

# PUBLIC NOTICES

## AGRICULTURE

### (a)

#### OFFICE OF THE SECRETARY

#### Notice of Availability of Grant Funds

#### State Food Purchase Program—Gleaning Support Grant

**Take notice** that, in compliance with N.J.S.A. 52:14-34.4 et seq., the New Jersey Department of Agriculture (NJDA) hereby publishes notice of grants, subject to the availability of funds, in the following program:

**a. Name of grant program:** State Food Purchase Program—Gleaning Support.

**b. Purpose:** The State Food Purchase Program (SFPP) was initially funded in Fiscal Year (FY) 2007 through the Governor's Hunger Initiative. Funds were provided for purchases of nutritious foods and infrastructure support for Emergency Feeding Organizations (EFOs) and Local Distribution Agencies (LDAs). A cornerstone of the SFPP is the purchase of fresh fruits and vegetables based on a local, regional, and national hierarchy. These products are severely lacking in the diets of many food-insecure people who receive food assistance. It has been well documented that families with limited income often do not consume enough fresh fruits and vegetables.

In addition to the purchase of such items through the SFPP for EFOs and LDAs, organizations that feed New Jersey's food-insecure also receive donations of fresh fruits and vegetables via gleaning operations. Gleaning, a strategy for eliminating food waste on farms, redirects gleaned food items from New Jersey farms to pantries, shelters, soup kitchens, EFOs, and LDAs. These gleaning operations are a legitimate complement to the goals of the SFPP, as they serve to provide additional fresh items to the food-insecure. These items are provided at no cost to the donating or receiving agency. Costs (such as labor and transportation of gleaned foods from farms to the receiving agencies) are absorbed by the gleaning organization. To assist, the New Jersey Department of Agriculture, through the SFPP, has identified funds to be allocated to support gleaning activities (the Gleaning Support Grant).

Gleaning Support Grant funds to support gleaning activities can be requested from NJDA by interested, eligible non-profit entities who are gleaning from New Jersey farms and distributing such gleaned food to New Jersey organizations that help feed New Jersey's food-insecure. The grant will be limited to up to four awardees. The eligibility requirements are included in the application packet. "Gleaning activities" means gleaning New Jersey farm fields, collecting such gleaned New Jersey grown products, and distributing them to organizations that help feed New Jersey's food-insecure. Examples of gleaning activities eligible for grant support include, but are not limited to: entering into gleaning agreements with New Jersey farmers; providing support for vehicles and drivers by paying for gas and vehicle maintenance; buying containers for transport of gleaned products; buying coolers and ice for transport and interim storage of gleaned foods; obtaining innovation to improve efficiency and reduce costs of distribution systems; developing volunteer networks; and adding administrative support to manage and/or coordinate larger operation logistics.

**c. Potential funding:** A total of \$150,000, subject to the availability of funds, is anticipated to be accessible to eligible non-profit applicant organizations.

**d. Organizations that may apply for funding from NJDA:** Public and private non-profit organizations may apply for funding to support gleaning activities. Applicants must be legal entities and have the legal capacity to contract. Single organizations and institutions are encouraged to apply as project partners. Organizations that currently receive State Food Purchase Program funding are not eligible to apply for Gleaning Support Grant funds. Applications for grant funds should describe how the project potentially impacts, and produces measurable outcomes for, New Jersey's food-insecure.

**e. Procedure for organizations to apply:** Application packets will be distributed by NJDA to the organizations that have previously received the grant and to any other entities currently engaged in gleaning activities on New Jersey farms that request an application packet. The same application packet will be published on the NJDA website. Applications for a grant are to be submitted in either a hard copy or electronic submission to NJDA at the mail and electronic addresses shown below.

**Address at NJDA for receipt of hard-copy applications:**

By U.S. Mail:

Rose Tricario, Director  
Division of Food and Nutrition  
New Jersey Department of Agriculture  
PO Box 334  
Trenton, NJ 08625

By Overnight Carrier:

Rose Tricario, Director  
Division of Food and Nutrition  
New Jersey Department of Agriculture  
22 South Clinton Avenue  
Building 4, 3rd Floor  
Trenton, NJ 08609-1212

Email address for receipt of applications in electronic form: [Rose.Tricario@ag.nj.gov](mailto:Rose.Tricario@ag.nj.gov)

Phone: (609) 984-0692

**f. Deadline by which applications must be received:** All applications must be complete and received at the above address via mail, overnight carrier, or by email no later than 12:00 P.M., noon, August 30, 2019.

**g. Date by which Notices of Decision shall be mailed:** A Notice of Decision regarding the award of a grant shall be sent to each applicant no later than September 25, 2019.

## COMMUNITY AFFAIRS

### (b)

#### DIVISION OF CODES AND STANDARDS

#### Notice of Receipt of Petition for Rulemaking Uniform Construction Code

#### N.J.A.C. 5:23-2.7 and 2.17A

Petitioners: New Jersey League of Municipalities; New Jersey Building Officials, Inc.; Municipal Construction Code Officials of New Jersey; New Jersey Fire Prevention and Protection Association; New Jersey Plumbing Inspectors Associations, Inc.; and New Jersey Municipal Electrical Inspector Association.

**Take notice** that on June 24, 2019, the Department of Community Affairs received a petition for rulemaking from Colleen Mahr, President, New Jersey League of Municipalities; Jerry Eger, President, New Jersey Building Officials, Inc., and Chairman, Municipal Construction Code Officials of New Jersey; Richard Silva, President, New Jersey Fire Prevention and Protection Association; Mark Bocchino, President, New Jersey Plumbing Inspectors Associations, Inc.; and George W. Selah, III, President, New Jersey Municipal Electrical Inspector Association, seeking amendments to N.J.A.C. 5:23-2.7, Ordinary maintenance, and 2.17A, Minor work. The petitioners state that the 26 requested amendments would modify the rules adopted on March 5, 2018, at 50 N.J.R. 955(a) for reasons of clarity and public safety. Petitioners requested amendments to the following sections of the Uniform Construction Code:

1. N.J.A.C. 5:23-1.4, regarding the definition of "minor work";
2. N.J.A.C. 5:23-2.7(c)1ii, regarding walls;
3. N.J.A.C. 5:23-2.7(c)1iii, regarding finishes;
4. N.J.A.C. 5:23-2.7(c)1v, regarding doors and windows;
5. N.J.A.C. 5:23-2.7(c)1vi, regarding nonstructural building elements;
6. N.J.A.C. 5:23-2.7(c)1vii, regarding building equipment and accessories;

7. N.J.A.C. 5:23-2.7(c)1viii, regarding decorations, trim, and moldings;
8. N.J.A.C. 5:23-2.7(c)lix, regarding flooring material;
9. N.J.A.C. 5:23-2.7(c)lx, regarding roofing;
10. N.J.A.C. 5:23-2.7(c)lxiii, regarding decks;
11. N.J.A.C. 5:23-2.7(c)2vii, regarding combination shower valves;
12. N.J.A.C. 5:23-2.7(c)2ix, regarding grease traps;
13. N.J.A.C. 5:23-2.7(c)2x, regarding plumbing fixtures;
14. N.J.A.C. 5:23-2.7(c)3i, regarding lighting fixtures;
15. N.J.A.C. 5:23-2.7(c)3v, regarding kitchen range hoods;
16. N.J.A.C. 5:23-2.7(c)5vi, regarding kitchen range hoods;
17. N.J.A.C. 5:23-2.7(c)5ix, regarding bathroom exhaust fans;
18. N.J.A.C. 5:23-2.17A(b)1, regarding notice of work;
19. N.J.A.C. 5:23-2.17A(b)2, regarding permit fees;
20. N.J.A.C. 5:23-2.17A(c)1ii, regarding alterations;
21. N.J.A.C. 5:23-2.17A(c)1iii, regarding replacement work;
22. N.J.A.C. 5:23-2.17A(c)1iv, regarding renovation;
23. N.J.A.C. 5:23-2.17A(c)3, regarding boilers;
24. N.J.A.C. 5:23-2.17A(c)5ii, regarding radon mitigation;
25. N.J.A.C. 5:23-2.17A(c)5iii, regarding the format of the section; and
26. N.J.A.C. 5:23-2.17A(d), regarding the inspection timeframe for minor work.

In accordance with N.J.A.C. 1:30-4.2, the Department shall subsequently mail to the petitioners, and file with the Office of Administrative Law, a notice of action on the petition.

## ENVIRONMENTAL PROTECTION

(a)

### DIVISION OF FISH AND WILDLIFE

#### Notice of Action on Petition for Rulemaking Division of Fish and Wildlife Rules

#### N.J.A.C. 7:25-5.7

Petitioner: Nicholas Marchesani.

**Take notice** that the Fish and Game Council (Council) has determined to refer for further deliberation, not to exceed 90 days, a petition for rulemaking pursuant to N.J.S.A. 52:14B-4(f) and N.J.A.C. 7:1D-1.1 received on May 6, 2019, from Nicholas Marchesani (Petitioner). The Petitioner requests that the Council amend its Game Code, located within the Division of Fish and Wildlife Rules at N.J.A.C. 7:25-5, to repeal the prohibition of hunting for turkey over bait. A notice of receipt of petition for rulemaking was published in the New Jersey Register on June 17, 2019, at 51 N.J.R. 1072(a).

The Petitioner asserts that the current rule is contrary to, and conflicts with, N.J.S.A. 23:4-24.2. The Petitioner states that the statutory provision only prohibits possession of a weapon and hunting of turkey within 300 feet of a baited area if the person is elevated in a tree or is in a structure; it does not forbid baiting of turkey or possession of a weapon within 300 feet of a baited area. Petitioner further asserts that, while there are State statutes that forbid baiting of wild fowl and bears when hunting from the ground, there is no State statute that forbids baiting of turkey or possession of a weapon within 300 feet of a baited area when hunting turkey. The Petitioner asserts that the Council is only authorized to adopt rules necessary to effectuate the statute, with N.J.S.A. 13:1B-30 requiring that any rules adopted must be based upon scientific investigation and research. Petitioner questions whether the Council has conducted research supporting a prohibition of weapon possession within 300 feet of bait while turkey hunting. The Petitioner states that penalties for violations are set by statute and that the Council has no authority to set the amount of a fine without a statutory provision. Petitioner indicates that the only fine statutorily set for hunting within 300 feet of bait is limited to hunting when elevated in a tree or in a structure of any kind, and the fine for that is \$50.00, not the \$74.00 contained in the rules. The Petitioner further indicates that turkeys roost near food sources. However, a hunter using a call to attract a turkey on the ground has no way of knowing there is a

food source that could be considered bait within 300 feet. The rule is alleged to unfairly punish innocent hunters and not be reasonable or appropriate as required by N.J.S.A. 13:1B-30, as it does not specify that the weapon must be loaded. As a result, the provision technically results in an individual being in violation if an area containing feed is within 300 feet of where they park or where they are walking with an unloaded weapon to get to a hunting area. Finally, it is asserted that the rule does not comply with the Administrative Procedure Act, as it is contrary to and contradicts the relevant statute. For all the above reasons, the Petitioner asserts that N.J.A.C. 7:25-5.7(e)12 should be deleted.

In accordance with N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-4.2, the Council, after careful consideration of the petition, has determined to refer the petition for further deliberation not to exceed 90 days in order for the Council's Law Enforcement Committee to consider the petition and provide a recommendation to the Council, to provide time for the Council to consider the petition, and for the Council to obtain public input regarding the request for rulemaking.

A copy of this notice has been mailed to the petitioner as required by N.J.A.C. 1:30-4.2.

In accordance with N.J.A.C. 7:1D-1.1, the Council will subsequently mail to the petitioner and file with the Office of Administrative Law a notice of action on the petition.

(b)

## WATER RESOURCE MANAGEMENT DIVISION OF WATER MONITORING AND STANDARDS

### Adopted Amendment to the Tri-County Water Quality Management Plan Public Notice

**Take notice** that on July 1, 2019, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11-1 et seq., and the Statewide Water Quality Management Planning rules, N.J.A.C. 7:15, the New Jersey Department of Environmental Protection (Department) adopted an amendment (Program Interest No. 435433, Activity No. AMD180001) to the Tri-County Water Quality Management Plan. This amendment expands the sewer service area (SSA) of the Burlington Township Sewage Treatment Plant by 37.46 acres to serve a proposed commercial development on a portion of Block 154, Lot 3, Burlington Township, Burlington County. The proposed project, identified as "1920 River Road," consists of a 523,903 square-foot warehouse building that would generate a projected wastewater flow of 11,425 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3, to be received by the Burlington Township Sewage Treatment Plant (NJPDES Permit #NJ0021709). Preliminary notice was published in the New Jersey Register on March 18, 2019, at 51 N.J.R. 423(a). No comments were received during the comment period.

This amendment has been reviewed pursuant to the Water Quality Management Planning rules at N.J.A.C. 7:15. This notice represents the Department's determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15-3.3, 3.5, 4.4, and 4.5, as described below.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to modifications of the eligible SSA needed to address a specific project or activity. N.J.A.C. 7:15-3.5(j)2 requires that site specific amendments proposing to add 100 or more acres to the SSA or generating 20,000 gpd or more of wastewater flow must update the wastewater treatment capacity analysis prepared in accordance with N.J.A.C. 7:15-4.5(b) to include the proposed project or activity. The proposed project involves less than 100 acres and will generate less than 20,000 gpd of wastewater flow; therefore, update of the wastewater treatment plant capacity analysis is not required.

In accordance with N.J.A.C. 7:15-3.5(g)6, the Department instructed the applicant to request written statements of consent from the Burlington Township Sewage Treatment Plant, Burlington Township, the Delaware Valley Regional Planning Commission, and the Burlington County Board