

JERSEY STATE LIBRARY  
OCT 31 1969  
185 N. State Street  
N. J.

# THE NEW JERSEY REGISTER

1 N. J. R. 9

NEW JERSEY, THURSDAY, OCTOBER 30, 1969

Vol. 1—No. 2



## THE NEW JERSEY REGISTER

A Publication of the State of New Jersey

RICHARD J. HUGHES, Governor  
Robert J. Burkhardt, Secretary of State  
Leon S. Wilson, Director of Administrative Procedure  
Melvin E. Mounts, Rules Analyst  
Grace Barnett, Editor

The New Jersey Register is published the last Thursday of each month by the Division of Administrative Procedure of the Department of State, 10 North Stockton Street, Trenton, New Jersey 08608. Telephone: (609) 292-6060.

The New Jersey Register is printed and distributed through the facilities of the New Jersey Law Journal, designated pursuant to the Administrative Procedure Act, Chapter 410, Laws of 1968 (N.J.S.A. 52:14B-1 et seq.), as the official organ for publication.

The New Jersey Register is the official publication containing notices of proposed rules and rules filed by the administrative agencies of the State pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-5.

THURSDAY, OCTOBER 30, 1969

## NOTICE OF PROPOSED CHANGES IN STATE AGENCY RULES

The following digests, notices, and texts of rules, regulations and codes filed by Administrative Agencies during the preceding month have been prepared by the Office of the Director of the Division of Administrative Procedure, Department of State, pursuant to Section 4 (a) (1) and Section 7 (b) of Chapter 410 of the Laws of 1968.

### NOTICE OF PROPOSED CHANGES IN THE RULES OF THE NEW JERSEY BOARD OF PUBLIC UTILITY COMMISSIONERS

Notice is hereby given that the Board of Public Utility Commissioners, pursuant to the authority delegated in N.J.S.A. 48:2-25, proposes to adopt a regulation for residential electric and telephone underground extensions as follows:

#### REGULATION FOR RESIDENTIAL ELECTRIC UNDERGROUND EXTENSIONS

##### Applicability.

1. Extensions of electric distribution lines applied for after the effective date of this regulation, and necessary to furnish permanent electric service to new residential buildings within a subdivision having five or more building lots, or to new multiple-occupancy buildings, shall be made underground. Such extensions of service shall be made by the utility in accordance with the provisions in this regulation.

##### B. Definitions.

1. The following words and terms, when used in this regulation, shall have the meaning indicated:

**Applicant** - the developer, builder or other person, partnership, association, corporation or governmental agency applying for the construction of an underground electric distribution system in a subdivision.

**Building** - a structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts and designed for single-family occupancy.

**Board** - Department of Public Utilities, Board of Public Utility Commissioners.

**Multiple-Occupancy Building** - a structure enclosed or within exterior walls or fire walls, built, erected and framed of component structural parts and designed to contain five or more individual dwelling units.

**Subdivision** - the tract of land which is divided into lots for the construction of new residential buildings, or the land on which is constructed new multiple-occupancy buildings.

**Utility** - an "electric company" as defined in N.J.S.A. 48:2-13.

##### C. Rights of Way and Easements.

1. Within the applicant's subdivision the utility shall construct, own, operate, and maintain underground distribution lines only along public streets, roads, and highways which the utility has the legal right to occupy, and on public lands and private property across which rights of way and easements satisfactory to the utility may be obtained without cost or condemnation by the utility.

2. Rights of way and easements suitable to the utility must be furnished by the applicant in reasonable time to meet service requirements and at no cost, must be cleared of trees, tree stumps and other obstructions at no charge to the utility, and must be graded to within six inches of final grade by the applicant before the utility will commence construction. Such clearance and grading must be maintained by the applicant during construction by the utility.

##### D. Installation of Underground Distribution System Within Subdivision.

1. Upon receipt of a proper application the utility shall install an underground electric distribution system with sufficient capacity and suitable materials which, in its judgment, will assure that the applicant will receive safe, adequate and reasonable electric service for the foreseeable future.

2. For single-family buildings the applicant shall pay the utility, for each building lot being served, the amount determined from the following table:

Average Building Lot Width	Charge Per Building Lot
0 - 100 feet, inclusive	\$1 per foot for each foot of building lot width, with a minimum charge of \$25 per lot.
101 feet and over	\$100 plus \$1.50 per foot for each foot of building lot width in excess of 100.

The average building lot width shall be determined by measuring the total length of front property lines of building lots to be served, such measurement to be made along the streets and roads which adjoin the building lots, except that, for corner building lots, only the shorter of the two dimensions shall be included in determining the total front footage, and then dividing the total length so determined by the number of building lots to be served as shown on the builder's layout plat.

3. The service connection to the building normally will be at the corner of the building nearest the point at which the underground system enters the property to be served. If such service connection point on any building is more than 50 feet, measured at right angles, from the front property line, then the applicant shall pay the utility \$1.00 per foot for the length in excess of 50 feet.

4. For a new multiple-occupancy building the underground distribution system within the subdivision shall be constructed to the building by the utility at no charge to the applicant, provided the utility is free to construct its service extension or extensions in the most economical manner.

5. The charges specified in this regulation may not be waived or refunded unless it is mutually agreed by the applicant and the utility that the applicant will do all of the trenching and backfilling, in which case the applicant shall receive a credit of \$0.50 per trench foot for each foot of trenching and backfilling provided by him, such credit to be no more in amount than the total charges under this regulation. If there is disagreement as to whether the applicant should do the trenching and backfilling, either party may refer the matter to the Board for a ruling.

6. The charges specified in this regulation are based on reasonably full use of the subdivision for building lots or multiple-occupancy buildings. If the subdivision is designed to include large open areas, the utility or the applicant may refer the matter to the Board in accordance with its Rules of Practice and appropriate statutes for a special ruling on the charges.

##### E. Connection to Supply System.

1. The utility shall construct a connection from the boundary line of the applicant's subdivision to the utility's existing supply facilities, subject to the following provisions: a) the extension adjacent to the boundary line of the subdivision, for a maximum distance of 200 feet, shall be made underground, at the utility's expense; and b) if an extension in excess of 200 feet is required then the extension over 200 feet shall be made underground in accordance with the provisions of N.J.S.A. 48:2-27, Extension of Facilities.

##### F. Advances by Applicant.

1. Where, due to the manner in which a subdivision is developed, the utility is required to construct an underground electric distribution system through a section or sections of the subdivision where service will not be connected for at least 2 years, then the utility may require a reasonable deposit from the applicant before construction is commenced, in order to guarantee performance.

2. Where the subdivision is developed in a uniform manner, so that the utility may restrict the construction of its underground electric distribution system to the areas in which houses are being constructed, then the utility may not require a deposit greater in amount than the charges calculated in accordance with this regulation, unless the Board permits the utility to require a larger amount.

## IN THIS ISSUE

- Department of Health  
Chapter 12. Air Pollution Control Code. 1 N.J.R. 15(d)
- NOTICE OF PROPOSED CHANGES IN RULES OF:
  - Department Banking & Insurance ..... 1 N.J.R. 11(a)
  - Department of Conservation and Economic Development ..... 1 N.J.R. 15(b)
  - Department of Conservation and Economic Development Water Policy and Supply Council ..... 1 N.J.R. 14(d)
  - Department of Health  
Public Health Council ..... 1 N.J.R. 12
  - Department of Institutions and Agencies  
Division of Public Welfare ..... 1 N.J.R. 13(a)
  - Department of Institutions and Agencies  
Division of Public Welfare ..... 1 N.J.R. 13(b)
  - Department of Institutions and Agencies  
Division of Public Welfare ..... 1 N.J.R. 14(c)
  - Department of Institutions and Agencies  
Division of Public Welfare ..... 1 N.J.R. 14(d)
  - Department of Labor and Industry  
Bureau of Engineering & Safety ..... 1 N.J.R. 11(b)
  - Department of Labor and Industry  
Bureau of Engineering & Safety ..... 1 N.J.R. 11(c)
  - Department of Labor and Industry  
Bureau of Engineering & Safety ..... 1 N.J.R. 11(d)
  - Department of Labor and Industry  
Bureau of Engineering & Safety ..... 1 N.J.R. 14(b)
  - Department of Law & Public Safety  
Police Training Commission ..... 1 N.J.R. 15(a)
  - Board of Public Utility Commissioners ..... 1 N.J.R. 9
  - Department of Treasury  
Division of Pensions ..... 1 N.J.R. 10(a)
  - Department of Treasury  
Division of Pensions ..... 1 N.J.R. 10(b)
  - Department of Treasury  
Division of Purchase & Property ..... 1 N.J.R. 15(c)

3. If the amount of the deposit is in excess of the charges under this regulation, then the deposit, without interest, shall be returned to the applicant, on a pro-rata basis, as each new customer in the subdivision completes his permanent service connection, except that any amount due the utility under this regulation may be withheld when the deposit is being returned to the applicant.

4. Any portion of a deposit remaining unrefunded 10 years from the date the utility is first ready to render service from the extension will be retained by the utility and credited to an appropriate account.

##### G. Cooperation by Applicant.

1. The charges specified in this regulation are based on the premise that each applicant will cooperate with the utility in an effort to keep the cost of construction and installation of the underground electric distribution system as low as possible.

##### H. Construction.

1. To the extent practicable, electric cables, communications cables, and gas pipes shall be installed in the same trench, care being taken to conform to any applicable Codes and utility specifications.

2. If the affected electric, telephone and gas companies, after careful consideration, conclude that it is un-economic or otherwise impracticable for any one or two of them to participate in the joint use of trench on a project, then they shall record the reasons for the decision and shall keep such record for periodic review by the Board.

##### I. Reports.

1. Each utility shall submit to the Board annually an engineering estimate of the current cost to it of constructing an underground electric distribution system and an overhead electric distribution system in a subdivision submitted to it by the Board. To implement the above, the Board will submit to each utility the same subdivision plat, together with certain uniform assumptions as to trenching and other construction features.

2. Each utility shall also report the amount of trench which it has shared with communication cable and/or gas pipe during the preceding year. The report shall also show the contributions per foot by it and by the collaborating telephone and/or gas companies for joint use of trench.

##### J. Special Conditions.

1. In unusual circumstances, when the application of this regulation appears impracticable or unjust to either party, or discriminatory to other customers, the utility or applicant shall refer the matter to the Board for special ruling or for the approval of special conditions which may be mutually agreed upon, prior to commencing construction.

##### K. Prior Regulations.

1. Except as otherwise provided herein, rules, regulations and standards heretofore promulgated with respect to the subject matter encompassed by this regulation are hereby superseded and revoked.

LP  
M.T.C. 7

## Board of Public Utilities—continued

REGULATION FOR RESIDENTIAL  
TELEPHONE UNDERGROUND EXTENSIONS

## A. Applicability.

- Extensions of telephone communication lines applied for after the effective date of this regulation, and necessary to furnish permanent telephone service to new residential buildings within a subdivision having five or more building lots, or to new multiple-occupancy buildings, shall be made underground. Such extensions of service shall be made by the utility in accordance with the provisions in this regulation.

## B. Definitions.

- The following words and terms, when used in this regulation, shall have the meaning indicated:

**Applicant** - the developer, builder or other person, partnership, association, corporation or governmental agency applying for the construction of an underground telephone communication system in a subdivision.

**Building** - a structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts and designed for single-family occupancy.

**Board** - Department of Public Utilities, Board of Public Utility Commissioners.

**Multiple-Occupancy Building** - a structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts and designed to contain five or more individual dwelling units.

**Subdivision** - the tract of land which is divided into lots for the construction of new residential buildings, or the land on which is constructed new multiple-occupancy buildings.

**Utility** - a "telephone company" as defined in N.J.S.A. 48:2-13.

## C. Rights of Way and Easements.

- Within the applicant's subdivision the utility shall construct, own, operate, and maintain underground communication lines only along public streets, roads, and highways which the utility has the legal right to occupy, and on public lands and private property across which rights of way and easements satisfactory to the utility may be obtained without cost or condemnation by the utility.
- Rights of way and easements suitable to the utility must be furnished by the applicant in reasonable time to meet service requirements and at no cost, must be cleared of trees, tree stumps and other obstructions at no charge to the utility, and must be graded to within six inches of final grade by the applicant before the utility will commence construction. Such clearance and grading must be maintained by the applicant during construction by the utility.

## D. Installation of Underground Communication System Within Subdivision.

- Upon receipt of a proper application the utility, at no charge, shall install an underground telephone communication system with suitable materials to assure that the applicant will receive safe, adequate and reasonable telephone service for the foreseeable future.

## E. Connection to Existing System.

- The connection from the existing telephone communication system to the underground system installed within the applicant's subdivision shall be made underground in accordance with the provisions of N.J.S.A. 48:2-27, Extension of Facilities, and with the provisions of the tariff of the utility on file with the Board.

## F. Advances by Applicant.

- The utility may require a reasonable deposit from the applicant before construction is commenced, in order to guarantee performance. The deposit, without interest, shall be returned to the applicant, on a pro-rata basis, as each new customer makes application for service.
- Any amount due the utility under the above may be withheld when the deposit is being returned to the applicant.
- Any portion of the deposit remaining unrefunded 10 years from the date the utility is first ready to render service from the extension will be retained by the utility and credited to an appropriate account.

## G. Cooperation by Applicant.

- Each builder or developer shall cooperate with the utility in an effort to keep the cost of construction and installation of the underground telephone communication system as low as possible.

## H. Construction.

- To the extent practicable, communications cables, electric cables, and gas pipes shall be installed in the same trench, care being taken to conform to any applicable Codes and utility specifications.
- If the affected telephone, electric and gas companies, after careful consideration, conclude that it is un-economic or otherwise impracticable for any one or two of them to participate in the joint use of trench on a project, then they shall record the reasons for the decision and shall keep such record for periodic review by the Board.

## I. Reports.

- Each utility shall submit to the Board annually an engineering estimate of the current cost to it of constructing an underground telephone communication system in a subdivision submitted to it by the Board. To implement the above, the Board will submit to each utility the same subdivision plat, together with certain uniform assumptions as to trenching and other construction features.
- Each utility shall also report the amount of trench which it has shared with electric cable and/or gas pipe during the preceding year. The report shall also show the contributions per foot by it and by the collaborating electric and/or gas companies for joint use of trench.

## J. Special Conditions.

- In unusual circumstances, when the application of this regulation appears impracticable or unjust to either party, or discriminatory to other customers, the utility or applicant shall refer the matter to the Board for special ruling or for approval of special conditions which may be mutually agreed upon, prior to commencing construction.

## K. Prior Regulations.

- Except as otherwise provided herein, rules, regulations and standards heretofore promulgated with respect to the subject matter encompassed by this regulation are hereby superseded and revoked.

Notice is also given that written comments, suggestions and recommendations concerning this regulation and any other proposals respecting any additions and modifications to the regulation are to be filed with the Board not later than November 21, 1969.

Public hearings will be held on:

Monday, December 1, 1969, at 10:00 A.M., Room 208, 101 Commerce Street, Newark, N. J. 07102, at which time and place comments, suggestions, recommendations, additions and modifications to the regulation, and evidence with respect thereto will be received for the record. The time and date of any subsequent hearing, if such a determined to be necessary, will be announced at the December 1 hearing. However, no notice of any such subsequent hearing will appear in the New Jersey Register. The regulation, when adopted and made effective, is intended to be applicable in lieu of any contrary provisions contained in existing tariffs on file with the Board or any Board Regulation.

After full consideration of all submissions respecting the proposed regulation, the Board of Public Utility Commissioners, upon its own motion or at the instance of any interested party, may thereafter adopt the regulation substantially as proposed without further notice.

Brendan T. Byrne, President  
Board of Public Utility Commissioners

(a)

NOTICE OF PROPOSED CHANGES IN THE  
RULES OF THE NEW JERSEY DIVISION OF  
PENSIONS, DEPARTMENT OF THE TREASURY

Notice is hereby given that William J. Joseph, Director, Division of Pensions, pursuant to the authority delegated to him in Chapter 169 of the Laws of 1969, proposes to revise, amend and repeal certain rules relating to the Pension Increase Program (N.J.A.C. 17:1-91 through 17:1-95) and to adopt certain new rules governing the Program as follows (additions in bold face type, thus; deletions indicated within brackets [thus]):

## 17:1-91. [EMPLOYER PAYMENTS:

Checks in payment of invoices rendered by the Division of Pensions to public employers for the amounts required to be appropriated for the increased benefits payable to eligible retirees shall be made payable to "State of New Jersey, Pension Increase Fund.]"

## EMPLOYER PAYMENTS; MULTIPLE ENROLEES:

The liability of the several employers in the case of multiple enrollees (a pensioner receiving benefits from a retirement system on the basis of several positions covered by the same system) will be prorated on the basis of the final salaries reported to the system prior to retirement.

## 17:1-92. EMPLOYER PAYMENTS; DELINQUENCIES:

The employer's failure to pay invoices within 30 days after [being notified of delinquency] the statutory due date will result in the suspension of payments of the [increased] adjusted benefits to [its] his eligible retirees on the first of the month 30 days later. The Division will inform all retirees of the reason for the suspension of payments. Retroactive adjustments will be made once the employer's appropriation has been paid.

## 17:1-93. [ELIGIBLE RETIRANTS:

Pension increases shall not be paid to retirees who are not currently receiving their regular retirement allowances or pensions.]

## AFFIDAVITS; TIMELINESS:

Affidavits prescribed for the payment of a cost-of-living adjustment shall be directed to eligible pensioners at the address to which their regular pension or retirement allowance is forwarded. The pensioner will have 30 days to complete the affidavit and return it to the Division. In the event the affidavit is not completed in full and returned in such timely manner, no cost-of-living adjustment will be paid with the initial check to be disbursed in the following

calendar year. However, the pensioner will have an opportunity to file the affidavit at any time during the course of that calendar year and may be entitled to retroactive adjustments to the first of that year.

In the event that the pensioner files contradictory affidavits during the year, the Director, in his discretion, may suspend the payment of any cost-of-living adjustment until the end of the calendar year and then provide for a disbursement of such adjustment for the retroactive period as he determines may be due to the pensioner or his beneficiary.

The Director, in his discretion, may suspend the payment of any cost-of-living adjustment until the end of the calendar year in the event a pensioner received a cost-of-living adjustment in a prior year to which he was not entitled on the basis of a subsequent affidavit.

## 17:1-93.1. AFFIDAVITS; PROOF REQUIRED:

In the event an affidavit is received from a pensioner as such is prescribed for the payment of a cost-of-living adjustment, and the affidavit is obviously incorrect, the pensioner may be requested to furnish proof supporting the affidavit, such as a copy of his income tax return or a statement from the Federal Social Security Administration pertaining to his ineligibility for the receipt of Social Security benefits.

## 17:1-93.2. AFFIDAVITS; DEATH WITHIN THE YEAR:

If a pensioner dies within the year, the determination of his entitlement to a cost-of-living adjustment on the basis of an affidavit previously filed for that year shall be determined at the rate of \$6,000 per annum.

## 17:1-94. WAIVER:

a.) Application for waiver in whole or part by a retiree who is eligible to receive the increased allowance shall be made at least 30 days prior to the desired effective date on a form prescribed by the Division of Pensions and shall be effective on the first day of a subsequent month.

b.) A waived benefit may be reinstated by application to the Division of Pensions at least 30 days prior to the reinstatement date and shall be effective on the first day of a subsequent month.

## 17:1-95. ACCRUED INCREASE; LIMITATIONS:

Upon the death of a retiree, [a proportionate share of the pension increase covering the number of days the retiree lived in the month of his demise,] any payments which were due to the deceased pensioner shall be paid to a named beneficiary as established in the records of the State-administered retirement system, or if there is no named beneficiary, to the retiree's estate, provided his regular retirement allowance or pension is likewise payable on a pro rata basis.]

Notice is hereby given that any interested person may present statements or arguments in writing, orally in person or by telephone, etc., relevant to the action proposed at 137 East State Street, Trenton, New Jersey, Telephone: (609) 292-3676, on or before 4 P.M., on November 20, 1969.

The Division of Pensions, upon its own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as above set forth without further notice.

William J. Joseph, Director  
Division of Pensions

(b)

NOTICE OF PROPOSED CHANGES IN THE  
RULES OF THE NEW JERSEY STATE  
HEALTH BENEFITS COMMISSION, DIVISION  
OF PENSIONS, DEPARTMENT OF  
THE TREASURY

Notice is hereby given that William J. Joseph, Secretary of the State Health Benefits Commission, pursuant to the authority delegated in N.J.S.A. 52:14-17.27, proposes to amend Section 20 (N.J.A.C. 17:9-20) of the rules of the State Health Benefits Program, to read as follows (additions indicated in bold face thus):

## 17:9-20. DEPENDENTS AND CHILDREN DEFINED:

"Dependents" shall mean an employee's spouse and the employee's unmarried children under the age of 23 years who live with the employee in a regular parent-child relationship.

The term "children" shall include stepchildren, legally adopted children and foster children who are wholly dependent upon the employee for support and maintenance. This includes children in a guardian-ward, legal relationship who are living with the employee.

"Living with" shall be defined so as to include children in the case of divorce who may not actually be living with the covered parent but where such parent is required to provide for the support and maintenance of such children and the parent's application for dependent coverage is documented by a copy of an appropriate court order.

Notice is also given that any interested person may present statements or arguments in writing, orally in person or by phone, relevant to the action proposed at 137 East State Street, Trenton, New Jersey, telephone (609) 292-3676, before 4:00 p.m., November 20, 1969.

After full consideration of all written or oral submissions respecting the proposed regulation, the New Jersey State Health Benefits Commission may thereafter adopt the regulation substantially as proposed and without further notice.

William J. Joseph, Secretary  
State Health Benefits Commission

(a)

**NOTICE OF ADOPTION OF A PROCEDURAL RULE OF THE NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE**

Notice is hereby given that the Commissioner of Banking and Insurance, pursuant to authority delegated in N.J.S.A. 17:1-8.1 and 8.4, has adopted the following procedural rule of the Department of Banking and Insurance:

In addition to any notice or hearing requirements as are provided for by statute and not inconsistent therewith, the following procedures shall be utilized, effective October 1, 1969, in connection with applications by banks, savings banks, and savings and loan associations for new charters, branch offices, interchange of offices, main office relocations, branch office relocations and any other such application involving the movement or establishment of offices:

1. Public hearings shall be held in every case where an objection is received from a bank, savings bank or savings and loan association, if the objector requests an opportunity to be heard, in writing.

2. Upon the receipt of an objection to an application, the Deputy Commissioner of the appropriate bureau shall acknowledge receipt thereof and, at the same time, the objector shall be advised that, if he has not already so requested, he has a right to a hearing upon a written request therefore. The objectors shall also be advised that such request shall be filed with the Department within 15 days after receipt of our notice of the right to be heard.

3. Upon request, an objector shall be given access to the data filed by the applicant, which is not in the nature of confidential information.

4. Upon the receipt by the Department of an application by a bank or savings bank, in addition to the notice required by statute, the Bureau of Banking shall notify savings and loan associations of the application by sending direct notice to the New Jersey Savings League. The League will then notify the associations having an interest in the application. Such notice to the League shall specify that upon objection by a particular association and a written request for a hearing from said association, a hearing will be scheduled and the concerned association will be given an opportunity to be heard. This notice to the League shall be sufficient in order to notify all associations. No direct notice to an individual association is required.

5. Upon the receipt by the Department of an application by a savings and loan association, in addition to the notice requirements required by statute, the Bureau of Savings and Loan shall notify the New Jersey Bankers Association and the Savings Banks Association. The associations will then notify the banks and savings banks of the application by sending direct notice to such banks and savings banks as might have an interest in the application. Such notice to the associations shall specify that upon objection by a particular bank or savings bank and a written request for a hearing from said bank or savings bank, a hearing will be scheduled and the concerned bank or savings bank will be given an opportunity to be heard. This notice to the associations shall be sufficient in order to notify all banks or savings banks and no direct notice to an individual bank or savings bank is required.

6. Upon receipt of a written request for a hearing, the appropriate bureau shall schedule a public hearing, at which time the objector shall have an opportunity to be heard and to cross-examine witnesses and to present its own witnesses, if it so desires.

7. In the event that no objection or request for a hearing is received by the Department, it shall be the Deputy Commissioner's duty to determine whether a hearing is appropriate in the particular case. This determination should be based upon the sufficiency of the data and material received and on file, relative to the appropriate statutory criteria by which the application must be judged. Thus, in the event that the Deputy shall find an insufficiency of material, he may require a hearing on the application.

8. In any case where a Deputy Commissioner or any other person is authorized by me to sit as a hearing officer for the purpose of taking testimony and receiving exhibits into evidence, regardless of the nature of the proceeding, the Deputy Commissioner or other person shall report his findings and conclusions to me, together with a recommendation as to the disposition of the matter. Such report shall be in writing and shall include, but need not be limited to, the following:

- (1) A statement of the nature of the application and the statutory authority for our approval or disapproval thereof.
- (2) A statement as to what notice was given and to whom.
- (3) A statement listing the objectors to the application and the nature of their objections.
- (4) A general statement as to the evidence submitted in support of and against the application.
- (5) A statement as to any legal requirements and whether they have been met.
- (6) A statement of the statutory criteria pursuant to which we issue an approval or denial of the application.
- (7) A statement of legal contentions and a resolution thereof.
- (8) A discussion of all of the pertinent evidence produced at the hearing, including a discussion of the basic facts which the Deputy Commissioner or other hearing officer accepts for the purpose of making his findings thereon and the reason such facts are accepted. Reasonable contentions made by the applicant or objector shall be discussed and, if rejected, the reasons for such rejection shall be set forth.
- (9) Factual and legal conclusions shall be stated in detail based upon all of the foregoing. A recom-

mendation shall be made as to whether to approve the application and why.

a. The report submitted to me shall simultaneously be submitted to all parties participating in the hearing. The parties shall be given 10 days from the receipt of such report within which to file with me, in writing, any exceptions they have thereto (the date of receipt of such report shall be established by an acknowledgement of receipt thereof to be included with the submission to the party and to be returned to the Department promptly).

b. Upon receipt of the report and the exceptions, if any, I shall then review the matter and issue a final determination affirming, modifying or rejecting the report and recommendation. This will constitute the final determination by the Department of Banking and Insurance on the matter heard.

9. Every such hearing shall be opened to the public unless, upon request by the Deputy Commissioner or other hearer, I shall determine that a private hearing would be in the public interest. Any interested party should, barring unusual circumstances, be allowed a reasonable opportunity to inspect all documentary evidence and to examine and cross-examine witnesses and to present proof in support of his position. Hearing procedures shall be in accord with N.J.S.A. 17:1-1 to 8.11 and the Administrative Procedure Act.

a. The extent of the testimony to be taken in a hearing where no objector is participating must be determined on the basis of the extent of information necessary to clarify whatever materials have been submitted by the applicant. In addition, the hearer should be sure that the record is clear and complete on all phases of the evidence submitted by the applicant in order to have a firm basis upon which to make the requisite statutory findings.

10. If any of the foregoing requirements are determined to be unreasonable or inapplicable in a specific instance, the Deputy Commissioner or other hearing officer shall communicate this fact to me and a decision will be made as to whether to deviate from said procedure.

Horace J. Bryant, Jr., Commissioner  
Department of Banking and Insurance

(b)

**NOTICE OF PROPOSED CHANGES IN THE RULES OF THE NEW JERSEY BUREAU OF ENGINEERING AND SAFETY,****DEPARTMENT OF LABOR AND INDUSTRY**

Notice is hereby given that the Commissioner of Labor and Industry, pursuant to the authority delegated in N.J.S.A. 34:6A-9, the Worker Health and Safety Act, proposes to adopt Chapter 111 of Title 12, N.J.A.C., Registration (formerly designated as Proposed Safety Regulation No. 13).

The purpose of this Chapter is to implement the provision of the Worker Health and Safety Act that "The Commissioner shall have the power and authority to require that places of employment be registered with the Department; and that places of employment established subsequent to the effective date of this act be registered with this Department before the commencement of business." The Chapter specifies the places of employment which are required to be registered and those which are not required to be registered and establishes administrative requirements. This Chapter does not make any substantial change in established practice but merely provides formal rules to continue established practice.

A copy of this proposed Chapter may be obtained without charge upon written request addressed to: Department of Labor and Industry, Bureau of Engineering and Safety, Post Office Box V, Trenton, New Jersey 08625.

Notice is also given that any interested person may present statements or arguments orally or in writing relevant to the proposed action at a public hearing in Room 1208, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey, at 10 a.m. Tuesday, December 2, 1969.

Any person wishing to present statements or arguments will be required to give his name and address. Any person who wishes to present statements or arguments on behalf of any organization must present written evidence that he is authorized to represent such organization. A verbatim transcription of testimony will be made by a certified court reporter. Any person desiring a copy of the transcript may make arrangements with the reporter to purchase a copy.

The above Chapter, as so proposed or as changed by the Commissioner after the public hearing, may be promulgated by the Commissioner 90 days following delivery to the Industrial Safety Board, to be effective on such date as the Chapter shall provide, unless disapproved by a majority of the Board and if so disapproved such Chapter shall not become effective. The Commissioner will call a meeting of the Industrial Safety Board for the purpose of discussing the proposed Chapter and disapproval shall be by a vote of the majority of the members of the Board.

The Commissioner proposes to adopt this Chapter to be effective July 1, 1970.

Raymond F. Male  
Commissioner of Labor and Industry

(c)

**NOTICE OF PROPOSED CHANGES IN THE RULES OF THE NEW JERSEY BUREAU OF ENGINEERING AND SAFETY,****DEPARTMENT OF LABOR AND INDUSTRY**

Notice is hereby given that the Commissioner of Labor and Industry, pursuant to the authority delegated in N.J.S.A. 34:6A-9, the Worker Health and Safety Act, pro-

poses to repeal Chapter 145 of Title 12, N.J.A.C., Safeguarding of Mechanical Power Transmission Apparatus (formerly designated as Safety Regulation No. 4), and to adopt a new Chapter 145 of Title 12, N.J.A.C., Mechanical Power Transmission Guarding, (formerly designated as Proposed Regulation No. 75).

The purpose of this new Chapter is to establish reasonable requirements to protect the life, health and safety of employees. More specifically the purpose of this new Chapter is to establish reasonable safeguards against injury to employees who use or may come into proximity to mechanical power transmission equipment. This new Chapter is necessary to implement the purposes of the Worker Health and Safety Act. This new Chapter provides for prime mover guards; guards for mechanical power transmission equipment including shafting, pulleys, belt drives, rope drives, chain drives, gears, friction drives, couplings and bearings; requires starting and stopping devices; provides detailed requirements for guards; and establishes operating rules.

A copy of the proposed Chapter may be obtained without charge upon written request addressed to the Department of Labor and Industry, Bureau of Engineering and Safety, Post Office Box V, Trenton, New Jersey 08625.

Notice is also given that any interested person may present statements or arguments orally or in writing relative to the proposed action at a public hearing in Room 1208, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey at 10 a.m. Tuesday, December 2, 1969.

Any person wishing to present statements or arguments will be required to give his name and address. Any person who wishes to present statements or arguments on behalf of an organization must present written evidence that he is authorized to represent such organization. A verbatim transcription of testimony will be made by a certified court reporter. Any person desiring a record of the transcript may make arrangements with the reporter to purchase a copy.

The proposed new Chapter, as so proposed or as changed by the Commissioner after the public hearing, may be promulgated by the Commissioner 90 days following delivery to the Industrial Safety Board, to be effective on such date as the new Chapter shall provide, unless disapproved by a majority of the Board and if so disapproved such rule shall not become effective. The Commissioner will call a meeting of the Industrial Safety Board for the purpose of discussing the proposed new Chapter and disapproval shall be by vote of the majority of the members of the Board.

The Commissioner proposes to adopt this new Chapter to be effective July 1, 1970.

Raymond F. Male  
Commissioner of Labor and Industry

(d)

**NOTICE OF PROPOSED CHANGES IN THE RULES OF THE NEW JERSEY BUREAU OF ENGINEERING AND SAFETY,****DEPARTMENT OF LABOR AND INDUSTRY**

Notice is hereby given that the Commissioner of Labor and Industry, pursuant to the authority delegated in N.J.S.A. 34:6A-9, the Worker Health and Safety Act, proposes to adopt Chapter 116 of Title 12, N.J.A.C., Maintenance, Construction and Demolition (formerly designated as Proposed Safety Regulation No. 32).

The purpose of this Chapter is to establish reasonable requirements to protect the health and safety of employees performing maintenance, construction, demolition or repair work, in places of employment subject to the Worker Health and Safety Act. This Chapter is necessary to implement the purposes of the Worker Health and Safety Act. This Chapter establishes standards of safety in demolition work; excavations and bracing of excavations; structural steel erection; the construction and use of forms, shores and reshores in concrete work; the safe construction and use of ladders and ladderways, scaffolds, rigging, ropes and chains, equipment for handling and hoisting materials, workmen's elevators, heating equipment and fuels, pile drivers, mixing machines, and explosive powder actuated tools.

A copy of the proposed Chapter may be obtained without charge upon written request addressed to the Department of Labor and Industry, Bureau of Engineering and Safety, Post Office Box V, Trenton, New Jersey 08625.

Notice is also given that any interested person may present statements or arguments orally or in writing relevant to the proposed action at a public hearing in Room 1208, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey, at 10 a.m. Tuesday, December 2, 1969.

Any person wishing to present statements or arguments will be required to give his name and address. Any person who wishes to present statements or arguments on behalf of an organization must present written evidence that he is authorized to represent such organization. A verbatim transcription of testimony will be made by a certified court reporter. Any person desiring a record of the transcript may make arrangements with the reporter to purchase a copy.

The proposed Chapter, as so proposed or as changed by the Commissioner after the public hearing, may be promulgated by the Commissioner 90 days following delivery to the Industrial Safety Board, to be effective on such date as the Chapter shall provide, unless disapproved by a majority of the Board, and if so disapproved such Chapter shall not become effective. The Commissioner will call a meeting of the Industrial Safety Board for the purpose of discussing the proposed Chapter and disapproval shall be by vote of the majority of the members of the Board.

The Commissioner proposes to adopt this Chapter to be effective July 1, 1970.

Raymond F. Male  
Commissioner of Labor and Industry

**NOTICE OF PROPOSED CHANGES IN THE  
RULES OF THE NEW JERSEY  
PUBLIC HEALTH COUNCIL,  
DEPARTMENT OF HEALTH**

Notice is hereby given that the Public Health Council, pursuant to authority delegated in N.J.S.A. 26:1A-7, proposes to amend Chapter X of the State Sanitary Code concerning collecting, processing, storage and distribution of blood to read as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]).

**SECTION 3 — LICENSURE AND INSPECTION**

**Regulation 3.1 Initial Licensure**

(a) Application for an initial license to conduct a blood bank, as required under the provisions of Chapter 33, P.L. 1963, commonly known as the Blood Bank Licensing Act, shall be made on forms provided for that purpose by the State Department of Health.

In administering the Blood Bank Licensing Act, the State Department of Health will seek the advice and recommendations of the [New Jersey Blood Bank Commission.] New Jersey Blood Bank Association.

**Regulation 3.2 Inspection**

Blood bank facilities and operations shall be made available for inspection upon request by any authorized representative of the State Department of Health. Reports of inspections of blood banks made by the [National Institutes of Health] U. S. Public Health Service or the American Association of Blood Banks may be accepted by the State Department of Health for purposes of approving and issuing renewal of licenses.

**SECTION 4 — MEDICAL DIRECTOR**

**Regulation 4.1**

All phases of collection, processing, storage and distribution of human blood, plasma and serum constituting the practice of medicine or surgery shall be under the supervision of a qualified physician to be known as the medical director. The director shall be a duly licensed physician of this State or otherwise authorized to practice medicine in this State and [having specialized knowledge of blood banking methods.] be of high moral character and subscribe to a good ethical practice.

**Regulation 4.2**

The medical director shall have specialized knowledge of blood banking methods including the collection, preparation, storage, processing and distribution of whole blood and blood and plasma components. Knowledge of processing must include grouping and typing of all major blood systems, antibody detection and identification, crossmatching procedures and serological testing.

**SECTION 5 — PERSONNEL**

**Regulation 5.1**

Blood banks shall have adequate and qualified personnel and administrative staffs to perform [properly] all phases of blood banking in an acceptable fashion. Clinical laboratory personnel, nurses, and technical aides shall be suitably trained and supervised in the performance of their prescribed tasks. All personnel shall be of high moral character.

**SECTION 7 — RECORDS**

**Regulation 7.1**

Suitable typewritten or ink records shall be maintained for a period of not less than 10 years which provide all data secured and developed by blood banks concerning donor identification, qualification and registration, as well as the processing, storage, and distribution of blood and plasma as required by the provisions of this Chapter of the State Sanitary Code. A numerical or code system shall be assigned to and identify the unit of blood of a donor in all stages of processing.

**Regulation 7.2**

The identification system employed should make it possible to trace at any time a unit of any blood or blood component from its source to its final disposition.

**Regulation 7.3**

Records of all reported and investigated transfusion reactions must be maintained in accordance with current suggested standards of the American Association of Blood Banks.

**SECTION 8 — DONOR IDENTIFICATION,  
QUALIFICATION, MEDICAL HISTORY,  
PHYSICAL EXAMINATION, BLEEDING LIMITATIONS**

**Regulation 8.1 Donor Identification**

Blood donors shall be identified by a comparison of their signature at the time of donation with any document issued by a County, State or Federal agency which contains donor's name and signature, or with their signature or photograph on a donor card previously issued by the same blood bank. The source of identification shall be written on the donor registration card referred to in Regulation 7 hereinabove at the time of each blood donation. Additional means of donor identification may be required if the donor identification prescribed above is found to be inadequate to [properly] protect public health.

**Regulation 8.3 Medical History**

A medical history shall be obtained and recorded of all donors. Blood shall not be drawn from a donor who, by history or other evidence, has:

(d) Undulant fever, malaria or syphilis [(Prospective donors who have had either a clinical attack or suppressive therapy less than 2 years but more than 6 months before may be accepted for donations to be used as plasma or plasma fractions. In the latter case, the bottle and donor

registration card must be marked "For Plasma or Fractionation Only.");] (Blood from donors with a history of malaria within 20 years or exposure in the preceding year (two years if suppressive therapy for malaria had been employed) may be used for plasma fractionation only and the container labels and donor records must so indicate.);

**Regulation 8.4 Physical Requirements**

Blood banks may accept blood from donors who:  
(b) [are between the ages of 18 and 60—date of birth recorded:] are 18 years of age or older but who have not yet had their 66th birthday. Birth date of donors must be recorded;

**Regulation 8.6 Autologous Transfusion**

Donor qualifications for autologous transfusion may vary from standard donor criteria, but this entire procedure must be arranged by direct consultation between the blood bank medical director and the donor-patient's private physician. The usual blood bank records and labeling must be supplemented by additional pertinent information.

**Regulation 8.7 Immunized Donors**

The collection, processing, storage and distribution of blood, plasma or serum drawn from immunized donors shall be in accord with regulations of the U.S. Public Health Service and recommendations of the American Association of Blood Banks and meet with the approval of the State Department of Health.

**SECTION 9 — COLLECTION OF BLOOD**

**Regulation 9.5 Blood Containers**

Containers for citrated whole blood (human) and packed or resuspended red cells (human) used by licensed establishments, whether glass or plastic, shall be identified by the manufacturer's lot numbers and shall be sterile and pyrogen-free. The containers shall be sufficiently colorless and transparent to permit visual inspection of the blood. They shall be provided with closures which maintain an hermetic seal and prevent contamination of the contents. The container and the closure shall not interact with the contents under customary condition of storage and use. The anticoagulant solution shall be sterile, pyrogen-free and prepared according to accepted [National Institutes of Health] U. S. Public Health Service standards, stated as (Acid-Citrate-Dextrose) Formula A, ACD—Formula B, or Heparin Solution, with the volume of anticoagulant contained in each unit and the amount of blood to be added at the time of collection. No other variations in type or quantity of anticoagulant solutions are permissible unless approved for such use by the [National Institutes of Health.] U. S. Public Health Service.

**Regulation 9.8 Plasmapheresis and Serumpheresis**

Blood banks wishing to employ these techniques shall file a request in writing with the State Department of Health. Such techniques may be employed upon receipt of written approval from the Department. The procedures used shall be in accord with regulations of the U.S. Public Health Service and the recommendations of the American Association of Blood Banks and meet with the approval of the State Department of Health and shall include as a minimum the following:

(a) Within one week prior to the first plasmapheresis or serumpheresis, the donor shall be examined and certified to be in good health by a licensed physician on the premises.

(b) A qualified physician on the premises shall supervise the performance of these procedures, including the reinfusion of red cells. Records shall be made and maintained of the major pertinent elements of each donor's physical condition.

(c) Before a second plasmapheresis or serumpheresis is performed, laboratory tests shall be done on samples of the donor's plasma or serum to determine that the protein level and ratio of the various protein components, as shown by electrophoresis, fall within normal limits. A donor shall not serve as a source of plasma or serum while there is any significant change in his health, or in the values of these initial determinations. Periodic determinations shall be made as frequently as necessary to monitor these evaluations.

(d) No more than 1200 ml. of plasma or serum may be removed from a donor in a seven day period, and no more than 600 ml. of plasma or serum in a 48 hour period.

**Regulation 9.9 Frozen Blood and Blood Components**

The collection, processing, storage and distribution of frozen blood and blood components shall be in accord with the regulations of the U. S. Public Health Service and the recommendations of the American Association of Blood Banks and meet the approval of the State Department of Health. Blood Banks providing frozen blood and blood components shall:

(a) supply an information circular with each product explaining its proper indications and usage (thawing, dosage, lability, side reactions, hazards, etc.);

(b) provide accurate expiration dates and hours on the container label for all blood and plasma components;

(c) provide visible means of determining if the container has been thawed and refrozen at any time after its initial preparation, such as a frozen indentation of characteristic appearance;

(d) not accept back for redistribution frozen blood, or frozen or labile plasma components, if the units have been thawed or expired.

**SECTION 10 — PROCESSING OF BLOOD**

**Regulation 10.3 Determination of Blood Group**

Each container of blood shall be properly identified and labeled as to its blood group. Each collection, regardless of previous donor records, shall be tested by a direct grouping of donor cells using known Anti-A and Anti-B sera, and by an indirect serum grouping using a known pool of fresh A and a known pool of fresh B cells. The two methods of testing shall be recorded and be in complete agreement before any label or release can be effected for the unit of blood. All Anti-A and Anti-B sera shall meet the [National Institutes of Health Minimum Requirements.] U. S. Public Health Service minimum requirements, and the procedures used shall follow the manufacturer's direction.

**Regulation 10.4 Determination of Rh Type**

Each container of blood shall be classified as to Rh type. The extent of the typing and the results shall be clearly recorded on the label of each unit of blood. An Rh typing is usually performed first. If positive, the blood shall be labeled as "Rh Positive when tested for Rho (D)." All blood negative for Rho shall be further tested for Du, rh' (C) and rh" (E) with individual or combined CDE anti-sera using appropriate suspensions and Coombs technique, or other equivalent test as may be approved by the State Department of Health. If all tests are clearly negative, the blood shall be labeled as "Rh negative when tested for Rho, rh', rh" and Du (CDE)." If blood is Du positive with or without other factors being present, the label of the blood container shall clearly state this and the blood shall be classified as "Rh positive" for transfusion purposes. Only Rh anti-sera meeting [National Institutes of Health Minimum Requirements] U. S. Public Health Service minimum requirements for these products shall be used, and the technique of typing shall be that recommended by the manufacturer.

**Regulation 10.7 Antibody Detection and Identification**

Each container of blood shall be tested for irregular antibodies using a broad spectrum screening cell meeting U. S. Public Health Service minimum requirements. The technique employed shall be that recommended by the manufacturer and also include the anti-human-globulin test. Results of these tests shall be clearly indicated on the container. Screening procedures must employ fresh serum not older than 48 hours. All detected antibodies should be identified if possible.

**Regulation 10.8 Compatibility Tests**

(a) The major crossmatch, which is the test for compatibility of the donor cells and recipient serum, is required and shall be performed before administration of blood, except where delay may result in loss of life. The minor crossmatch, a compatibility test of recipient cell and donor serum, may be omitted provided the donor's serum is adequately tested for irregular antibodies. All recipient sera should be screened for irregular antibodies and, when detected, identified by the same techniques described in Regulation 10.7.

(b) The major crossmatch shall include tests in (1) saline or serum and (2) Coombs systems. The Coombs serum shall meet with U. S. Public Health Service standards and shall be used according to the manufacturer's directions.

(c) In addition, compatibility tests employing albumin or enzyme systems may be employed.

**SECTION 11 — STORAGE AND DISTRIBUTION**

**Regulation 11.4 Sterility Testing**

Sterility testing shall be performed at regular intervals and not less than once monthly. Such tests shall not be done on blood intended for transfusion. Each month, at least one container of normal appearing blood shall be tested between the 18th and 24th day after collection. Culture techniques shall be in accordance with the standards of the [National Institutes of Health] U. S. Public Health Service to the extent that at least 10 ml. of blood be placed into ten times this volume of thioglycollate broth media and incubated at 30°—32°C., or at both [1°—4°C.] 18°—22°C. and 35°—37°C. for a period of 7-10 days. Cultures should be examined visually for growth every day, and subcultured in the same type media on the third, fourth or fifth days. Permanent records shall be kept of these tests and the results.

Notice is also given that any interested person may present statements or arguments orally or in writing relevant to the proposed action at a public hearing to be held in the auditorium of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey at 10:30 a.m. December 1, 1969.

The Public Health Council, upon its own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as above set forth without further notice.

John J. Cane, D.D.S.  
Chairman  
Public Health Council

(a)

**NOTICE OF PROPOSED CHANGES IN THE RULES OF THE DIVISION OF PUBLIC WELFARE, DEPARTMENT OF INSTITUTIONS AND AGENCIES**

Notice is hereby given that Lloyd W. McCorkle, Commissioner, Department of Institutions and Agencies, pursuant to the authority delegated in N.J.S.A., Title 44, Chapters 7, 10 and 11, proposes to amend the Bureau of Assistance Manual of Administration as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

Section 2253.2 - Amend to read:

**2253.2 Eligible Private Institutions**

**d. Approved Boarding Homes for Sheltered Care**

**1) Board and Care**

**a) Eligibility**

Applicants and recipients who are purchasing or who plan to purchase shelter in a boarding home offering room, board and personal services to four or more adults unrelated to the operator, are eligible to receive assistance provided the home is an eligible home in that it has been approved by the Department. (Bureau of Community Institutions)

**b) Medical Certification Requirement**

The operators of approved boarding homes are held responsible by the Bureau of Community Institutions of the Department for having on file for each guest from the time of admission a medical certification. This certification is "A written statement signed by a licensed physician stating that the boarder is free from communicable disease, and is not in need of nursing . . ." The phrase "not in need of nursing" means that the individual is not a "patient," i.e., the individual must "not be bedfast, chairfast, must be able to negotiate stairs unassisted, and must be reasonably well-oriented." The above quotations are from the Manual of Standards of the Bureau of Community Institutions.

In order to comply with this requirement and thereby avoid penalties, the operator must require that any sponsor of the individual being placed in the boarding home produce the medical certification. Therefore, when CWB is the sponsor, it shall extend full cooperation to the operator by assisting the client to secure such certification. Any physician's fee, or other authorized medical service incident to securing the medical certification, is a valid assistance expenditure and shall be paid by CWB when not otherwise available without cost to the client.

**c) Eligibility in Other Boarding Facilities**

Boarding homes which serve less than four adults unrelated to the operator, or which, while serving four or more adults provide no personal services beyond room and board are not subject to Department approval and do not come within the meaning of an institution. Residents of such homes [are] may be eligible to receive assistance.

**d) Maximum Allowable Rates**

The appropriate maximum allowable rates for board and care are provided in Budget Manual Appendix II 4.

Section 2520, Appendix II 4.

Section 2520 - Amend to read:

**2520 Changes in Need While Assistance is Being Received**

**1. General Policy**

When a change in the circumstances of the recipient results in an authorized adjustment upward or downward in the amount of the assistance payment, the effective date of such adjustment shall be as of the first day of the next regular payment following the date the change in circumstances was reported to or identified by the county welfare board.

**2. Undue Hardship Cases**

Under certain situations which, in the judgment of the county welfare board, would otherwise result in undue hardship to the client, additional payment(s) supplementing the last regular payment may be issued during the current payment period for any of the reasons listed in Budget Manual 607.2 b.

The following appendices in the Manual of Administration are repealed:

Chapter 2200, Appendix III-A—Reciprocal Agreement with New York (Old Age Assistance).

Chapter 2200, Appendix III-B—Reciprocal Agreement with Wisconsin (OAA and AB).

Chapter 2200, Appendix III-C—Reciprocal Agreement with Pennsylvania (Assistance for the Blind).

Chapter 2200, Appendix III-C—Reciprocal Agreement with Pennsylvania (Assistance for Dependent Children).

Chapter 2200, Appendix III-D (2)—Reciprocal Agreement with Delaware (AB).

Notice is also given that any interested person may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625, on or before November 20, 1969.

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

Lloyd W. McCorkle, Commissioner  
Department of Institutions and Agencies

(b)

**NOTICE OF PROPOSED CHANGES IN THE RULES OF THE DIVISION OF PUBLIC WELFARE, DEPARTMENT OF INSTITUTIONS AND AGENCIES**

Notice is hereby given that Lloyd W. McCorkle, Commissioner, Department of Institutions and Agencies, pursuant to the authority delegated in N.J.S.A. 30:4B-2, proposes to amend the New Jersey Food Stamp Plan of Operation Manual as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

Section IV — Amend to read:

**IV. Eligibility Standards**

**A. Households Eligibility**

Eligibility for the Food Stamp Program shall be determined on the basis of households. Household means a group of related or non-related individuals, who are not residents of an institution or boarding house, but who are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common. It shall also mean a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption. In order to participate in the Food Stamp Program, the household must reside in the project area.

**B. Categorical Assistance Household**

A categorical assistance household is a household in which all members of the household are recipients of categorical assistance (OAA, ADC, AD, AB). Such households shall be eligible for participation in the program regardless of income, provided they reside in a designated area and that they prepare and cook their own food in their homes. This definition shall also include those households in which the only non-assistance members are foster children. For the purpose of this program, MAA is not considered a federally aided program.

C. See Exhibit E for treatment of households containing recipients of general assistance.

**D. Other Low Income Households**

1. All "Other Low Income Households" may be eligible for participation in the Food Stamp Program providing they meet the eligibility requirements set forth in Exhibit A of this Plan and providing that they reside in a designated area.

2. In households comprised of categorical assistance recipients and individuals who are not recipients of categorical assistance, eligibility for the Food Stamp Program shall be determined in accordance with the method prescribed in (1) above for "Other Low Income Households."

Section V - Amend to read:

**V. Certification and Re-certification**

Certification and re-certification for eligibility and participation in the Food Stamp Program will be on a household basis.

**A. Consolidation of Households**

1. Categorical Assistance Households  
Categorical assistance recipients' case records, by regulation, identify all persons in the household; individuals receiving public assistance, by program, and individuals not receiving assistance. All case records shall be reviewed to consolidate households into categorical assistance households and "other low income households" for determining eligibility, and for certification and participation in the Food Stamp Program.

**2. Other Low Income Households**

Other applicants shall be consolidated on the basis of information provided at the time of application and from case files when such exist.

**B. Application of Households**

1. Categorical Assistance Households  
For purposes of an initial certification caseworkers shall review the records of all cases to classify households and determine eligibility for the Food Stamp Program. Categorical assistance households determined to be eligible for participation in the program shall be automatically certified. Such households shall be notified by letter of their eligibility for participation in this program.

After the initial certification, categorical assistance households shall make application to their caseworker for participation in this program.

**2. Other Low Income Households**

Applicants for other low income households shall be taken by caseworkers assigned the responsibility for taking applications under the Food Stamp Program. Municipal welfare directors shall refer general assistance recipients to such caseworkers to determine eligibility and certification to this program.

Categorical assistance and general assistance applicants who are living in a household classified as an "other low income household" and all applicants who are not receiving public assistance shall be informed by the caseworker as to the procedures for application, certification and participation in the Food Stamp Program.

**C. Verification and Documentation of Information**

**1. Categorical Assistance Households**

The information to determine eligibility of categorical assistance households for the program will be obtained from the recipients' case records.

**2. Other Low Income Households**

At the time of application, such households shall be required to furnish all necessary information and documentation to establish eligibility. The applicant will be required to furnish documentary proof of address, household income, and assets. Case files will be reviewed to verify information shown on an application when such files exist. Household composition and cooking facilities will be verified at the time of home visits. All information and documentation will be recorded on Food Stamp Program records at the time of certification, including the name and age of all household members and their relationship to the head of the household. (Applications will be considered pending until all necessary documentation is provided by applicant or until a field visit can be made to obtain the necessary documentation.)

**D. Preliminary Certification Pending Verification**

A preliminary certification authorizing one month's issuance of coupons may be made pending the completion of any necessary post-interview verifications if in the judgment of the certifying agency:

1. Available information indicates the household will be eligible when necessary verifications are completed.

2. Failure to certify would result in a hardship. Necessary verifications and adjustments in the household's basis of issuance shall be completed before the second month's issuance is made.

**E. [D.] Post Application Check**

Verification of information obtained at the time of certification or recertification of other low income households will be made by home visits in a representative number of households each month.

**F. [E.] Re-certification**

**1. Categorical Assistance Households**

The certification of these households shall be valid as long as such households continue to receive benefits under the assistance program in effect at the time of certification. Whenever reviews of eligibility for assistance for such households are made, a review of eligibility for the Food Stamp Program shall also be made. In addition, such households shall be re-certified, whenever changes in household size, composition, income, or other factors could result in a change in the value of the household's coupon allotment or the cash amount the household shall pay for its coupon allotment.

**2. Other Low Income Households**

Other low income households' eligibility for participation shall be reviewed every three months, except in those situations which indicate the need for a more frequent review and certification. In those households where the sole source of income is from a pension, Old Age or Survivors Disability Insurance, an annuity, etc., occurring on a regular and predictable basis, subsequent re-certification may be extended for periods up to six months. Households consisting of unemployed persons with very stable income from retirement, disability payments, or similar sources may be certified and re-certified every twelve months.

For the purpose of equalizing the re-certification caseloads, other low income households may be initially certified for a two, three or four month period. Thereafter, re-certification shall be on a three month basis unless more frequent reviews are indicated or the basis for a six month review has been established. Each review shall include a review of all factors essential to eligibility for this program.

**G. [F.] Authorized Representatives and Proxies**

**1. Head of Household**

For the purposes of this program, the head of the household shall be the individual in whose name the application is made for participation as a recipient in the Food Stamp Program. In many instances, in categorical assistance households the head of the household will be the same individual to whom the assistance payment is made. Similarly, in other low income households, the designated head of the household will usually be the same individual who is responsible for the financial support of the household.

**2. Authorized Representatives and Proxies**

The head of the household may designate other members of the household to act as an authorized representative on his behalf for purchasing and using the coupons. For purchase of coupons, the authorized representatives shall be limited to the head of the household, his or her spouse and one other adult member of the household. (An adult member of the household is an individual age 18 or over.)

In situations due to illness or infirmity, and when there is no other adult available to perform this service within the household, the head of the household, may designate as an authorized proxy an individual who is not a member of the household. A proxy may not act in behalf of more than one household.

Division of Public Welfare—continued

H. [G.] Safeguards

All information pertaining to applications for participation in the Food Stamp Program shall be deemed to be confidential and privileged, in accordance with the regulations for confidentiality in the categorical assistance programs.

EXHIBIT A — Add new subheading to read:

H. Eligibility Procedure and Basis of Issuance for other low income households with a foster child (children).

1. The foster child (children) and the income that he (they) brings to the household may be disregarded.
2. Once determined to be eligible, the coupon basis of issuance shall be computed by including the foster child (children) as a member of the household and counting the income the child (children) brings to the household.

Notice is also given that any interested person may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625, on or before November 20, 1969.

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

Lloyd W. McCorkle, Commissioner  
Department of Institutions and Agencies

(a)

NOTICE OF PROPOSED CHANGES IN THE RULES OF THE DIVISION OF PUBLIC WELFARE, DEPARTMENT OF INSTITUTIONS AND AGENCIES

Notice is hereby given that Lloyd W. McCorkle, Commissioner, Department of Institutions and Agencies, pursuant to the authority delegated in N.J.S.A. 30:4B-2, proposes to revise the New Jersey Food Stamp Manual, to read as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):  
Section 104 — Amend to read:

104 Household

- 2 Categorical Assistance Household
  - a. A household in which all members of the household are recipients of categorical assistance programs other than MAA.
  - b. A household in which the only non-assistance members are foster children.
- 3 Certification and Recertification
  - a. Categorical Assistance Households  
Certification of categorical assistance households shall be valid as long as such households continue to be eligible for and receive assistance under the categorical assistance program(s) for which the members were receiving benefits at the time of certification. (Unless c. below is applicable.)
  - b. Other Low Income Households  
[Eligible Other Low Income Households shall be certified for participation in Food Stamp Program for three months and shall be recertified for participation every three months thereafter, except in situations where the household income is from OASDI, pensions, etc., certification and recertification may be made for a six-month period. (Unless c. below is applicable.)]  
Other low income households' eligibility for participation shall be reviewed every three months, except in those situations which indicate the need for a more frequent review and certification. In those households where the sole source of income is from a pension, Old Age or Survivors Disability Insurance, an annuity, etc., occurring on a regular and predictable basis, subsequent re-certification may be extended for periods up to six months. Households consisting of unemployable persons with very stable income from retirement, disability payments, or similar sources may be certified and re-certified every twelve months. (Unless c. below is applicable.)
  - c. Whenever there is a change in income, household size or composition, living arrangements, or any other factor affecting eligibility of either categorical assistance or other low income households for this program, the case shall immediately be reviewed and recertified, if eligible, for the Food Stamp Program.
  - d. Preliminary Certification Pending Verification  
A preliminary certification authorizing one month's issuance of coupons may be made pending the completion of any necessary post-interview verifications if in the judgment of the certifying agency:
    1. Available information indicates the household will be eligible when necessary verifications are completed.
    2. Failure to certify would result in a hardship. Necessary verifications and adjustments in the household's basis of issuance shall be completed before the second month's issuance is made.

Section 207 - Amend to read:

207. Income From Certain Programs Authorized by or Financed Under The Economic Opportunity Act of 1964 and the Work Incentive Program (WIN).

The following income may be disregarded for purposes of [the Food Stamp Program] establishing eligibility and the basis of coupon issuance.

1. Income earned by a member of the household by reason of his enrollment in the Neighborhood Youth Corps (Title I, Part B of the Economic Opportunity Act).
2. [Any portion of a grant made to a household under the Work Experience Training Program (Title V of the Economic Opportunity Act) which was included as a budgeted need to meet special costs incurred by reason of participation in such training program.]  
The amount of incentive payments made to enrollees under the second priority of the Work Incentive Program; i.e., enrollees in institutional or work-experience training.

Section 212 - Amend to read:

212. Eligibility Procedure and Basis of Issuance For Other Low Income Households with Foster Children.

- a. To establish eligibility, the foster child and the income that it brings to the household may be disregarded.
- b. Once determined to be eligible, the coupon basis of issuance shall be computed by including the foster child as a member of the household and counting the income the child brings to the household.

Notice is also given that any interested person may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625, on or before November 20, 1969.

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

Lloyd W. McCorkle, Commissioner  
Department of Institutions and Agencies

(b)

NOTICE OF PROPOSED CHANGES IN THE RULES OF THE NEW JERSEY BUREAU OF ENGINEERING AND SAFETY, DEPARTMENT OF LABOR AND INDUSTRY

Notice is hereby given that the Commissioner of Labor and Industry, pursuant to the authority delegated in N.J.S.A. 34:6A-9, the Worker Health and Safety Act, proposes to revise the foreword, and sections 1.2, 1.3, 2, 3.1, 3.12, and 4.6 of Chapter 110 of Title 12, N.J.A.C., Plan Filing (formerly designated as Safety Regulation No. 30).

The general purpose of this revision is to establish reasonable requirements and standards to protect the life, health and safety of employees. More specifically the purpose of this revision is to enlarge the scope of Chapter 110 of Title 12, N.J.A.C. so that it applies not only to manufacturing establishments but to all places of employment subject to the Worker Health and Safety Act. This revision is necessary to implement the purposes of the Worker Health and Safety Act.

Chapter 110 of Title 12, N.J.A.C., Plan Filing (formerly designated as Safety Regulation No. 30), which became effective July 1, 1969, is hereby revised as follows:

FOREWORD: Delete last paragraph.

SECTION 1.2 — Revise to read:

1.2 Scope

- 1.2.1 This regulation shall apply to plan filing for all places of employment subject to the Worker Health and Safety Act, N.J.S.A. 34:6A except as provided in 1.2.2.
- 1.2.2 This regulation shall not apply to the exceptions for the various projects listed in Section 3.

SECTION 1.3 — Add new section to read:

1.3 Effective Date

- 1.3.1 The effective date of this rule shall be July 1, 1970.

SECTION 2 — Definitions — Revise as follows:

BUILDING CODE OF THE BUREAU	— N.J.A.C. 12:115— Building Code
MANUFACTURING ESTABLISHMENTS	— Delete
MERCANTILE ESTABLISHMENTS	— Delete
SERVICE ESTABLISHMENTS	— Delete
WAREHOUSE ESTABLISHMENTS	— Delete

SECTION 3.1 — Revise to read:

3.1 Basic Provisions

- 3.1.7 The plan filings for the construction or installation projects under this regulation shall conform with the applicable safety regulations of the Bureau.

SECTION 3.12 — Revise to read:

3.12 Flammable or Combustible Liquids

- 3.12.1 Storage or handling of flammable liquids in excess of 110 gallons inside any one building or 550 gallons outside a building, or combustible liquids in excess of 550 gallons inside any one building or 1100 gallons outside of building except as follows:
  1. Modification to storage and handling of flammable or combustible liquids inside existing buildings approved for high hazard occupancy provided the modification is made in accordance with N.J.A.C. 12:133, Flammable and Combustible Liquids.

2. Modifications of existing outside container storage that do not affect the quantity distance requirements of N.J.A.C. 12:133, Flammable and Combustible Liquids.
3. Additions to existing outside tank storage that comprise less than 10 percent of the existing quantities provided they do not exceed 11 gallons, and conform to N.J.A.C. 12:133, Flammable and Combustible Liquids.

SECTION 4.6 — Revise to read:

4.6 Filing Fee

- 4.6.1 A fee shall be submitted with each filing which an approval is required in accordance with the following schedule. Filing fees shall be payable to the Commissioner of Labor and Industry check or money order. Cash is not acceptable.

Notice is also given that any person interested in present statements or arguments orally or in writing, relevant to the proposed action at a public hearing in Room 1208 of the Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey at 10 a.m., Tuesday, December 2, 1969.

Any person wishing to present statements or arguments will be required to give his name and address. Any person who wishes to present statements or arguments on behalf of an organization must present written evidence that is authorized to represent such organization. A verbatim transcription of testimony will be made by a certified court reporter. Any person desiring a copy of the transcript may make arrangements with the reporter to purchase a copy.

The above revision, as so proposed or as changed by the Commissioner after the public hearing, may be promulgated by the Commissioner 90 days following delivery to the Industrial Safety Board to be effective on such date as the revision shall provide unless disapproved by majority of the Board and if so disapproved such revision shall not become effective. The Commissioner will call a meeting of the Industrial Safety Board for the purpose of discussing the proposed revision and disapproval shall be by a vote of the majority of the members of the Board. The Commissioner proposes to adopt this revision to be effective July 1, 1970.

Raymond F. Male  
Commissioner of Labor and Industry

(c)

A NOTICE OF PROPOSED CHANGE IN THE RULES OF THE DIVISION OF PUBLIC WELFARE, DEPARTMENT OF INSTITUTIONS AND AGENCIES

Notice is hereby given that Lloyd W. McCorkle, Commissioner, Department of Institutions and Agencies, pursuant to the authority delegated in N.J.S.A. Title 44, Chapter 11, proposes to amend Section 5.4, Appendix Section II, of the Categorical Assistance Budget Manual, to read as follows (additions indicated in bold face thus; deletions indicated within bracket [thus]):

5. Room and Board in ADC Program

- 5.4 The allowance for room and board for children shall be the contract amount agreed upon between the parent or parent-person and the proprietor, or the agency and the proprietor, and shall not exceed \$88 \$100 per person per month.

Notice is also given that any interested person may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625, on or before November 20, 1969.

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

Lloyd W. McCorkle, Commissioner  
Department of Institutions and Agencies

NOTICE OF ADOPTION OF REVISED RULES OF PROCEDURE OF THE NEW JERSEY WATER POLICY AND SUPPLY COUNCIL, DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

Notice is hereby given that the New Jersey Water Policy and Supply Council, pursuant to authority delegated in N.J.S.A. 13:1B-51, has adopted revised rules of procedure for the following types of hearings (statutory references concerning the respective hearings are indicated in each case):

1. Public hearings regarding public water supply (N.J.S.A. 58:1-20). Adopted August 18, 1969.
2. Hearings regarding private sub-surface water supply (N.J.S.A. 58:4A-1 et seq.). Adopted August 18, 1969.
3. Public hearings regarding private surface water supply (N.J.S.A. 58:1-39). Adopted August 18, 1969.
4. Public hearings regarding stream encroachment (N.J.S.A. 58:1-26). Adopted August 18, 1969.
5. Public hearings regarding water supply (for water purchased from state-owned facilities) (N.J.S.A. 58:22-9). Adopted August 18, 1969.
6. Public hearings regarding stream encroachment violations (N.J.S.A. 58:1-26 and 27). Adopted August 18, 1969.
7. Public hearings regarding flood plain delineation (N.J.S.A. 58:16A-1 et seq.). Adopted September 13, 1969.

Copies of the above rules of procedure may be obtained in Room 1110, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey. Mail requests may be addressed to: New Jersey Water Policy and Supply Council, Post Office Box 1390, Trenton, New Jersey 08625.

Mrs. Martha H. Brenna, Secretary  
Water Policy and Supply Council

(a)

**NOTICES OF PROPOSED ADOPTION OF THE RULES OF THE POLICE TRAINING COMMISSION, DEPARTMENT OF LAW AND PUBLIC SAFETY**

Notice is hereby given that the Police Training Commission, pursuant to the authority delegated in N.J.S.A. 52:17B-7(h) and 17B-7.7, proposes to adopt as Chapter 1 of Title 13 of the New Jersey Administrative Code, rules pertaining to police academy and instructor certification, basic training, in-service training, school directors and police scholarships.

Copies of the text of the proposed rules may be obtained from the Executive Secretary, Police Training Commission, 1100 Raymond Boulevard, Newark, New Jersey. Telephone: (201) 648-3978.

Notice is also given that any interested person may present statements or arguments in writing relevant to the action proposed at the Office of the Commission before 4:00 p.m., November 21, 1969.

After full consideration of all statements and arguments presented, the Police Training Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the rules substantially as proposed without further notice.

Leo A. Culloo, Executive Secretary  
Police Training Commission

(b)

**NOTICE OF ADOPTION OF AN EMERGENCY RULE OF THE NEW JERSEY DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT**

Notice is hereby given that pursuant to N.J.S.A. 13:1B-45, Joseph T. Barber, Acting Commissioner of Conservation and Economic Development, has adopted the following emergency rule without hearing or prior notice pursuant to Section 4(c), N.J.S.A. 52:14B-4(c), of the Administrative Procedure Act:

**CONSERVATION ORDER DATED OCTOBER 2, 1969 OPENING CERTAIN BEDS**

WHEREAS, there exists a depleted condition in the oyster beds in the tidal waters of the Mullica River and its tributaries, and the Great Egg Harbor River and its tributaries, and

WHEREAS, the Atlantic Coast Section of the Shell Fisheries Council and the Oyster Research Laboratory have recommended that certain of the oyster beds in said waters that are now closed be opened, and

WHEREAS, I am satisfied that the recommendations of the aforementioned are accurate and correct and that these beds can be opened to the taking of shellfish without harmful effects on conservation, and

PURSUANT to the powers vested in me by the statutes in such case made and provided,

IT IS HEREBY ORDERED that the following beds in the Atlantic Coast Section be opened for the taking of shellfish, beginning October 13, 1969 at 7 o'clock A.M. and remain open until further notice, not to exceed November 30, 1969:

Fitney Bit Bed  
Reef Bed  
Oyster Bed Point Bed

IT IS FURTHER ORDERED — these beds shall be opened daily from 7 o'clock A.M. until 3 o'clock P.M., Eastern Standard Time or Eastern Daylight time, whichever prevails, except any time on Sunday.

Nothing in this order shall be construed to affect any existing Acts of the New Jersey Department of Health.

THIS ORDER shall take effect October 13, 1969 at 7 o'clock A.M.

Joseph T. Barber, Acting Commissioner  
Department of Conservation and  
Economic Development

(c)

**NOTICE OF ADOPTION OF THE RULES OF THE NEW JERSEY CENTRAL MOTOR POOL, DIVISION OF PURCHASE AND PROPERTY, DEPARTMENT OF THE TREASURY**

Notice is hereby given that Charles F. Sullivan, Director, Division of Purchase and Property, pursuant to authority delegated in Executive Order No. 2 signed by Governor Richard J. Hughes on July 26, 1962, has adopted rules with the approval of the Governor and the State Treasurer for the operation of the Central Motor Pool.

These rules pertain to those vehicles under the control and registered in the name of the Department of the Treasury, Central Motor Pool.

The rules cover facilities, State travel regulations pertaining to the use of State-owned vehicles, the procedure for requesting vehicles, rental rates, types of vehicles provided, assignment of vehicles to State personnel, storage of vehicles, servicing of vehicles, use of credit cards, accident reports and insurance coverage.

A limited number of printed copies of these rules is available from:

Fred G. Poinsett  
Chief Transport Coordinator, Motor Vehicles  
605 South Broad Street  
Trenton, New Jersey 08611  
Telephone: (609) 292-4894

Charles F. Sullivan, Director  
Division of Purchase and Property

(d)

**CHAPTER 12, PREVENTION AND CONTROL OF AIR POLLUTION EMERGENCIES, EFFECTIVE OCTOBER 24**

Chapter 12 of the New Jersey Air Pollution Control Code (N.J.A.C. 9: ) concerning prevention and control of air pollution emergencies, became effective October 24. The State Commissioner of Health, Roscoe P. Kandle, announced the promulgation of the regulation August 25, 1969.

The provisions of Chapter 12 are:

**CHAPTER 12  
NEW JERSEY AIR POLLUTION CONTROL CODE  
PREVENTION AND CONTROL OF AIR POLLUTION  
EMERGENCIES**

**SECTION 1 — DEFINITIONS**

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

1.1 AIR CONTAMINANTS: Coarse and fine solid particles, liquid particles, vapors or gases which are discharged into the outdoor atmosphere.

1.2 PARTICLES: Any material, except uncombined water, which exists in a finely divided form as liquid particles or solid particles at standard conditions.

1.3 HIGH AIR POLLUTION POTENTIAL WEATHER ADVISORY: An official forecast issued by the U.S. Weather Bureau advising that, for a stated continuous period of time, weather conditions will have the potential of poor dispersion and diffusion of air contaminants.

1.4 DOSE: A measure of exposure of a person to contaminated air computed from the area under the curve of air contamination level vs. time.

1.5 SOILING INDEX: A measure of the soiling properties of suspended particles in air determined by drawing a measured volume of air through a known area of Whatman No. 4 filter paper for a measured period of time, expressed as RUD/1000 Lin. Ft.

1.6 RUD: The negative logarithm of the percent of light reflected from a soiled area of Whatman No. 4 filter paper divided by the number of thousands of linear feet of air passed through the filter paper, times 100.

1.7 RUD HOURS: The soiling index dose.

1.8 PPM: Parts per million by volume of a gaseous contaminant in air.

1.9 PPM-HOUR: The parts per million dose.

1.10 PRIMARY METALS INDUSTRIES: Establishments engaged in the smelting, refining, sintering and alloying of ferrous and non-ferrous metals from ore, pig or scrap; and the manufacture of castings, forgings, powdered metals and other basic products of ferrous or non-ferrous metals, including the production of coke.

1.11 PETROLEUM REFINING AND RELATED INDUSTRIES: Establishments engaged in petroleum refining, the manufacture of paving and roofing materials from petroleum products and compounding paving and building materials from petroleum products.

1.12 CHEMICAL AND ALLIED PRODUCTS INDUSTRIES: Establishments engaged in the manufacture of (1) basic chemicals such as acids, alkalies, salts, industrial gases and organic chemicals, (2) chemical products to be used in further manufacturing such as synthetic fibers, plastics, dry colors and pigments, (3) finished chemical products to be used for ultimate consumption such as drugs, cosmetics, soap, paints, fertilizers and explosives.

1.13 PAPER AND ALLIED PRODUCTS INDUSTRIES: Establishments engaged in manufacturing wood pulp from wood or other materials and the manufacture of paper, paperboard and building papers.

1.14 GLASS, CLAY AND CONCRETE PRODUCTS INDUSTRIES: Establishments engaged in the manufacture of glass, glassware, textile fibers, glass insulation wool, structural clay products, concrete products, gypsum and plaster products, lime, abrasives and asbestos.

**SECTION 2 — EMERGENCY CRITERIA**

A condition justifying the proclamation of an AIR POLLUTION ALERT, AIR POLLUTION WARNING, or AIR POLLUTION EMERGENCY shall be deemed to exist whenever the Commissioner determines that the accumulation of air contaminants in any place, locality, county or other area in the State is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a threat to the health of the public. In making this determination the Commissioner will be guided by the following criteria:

2.1 Status "AIR POLLUTION FORECAST" — An internal watch by the State Department of Health shall be actuated by a United States Weather Bureau advisory that a high air pollution potential will exist for the next thirty-six hours.

2.2 Status "AIR POLLUTION ALERT" — At the initiation of, and periodically during, an "Air Pollution Forecast" period, air quality information for the immediately preceding twenty-four hour period shall be reviewed.

If for any consecutive six-hour period during the last twelve hours, the sulfur dioxide dosage is equal to or exceeds 2.0 parts per million-hours, and soiling index is equal to or exceeds 25 RUD-hours/1000 lin. ft.,

OR

if for any consecutive six hours in the immediately preceding twelve hours, the carbon monoxide dosage is equal to or exceeds 180 parts per million-hours,

OR

if the sulfur dioxide dosage for the immediately preceding twenty-four-hour period is equal to or exceeds 6.0 parts per million-hours, and the dosage is increasing and the soiling index is equal to or exceeds 100 RUD-hours/1000 lin. ft.,

AND

continued adverse meteorologic conditions are predicted by the U.S. Weather Bureau for at least an additional twelve hours:

"AIR POLLUTION ALERT" status has been defined.

2.3 Status "AIR POLLUTION WARNING" — If during an "Air Pollution Alert" period, for any consecutive six-hour period during the immediately preceding twelve hours, the sulfur dioxide dosage is equal to or exceeds 3.0 parts per million-hours, and the soiling index is equal to or exceeds 25 RUD-hours/1000 lin. ft.,

OR

if for any consecutive six hours in the immediately preceding twelve hours, the carbon monoxide dosage is equal to or exceeds 300 parts per million-hours,

OR

if the sulfur dioxide dosage for the immediately preceding twenty-four hour period is equal to or exceeds 9.0 parts per million-hours, and the dosage is increasing and the soiling index is equal to or exceeds 100 RUD-hours/1000 lin. ft.,

AND

continued adverse meteorologic conditions are predicted by the U.S. Weather Bureau for at least an additional twelve hours:

"AIR POLLUTION WARNING" status has been defined.

2.4 Status "AIR POLLUTION EMERGENCY" — If during an "Air Pollution Warning" period, in any consecutive twenty-four hour period the sulfur dioxide dosage is equal to or exceeds fifteen parts per million-hours, and the soiling index is equal to or exceeds 200 RUD-hours/1000 lin. ft.,

AND

continued adverse meteorologic conditions are predicted by the U.S. Weather Bureau for at least an additional twelve hours:

"AIR POLLUTION EMERGENCY" status has been defined.

**SECTION 3 — CRITERION FOR EMERGENCY TERMINATION**

In making a determination that the threat resulting from the accumulation of air contaminants no longer exists the Commissioner shall be guided by a United States Weather Bureau advisory that the high air pollution potential is terminated.

The material that follows Section 4.5 has been taken out of table form and placed in column form because of space limitations.

**SECTION 4 — STANDBY PLANS**

4.1 Any person responsible for the operation of a source of air contamination as set forth in Table I of this Section shall prepare standby plans, consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an AIR POLLUTION ALERT, AIR POLLUTION WARNING, and AIR POLLUTION EMERGENCY. Standby plans shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the objectives set forth in Tables I-III which are made a part of this Section.

4.2 Any person responsible for the operation of a source of air contamination not set forth under Section 4.1 shall, when requested by the Department in writing, prepare standby plans, consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an AIR POLLUTION ALERT, AIR POLLUTION WARNING, and AIR POLLUTION EMERGENCY. Standby plans shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the objectives set forth in Tables I-III.

4.3 Standby plans as required under Section 4.1 and 4.2 shall be in writing and show the source of air contamination, the approximate amount of reduction of contaminants and a brief description of the manner in which the reduction will be achieved during an AIR POLLUTION ALERT, AIR POLLUTION WARNING, and an AIR POLLUTION EMERGENCY.

4.4 During a condition of AIR POLLUTION ALERT, AIR POLLUTION WARNING, and AIR POLLUTION EMERGENCY standby plans as required by this Section shall be made available on the premises to any person authorized to enforce the provisions of the Air Pollution Emergency Control Act.

4.5 Standby plans as required by this Section shall be submitted to the Department upon request within thirty days of the receipt of such request; such standby plans shall be subject to review and approval by the Department. If, in the opinion of the Department, such standby plans do not effectively carry out the objectives as set forth in Tables I-III the Department may disapprove said standby plans, state its reason for disapproval and order the preparation of amended standby plans within the time period specified in the order. Any person aggrieved by the order requiring the preparation of a revised plan is entitled to a hearing in accordance with C.26:2C-14.1 of the Air Pollution Control Act. If the person responsible fails within the time period specified in the order to submit an amended standby plan which in the opinion of the Department meets the said objectives, the Department may revise the standby plan to cause it to meet these objectives. Such revised plan will thereafter be the standby plan which the person responsible will put into effect upon the issuance of an appropriate order by the Governor.

Air Pollution Control Code—continued

EMISSION REDUCTION OBJECTIVES

Source of Air Contamination:

1. Coal or oil-fired electric power generating facilities.

Air Pollution Alert

- a. Substantial reduction by utilization of fuels having lowest available ash and sulfur content.
- b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
- c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.

Air Pollution Warning

- a. Maximum reduction by utilization of fuels having lowest available ash and sulfur content.
- b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
- c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.

Air Pollution Emergency

- a. Maximum reduction by utilization of fuels having lowest available ash and sulfur content.
- b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
- c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.

Source of Air Contamination:

2. Coal or oil-fired process steam generating facilities having a capacity to burn in excess of four tons of coal per hour or 600 gallons of fuel oil per hour.

Air Pollution Alert

- a. Substantial reduction by utilization of fuels having lowest available ash and sulfur content.
- b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
- c. Reduction of steam load demands consistent with continuing plant operations.

Air Pollution Warning

- a. Maximum reduction by utilization of fuels having lowest available ash and sulfur content.
- b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
- c. Reduction of steam load demands consistent with continuing plant operations.
- d. Making ready for use a plan of action to be taken if an emergency develops.

Air Pollution Emergency

- a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
- b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
- c. Taking the action called for in the emergency plan.

Source of Air Contamination:

3. A — Manufacturing industries of the following classifications which employ more than twenty (20) employees at any one location:

- Primary Metals Industries
- Petroleum Refining and Related Industries
- Chemical and Allied Products Industries
- Paper and Allied Products Industries
- Glass, Clay and Concrete Products Industries

AND

B — Other persons required by the Department to prepare standby plans.

Air Pollution Alert

- a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.
- b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.
- c. Reduction of heat load demands for processing consistent with continuing plant operations.
- d. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

Air Pollution Warning

- a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations.
- b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.
- c. Reduction of heat load demands for processing consistent with continuing plant operations.
- d. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

Air Pollution Emergency

- a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
- b. Elimination of air contaminants from trade waste disposal processes which emit particles, gases, vapors or malodorous substances.
- c. Maximum reduction of heat load demands for processing.
- d. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

Source of Air Contamination:

4. Municipal and commercial refuse disposal operations.

Air Pollution Alert

- a. Maximum reduction by prevention of open burning on all refuse disposal areas.
- b. Substantial reduction by limiting burning of refuse in incinerators to the hours between 12:00 Noon and 4:00 p.m.

Air Pollution Warning

- a. Maximum reduction by prevention of open burning on all refuse disposal areas.
- b. Complete elimination of the use of incinerators.

Air Pollution Emergency

- a. Maximum reduction by prevention of open burning on all refuse disposal areas.
- b. Complete elimination of the use of incinerators.

SECTION 5 — STANDBY ORDERS

Following are standby orders which might be appropriate for use by the Governor upon his declaration that an Air Pollution Emergency exists:

5.1 Air Pollution Alert

a. Any person responsible for the operation of a source of air contamination as set forth in Table I of Section 4 shall take all AIR POLLUTION ALERT actions as required for such source of air contamination; and shall particularly put into effect the standby plans for an AIR POLLUTION ALERT.

b. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

c. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 Noon and 4:00 p.m.

d. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 Noon and 4:00 p.m.

5.2 Air Pollution Warning

a. Any person responsible for the operation of a source of air contamination as set forth in Table II of Section 4 shall take all AIR POLLUTION WARNING actions as required for such source of air contamination; and shall particularly put into effect the standby plans for an AIR POLLUTION WARNING.

b. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

c. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

d. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 Noon and 4:00 p.m.

5.3 Air Pollution Emergency

a. Any person responsible for the operation of a source of air contamination as described in Table III of Section 4 shall take all AIR POLLUTION EMERGENCY actions as listed as required for such source of air contamination; and shall particularly put into effect the standby plans for an AIR POLLUTION EMERGENCY.

b. All manufacturing establishments except those included in Section 5.3a. will institute such action as will result in maximum reduction of air contaminants from their operations by ceasing, curtailing, or postponing operations which emit air contaminants to the extent possible without causing injury to persons or damage to equipment.

c. All places of employment described below shall immediately cease operations:

- (1) Mining and quarrying of non-metallic minerals.
- (2) All contract construction work except that which must proceed to avoid physical harm.
- (3) Wholesale trade establishments, i.e. places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies.
- (4) All offices of local, county, and state government including authorities, joint meetings, and any other public body; except to the extent that such offices must continue to operate in order to enforce the requirements of this order pursuant to statute.
- (5) All retail trade establishments except pharmacies and stores primarily engaged in the sale of food.
- (6) Banks; credit agencies other than banks; securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers; real estate offices.
- (7) Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops; shoe repair shops.
- (8) Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blue-printing; photocopying, mailing, mailing list and stenographic services; equipment rental services; commercial testing laboratories.
- (9) Automobile repair, automobile services, garages.
- (10) Establishments rendering amusement and recreation services including motion picture theatres.
- (11) Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

d. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

e. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

f. The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.

WORTH NOTING IN NOVEMBER

November 1 Stamp Act of 1765 went into effect. Continental Congress convened in Trenton in 1784. Stephen Crane born in Newark in 1871.

November 4 Election Day - polls open 7 a.m. to 8 p.m. One hundred ninety-sixth wedding anniversary of Mr. and Mrs. John Ross. Mrs. (Betsy) Ross was the former Betsy Griscom of Gloucester County, known for her skill in stitching flags.

November 5 Woodrow Wilson elected President of the United States in 1912. First 53 miles of the New Jersey Turnpike opened in 1951.

November 6 Convention—New Jersey League for Nursing, Governor Morris Inn, Morristown. Convention—New Jersey Education Association—Convention Hall, Atlantic City. Marketing Institute, New Jersey—Nassau Inn, Princeton.

November 8 Small game hunting season opens. First day hours: 9 a.m. to half an hour after sunset. Following days hours: sunrise to half an hour after sunset. Hunting season Upland game season extends to December 6. Hunters of waterfowl and migratory birds, except woodcock may hunt from half an hour before sunrise to sunset.

November 9 First commencement of Princeton University, then known as College of New Jersey. In Newark, 1748.

November 10 Queens College, now known as Rutgers, the State University, chartered by King George III in 1768.

November 11 Veterans Day, All State offices closed, World War I Armistice signed, 1918. Changed to Veterans Day in 1954.

November 13 Holland Tunnel opened to public traffic 1927. Seven years in construction.

November 14 Civil motions in Law Division of the Superior Court and in the county courts will be heard.

November 17 Cooperative Marketing Association — Old Yorke Inn, Hightstown. N.J. League of Municipalities, New Jersey Health Officers, Atlantic City.

November 19 Conference — N.J. Bankers Association, Cherry Hill Inn, Cherry Hill.

November 20 Hearings on rules published in Oct. 30 N.J.R. General Cornwallis captured Fort Lee, 1776. American General Greene evacuated the fort before capture. Warren County formed from part of Sussex County, 1824.

November 20-23—Mid-Year Meeting of New Jersey State Bar Association, Atlantic City.

November 21 First West Jersey Assembly met in Burlington, 1681. Newark and Elizabethtown evacuated in fear of the advancing British Army, 1776. General George Washington began retreat across New Jersey, 1776.

November 25 Trenton adopted as the capital of N. J., 1790.

November 26 Same as on November 14.

November 27 Thanksgiving Day, all State offices closed. Train service through tunnels under the Hudson River to New York City started 1910.

November 27 & 28—Court recess.

November 30 First book printed in New Jersey, "Acts of the General Assembly," printed by William Bradford in Perth Amboy, 1723.