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(a)

**DIVISION OF MARKETING AND DEVELOPMENT  
Notice of Readoption  
Commercial Fertilizers and Soil Conditioners  
Readoption: N.J.A.C. 2:69**

Authority: N.J.S.A. 4:9-15.26 and 15.33.

Authorized By: The State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture.

Effective Date: April 25, 2023.

New Expiration Date: April 25, 2030.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:69 were scheduled to expire on January 26, 2024.

The readoption of N.J.A.C. 2:69 protects farmers and consumers by determining the manufacturer’s compliance with the guaranteed content of commercial fertilizers and soil conditioners; reduces the amount of misbranded and deficient products offered for sale, and thereby insures the quality and quantity of fertilizers and soil conditioners and promoting crop yield. Chapter 69 contains one subchapter that sets labeling and distribution standards, establishes the general methodology for sampling and laboratory analyses that help to promote uniformity in State fertilizer standards with respect to inspection techniques and adequate labeling, and provides a procedure by which the State Board of Agriculture annually determines the commercial values of primary plant nutrients.

The Department of Agriculture has reviewed these rules and has determined that the rules should be readopted without change. These rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

(b)

**DIVISION OF AGRICULTURAL AND NATURAL RESOURCES**

**Notice of Readoption  
Aquaculture Development  
Readoption with Technical Changes: N.J.A.C. 2:89**

Authority: N.J.S.A. 4:27-1 et seq.

Authorized By: The State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture.

Effective Dates: April 25, 2023, Readoption;  
June 5, 2023, Technical Changes.

New Expiration Date: April 25, 2030.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 2:89 were scheduled to expire on October 26, 2023.

The rules establish an Aquatic Organism Health Management Plan designed to protect public and private aquaculturists and wild aquatic populations from the importation of non-endemic disease-causing organisms, and assist in facilitating the exportation and importation of aquatic species into and out of the State. It includes disease reporting and quarantine requirements as set forth at N.J.S.A. 4:5-1 et seq. These rules continue the established aquaculture policy framework that begun in 2004, to continue to foster the orderly development of aquaculture. This framework consists of an Aquatic Farmer License issued upon completion and approval of the Application for Aquatic Farmer License and acquisition of any additional permits that may be required by the New Jersey Department of Environmental Protection (NJDEP) or any other agency.

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted without substantial changes; however, technical changes are needed at N.J.A.C. 2:89-1.1(c) and 6.2 to correct statutory citation errors, and at N.J.A.C. 2:89-1.2, 2.4, and 5.1 to update agency or organization and publication names, to update a weblink, and to update certain contact details. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted with technical changes and shall continue in effect for a seven-year period.

**Full text** of the technical changes follow (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

2:89-1.1 Purpose and scope

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

(c) Pursuant to 7 U.S.C. § [2204(g)] **2204g**, licensed aquatic farmers are required to provide annual production information for the census of agriculture.

2:89-1.2 Definitions

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

...

["NJDHSS"] "**NJDOH**" means the New Jersey Department of Health [and Senior Services].

...

SUBCHAPTER 2. AQUATIC FARMER LICENSE

2:89-2.4 Aquaculture application

(a) The application set forth [in] **at** Appendix A shall include the information set forth [in] **at** (a)1 through 4 below. The application set forth [in] **at** Appendix B shall include the information set forth [in] **at** (a)1 and 2 below.

1.-3. (No change.)

4. Relevant permits: A list of all currently held and additional permits that are required by the NJDEP, [NJDHSS] **NJDOH**, or other appropriate agency. A preliminary assessment of required permits is provided in the application included at Appendix A.

SUBCHAPTER 5. AQUATIC ORGANISM HEALTH MANAGEMENT

2:89-5.1 Notice or existence of disease of concern

(a) Any veterinarian or other person (including, but not limited to, any auctioneer, broker[s], dealer, aquaculturist, extension agent, etc.) who shall gain knowledge of the existence or suspected existence of a reportable disease of finfish, mollusks, or crustaceans within the State, which is subject to an emergency declaration by USDA-APHIS or which is identified by the [Office des International Epizooties (OIE)] **World Organization for Animal Health (WOAH)**, in the "[International] Aquatic Animal Health Code," which is adopted as amended and supplemented and incorporated herein by reference, must notify the Department without delay, but not more than 48 hours after gaining such knowledge.

1. [These standards may be obtained by contacting SMPF, Inc., 100 East 42nd Street, Suite 1510, New York, NY 10017. In addition, a] **A copy of this publication is available online at [[www.oie.int/eng/normes/fcode/Asummrvy.htm](http://www.oie.int/eng/normes/fcode/Asummrvy.htm)] <https://www.woah.org/en/what-we-do/standards/codes-and-manuals/aquatic-code-online-access/>.**

2. (No change.)

SUBCHAPTER 6. IMPORT OF AQUATIC ORGANISMS FOR THE PURPOSE OF AQUACULTURE

2:89-6.2 Release of finfish

Nothing in this chapter shall permit the release of domestically raised finfish into the waters of the State other than in private, closed ponds with no inlet from nor outlet to waters of the State without prior written

permission of the Department of Environmental Protection pursuant to N.J.S.A. [23:5-33.1] **23:4-63.3**.

## COMMUNITY AFFAIRS

### (a)

#### DIVISION OF CODES AND STANDARDS

##### Notice of Administrative Correction Uniform Construction Code

##### N.J.A.C. 5:23-2.15

Effective Date: May 10, 2023.

**Take notice** that the Department of Community Affairs (Department) discovered an error in the text at N.J.A.C. 5:23-2.15. This error is in reference to the statute that enables the licensure of elevator, escalator, and moving walkway mechanics. For accuracy, this notice of administrative correction revises the incorrect statute reference with the correct reference.

The Department has requested, and the Office of Administrative Law has agreed to, such correction be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

**Full text** of the corrected rule follows (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):

#### SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS

##### 5:23-2.15 Construction permits—application

(a) (No change.)

(b) In addition to the requirements at (a) above, the following information shall be required on any application for a construction permit when such information is available, but not later than the commencement of work.

1.-9. (No change.)

10. If the work involves an elevator, escalator, or a moving walkway, any mechanic performing such work shall be licensed pursuant to N.J.S.A. [45:44M et seq] **45:14H-1 et seq.** The license number of the mechanic shall appear on the permit application.

11.-12. (No change.)

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

## ENVIRONMENTAL PROTECTION

### (b)

#### CONTAMINATED SITE REMEDIATION AND REDEVELOPMENT

##### Notice of Readoption Industrial Site Recovery Act Rules

##### Readoption: N.J.A.C. 7:26B

Authority: N.J.S.A. 13:1D-1 et seq., 13:1K-6 et seq., 58:10B-1 et seq., and 58:10-23.11 et seq.

Authorized By: Shawn M. LaTourette, Commissioner, Department of Environmental Protection.

Effective Date: May 11, 2023.

New Expiration Date: May 11, 2030.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the Industrial Site Recovery Act Rules, N.J.A.C. 7:26B, were scheduled to expire on Saturday, July 22, 2023. The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted without change because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1.c(1), timely filing

of this notice extended the expiration date of the chapter seven years from the date of filing.

The Industrial Site Recovery Act Rules (the ISRA rules), N.J.A.C. 7:26B, implement the Industrial Site Recovery Act (the Act), N.J.S.A. 13:1K-6 et seq., and are intended to protect the public health and safety, and the environment by encouraging efficient and timely remediation of contaminated industrial establishments. Owners and operators are strictly liable to investigate and remediate contamination at the industrial establishment prior to transferring ownership or closing operations. These changes in ownership or operation include the sale of property, the sale of businesses, and the cessation of operations at the site, although the ISRA rules include a number of exceptions, such as for some corporate reorganizations, transfers between or among immediate family owners, and transfers to heirs by devise or intestate succession. The rules also provide a *de minimis* quantity exemption that, under certain limited circumstances, will allow the cessation of operations or transfer of ownership without conducting a remediation. Until the necessary investigation and remediation, if any, are complete, the transfer of ownership or operations cannot take place.

### (c)

#### AIR, ENERGY, AND MATERIALS SUSTAINABILITY BUREAU OF RELEASE PREVENTION

##### Notice of Administrative Correction and Change Underground Storage Caverns

##### N.J.A.C. 7:1F-7.4

Effective Date: May 9, 2023.

The Department is issuing this notice of administrative correction and administrative change to correct an error in the notice of adoption of the Underground Storage Cavern Rules, N.J.A.C. 7:1F, and to update the address for adjudicatory hearing requests.

**Take notice** that the Department of Environmental Protection (Department) has discovered an error in the notice of adoption of the Underground Storage Cavern Rules, N.J.A.C. 7:1F. In the Department's Response to Comments 55, 56, 57, and 58, the Department explained: "In addition to the construction requirements, the rules require operation and maintenance plans and procedures, as well as monitoring requirements so that if, for example, there is any significant change in ground water level, or if a release is detected or suspected, the owner and operator must immediately notify the Department and the Department must immediately respond." The statement that "the Department must immediately respond" to the owner and operator's notification is incorrect. Consistent with N.J.A.C. 7:1F-3.3(f), 3.4, and 3.5, it is the owner and operator who is responsible for taking action. Therefore, the statement should read that "the owner and operator must immediately notify the Department and the owner and operator must immediately respond to the situation." This correction does not change the rule text.

**Take notice** of an administrative change at N.J.A.C. 7:1F-7.4(b), consistent with the notice of administrative change effective February 23, 2023, which was published in the March 20, 2023, New Jersey Register at 55 N.J.R. 528(a). This administrative change updates the address for the submittal of an adjudicatory hearing request and the name of the office to which a request for an adjudicatory hearing is to be submitted. All such requests shall be submitted to:

New Jersey Department of Environmental Protection  
Office of Administrative Hearings and Dispute Resolution  
ATTENTION: Adjudicatory Hearing Requests  
401 E. State Street  
Mail Code 401-07A  
PO Box 420  
Trenton, NJ 08625-0420

**Full text** of the changed rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):