1.19	Blackjack play and wagering	14 N.J.R. 559(b)	R.1983 d.238	15 N.J.R. 1040(c)
19:46-1.33	Issuance and use of tokens	14 N.J.R. 569(a)	R.1982 d.330	14 N.J.R. 1101(d)
19:47	Readopted: Rules of the Games	15 N.J.R. 429(b)	R.1983 d.163	15 N.J.R. 932(a)
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19:47-1.6	"Double odds" option in craps	14 N.J.R. 382(a)	R.1982 d.230	14 N.J.R. 838(e)
19:47-1.10	Craps: point thrown	15 N.J.R. 242(b)	R.1983 d.240	15 N.J.R. 1041(a)
19:47-2	Blackjack play and wagering	14 N.J.R. 559(b)	R.1982 d.255	14 N.J.R. 841(b)
19:47-2.5	Blackjack shuffle and cut of cards	14 N.J.R. 567	R.1982 d.305	14 N.J.R. 991(a)
19:47-2.6	Correction: Blackjack dealing	14 N.J.R. 566	R.1982 d.255	14 N.J.R. 983(c)
19:47-2.6, 2.8	Readopt Blackjack wagering changes	13 N.J.R. 534(b)	R.1981 d.368	13 N.J.R. 709(b)
19:47-2.12	Blackjack play	13 N.J.R. 534(b)	R.1981 d.388	13 N.J.R. 780(c)
19:47-2.13	Readopt Blackjack wagering	13 N.J.R. 534(b)	R.1981 d.368	13 N.J.R. 709(b)
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19:47-5.7	Minimum and maximum wagering	13 N.J.R. 534(b)	R.1981 d.368	13 N.J.R. 709(b)
19:47-5.7	Blackjack wagering	14 N.J.R. 559(b)	R.1982 d.255	14 N.J.R. 841(b)
19:48	Readopted: Exclusion of Persons rules	15 N.J.R. 1466(a)	R.1983 d.475	15 N.J.R. 1874(c)
19:48-1.1, 1.4, 1.5, 1.8	Exclusion of persons: Hearings	14 N.J.R. 904(a)	R.1982 d.359	14 N.J.R. 1167(a)
19:49	Junkets: Readopted emergency rules	15 N.J.R. 257(a)	R.1983 d.112	15 N.J.R. 627(b)
19:50	Readopted: Casino Hotel Alcoholic Beverage Control	15 N.J.R. 539(a)	R.1983 d.210	15 N.J.R. 932(b)
19:50-1.3, 1.6–1.14	Alcoholic beverage control	15 N.J.R. 539(a)	R.1983 d.210	15 N.J.R. 932(b)
19:50-1.6	Alcoholic beverage control	13 N.J.R. 541(b)	R.1981 d.438	13 N.J.R. 849(a)
19:51-1.1–1.4	Advertising	13 N.J.R. 542(a)	R.1981 d.409	13 N.J.R. 780(d)
19:52-1.3	Nightly entertainment	13 N.J.R. 543(a)	R.1981 d.369	13 N.J.R. 709(c)
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19:53	Readopted: Equal Employment Opportunity rules	15 N.J.R. 433(a)	R.1983 d.162	15 N.J.R. 932(c)
19:54	Readopted: Gross Revenue Tax rules	15 N.J.R. 328(b)	R.1983 d.131	15 N.J.R. 699(b)

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