

not prohibited. The commenter recommended that the word "participate" be added in addition to the word "conduct" in the rules.

RESPONSE: The Department believes the word "conduct" should be broadly interpreted to effectuate the statute's purposes. Thus, the Department does not believe the statute prohibits participation in multi-state and multi-institution programs designed to effectuate such purposes in a manner otherwise in compliance with the proposed new rules. Consequently, the Department declines to make the suggested change.

Federal Standards Statement

A Federal standards analysis is not required because the adopted new rules are consistent with, but do not exceed, Federal standards. The Federal standards applicable to, but not exceeded, by the adopted new rules are established in the Federal Credit Union Act, Pub. L. 73 - 467, in particular 12 U.S.C. §§ 1757(5) and 1790d(c).

Full text of the adopted new rules follows:

CHAPTER 37 SAVINGS ACCOUNT PROMOTIONS

SUBCHAPTER 1. GENERAL PROVISIONS

3:37-1.1 Purpose and scope

(a) This subchapter implements P.L. 2015, c. 236, which permits financial institutions to conduct savings account promotions.

(b) This subchapter shall apply to all financial institutions that opt to conduct savings account promotions.

3:37-1.2 Definitions

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

"Commissioner" means the Commissioner of the New Jersey Department of Banking and Insurance.

"Department" means the New Jersey Department of Banking and Insurance.

"Eligible individual" means a natural person who:

1. Is at least 18 years of age; and
2. Is an account holder who holds a qualified account with the financial institution conducting the savings account promotion.

"Financial institution" means a New Jersey chartered bank, savings bank, savings and loan association, or credit union as defined in N.J.S.A. 17:13-80.c.

"Qualified account" means a savings account, time deposit, share account, share certificate, or other savings program held at a financial institution and bearing interest at a rate comparable to the rate on other such accounts at the financial institution. "Qualified account" includes an account in which the eligible individual has an interest individually or jointly with another natural person. "Qualified account" does not include a tax deferred account, trust account, or any account where the named account holder is not a natural person.

"Savings account promotion" means a raffle conducted by a financial institution in compliance with this chapter.

3:37-1.3 Required disclosures and minimum standards

(a) A financial institution may conduct a savings account promotion provided that the sole consideration required for a chance to win a designated prize is the deposit of a minimum specified amount of money in a qualified account.

(b) A financial institution shall provide that each entry must have an equal chance of being drawn.

(c) A financial institution may limit the number of entries that may be submitted by an eligible individual.

(d) A financial institution may not conduct a savings account promotion in a way that jeopardizes the financial institution's financial condition, unfairly discriminates, or misleads an eligible individual or the public.

(e) A financial institution conducting a savings account promotion shall:

1. Post the terms and conditions of the savings account promotion in any location where entries may be submitted and shall include such

terms and conditions in any printed materials or electronic media advertising the savings promotion; and

2. Include the following terms and conditions for a savings account promotion in all raffle information:

i. No other action, purchase, or other consideration is necessary to enter the savings account promotion;

ii. Each entry has the same chance of winning the savings account promotion;

iii. The chance of winning the savings account promotion will be determined based on the number of entries received;

iv. Any limitations on the number of entries that an eligible individual may submit;

v. Any specific requirement on the length of time that the money must remain on deposit in a qualified account in order to participate in a savings promotion; and

vi. The winner is solely responsible for all applicable Federal and State taxes.

3:37-1.4 Maintenance of books and records

A financial institution that conducts a savings account promotion under this subchapter shall maintain books and records, including, but not limited to, copies of all advertisements relating to the conduct of the savings account promotion sufficient to facilitate an independent audit or an examination by the Department of the savings account promotion.

COMMUNITY AFFAIRS

(a)

DIVISION OF FIRE SAFETY

Uniform Fire Code

Adopted Amendment: N.J.A.C. 5:70-2.9

Proposed: June 5, 2017, at 49 N.J.R. 1282(a).

Adopted: September 5, 2017, by Charles A. Richman, Commissioner, Department of Community Affairs.

Filed: September 7, 2017, as R.2017 d.183, with non-substantial changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 52:27D-198, 52:27D-198.2, and 52:27D-201.

Effective Date: October 2, 2017.

Expiration Date: March 14, 2018.

Summary of Public Comments and Agency Responses:

Comments were received from Kevin C. Batzel, Bureau Chief/Fire Marshal, Brick Bureau of Fire Safety; Kevin E. Krushinski; Bruce S. Shapiro, Local Government and Regulatory Affairs Manager, New Jersey Realtors; Vincent M. Knott, Fire Marshal, Westampton Township Emergency Services Bureau of Fire Prevention; Robert Steel, Clerk, Cinnaminson Fire District #1; Craig Babcock, Bureau Chief/Fire Marshal; Joseph A. Giordano, Fire Official, Denville Township; Lieutenant John Redstone, Fire Prevention Inspector, Nutley Township; Joseph P. Serrecchia, Fire Official, Montville Fire Prevention Bureau District #1; Captain John Petroccia; Jeffrey D. Hester, Fire Official, East Orange; William Paterson, Fire Official, Frankford Township Fire Prevention Department; John Medina, Fire Official, Township of West Caldwell; Dennis Monks, Fire Marshal, East Rutherford; Vinny Corsaro, Fire Marshal, Township of Jefferson; Walter Bauer, Delran Fire Department, Fire Prevention Bureau; Daniel Dunn, President, Cape May County Fire Prevention and Protection Association; and William Gee, Retired Deputy Ocean County Fire Marshal/Supervisor of Inspections and President of Ocean County Fire Prevention and Protection Association.

COMMENT: Mr. Batzel is in support of the proposed fee increase. The commenter believes that the local agencies should be rebated 75 percent of the fee instead of the current 65 percent. He feels that "the agencies actually conducting the inspections, registering businesses and performing follow ups on behalf of the division should be compensated

accordingly." He also commented that, the "division should take a more aggressive approach to collecting outstanding Life Hazard Use Fees."

RESPONSE: The Department appreciates the commenter's affirmative comments. Any change to the current 65 percent-35 percent fee split is not included as part of this rulemaking. The Division has taken an aggressive approach to the collection of outstanding Life Hazard Use Fees, as a new unit was established to address this issue.

COMMENT: Mr. Gee believes that upon the 29 percent increase, "the return rate be adjusted to its original rate of 70/30 instead of 65/35," with 70 percent of the fee split going to local enforcing agencies. The commenter states that the local enforcing agencies have been doing more work, including in the area of collections, and should be compensated accordingly.

RESPONSE: The Department appreciates Mr. Gee's comments. Any change to the current 65 percent-35 percent fee split is not included as part of this rulemaking. The Division has taken an aggressive approach to the collection of outstanding Life Hazard Use Fees, as a new unit was established to address this issue.

COMMENT: Mr. Krushinski, Mr. Babcock, Mr. Redstone, Mr. Petroccia, Mr. Hester, Mr. Paterson, Mr. Medina, Mr. Monks, and Mr. Bauer are all in support of the proposed fee increase.

RESPONSE: The Department appreciates the commenters' affirmative comments, and thanks the commenters for their support of the rulemaking.

COMMENT: Mr. Knott, on behalf of Westampton Township Emergency Services Bureau of Fire Prevention, Mr. Steel, on behalf of the Board of Fire Commissioners of Cinnaminson Fire District #1, Mr. Giordano, on behalf of the Denville Fire Prevention Bureau, Mr. Serrecchia, on behalf of the Montville Fire Prevention Bureau District #1, and Mr. Dunn, on behalf of Cape May County Fire Prevention and Protection Association, express their support of the proposed fee increase.

RESPONSE: The Department appreciates the commenters' affirmative comments, and thanks the commenters for their support of the rulemaking.

COMMENT: Mr. Shapiro has commented on the concerns of the New Jersey Realtors, in opposition to the proposed fee increase for a change of occupancy. While he agrees in the importance of the fire safety programs, he is concerned about an increased cost to buy and sell real property in New Jersey.

RESPONSE: The Department respectfully disagrees with the commenter's remarks. The proposed fee increase is the first increase since 2003, and is to fund fire safety programs and the fire prevention bureaus. Fire safety programs and the fire prevention bureaus throughout the State are a vital part of fire code enforcement.

COMMENT: Mr. Corsaro thanked the Department of Community Affairs for accepting and submitting for adoption the Division of Fire Safety recommendation to approve the fees in this rulemaking. The commenter understands that the proposed changes are related to fees but feels the wording needs to be clarified for the home inspection section, as concerns the CSDCMAC inspections for home resale or rental.

RESPONSE: The Department believes that the commenter's concerns about wording in the home inspection section are beyond the scope of this fee proposal, and accordingly not subject to further discussion. Notwithstanding this, the Department appreciates the commenter's affirmative comments, and thanks the commenter for his support of the rulemaking.

Summary of Changes Upon Adoption:

The Department has made three minor changes to its rulemaking at N.J.A.C. 5:70-2.9(a)4, 5, and 15. Specifically, the changes were made to paragraph (a)4, Type Ad—is increased from \$190.00 to \$191.00 per year; paragraph (a)5, Type Ae—is decreased from \$215.00 to \$214.00 per year; and paragraph (a)15, Type Be—is decreased from \$750.00 to \$749.00 per year. These changes are made to correct an inadvertent rounding error. Specifically, the changes affect one of the fees by an increase of \$1.00 and in two cases causes a decrease of the fee by \$1.00. There exists no added burden or notable enlargement of what or who will be affected by this rule.

Federal Standards Statement

No Federal standards analysis is required because these amendments are not being adopted under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal Law, standards, or requirements.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT

5:70-2.9 Fees; registration; certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC); permit; carnival registration certificate

(a) The annual registration fee for life hazard uses shall be as follows:

1. Type Aa—\$108.00 per year;
2. Type Ab—\$160.00 per year;
3. Type Ac—\$170.00 per year;
4. Type Ad—*[\$190.00]* ***\$191.00*** per year;
5. Type Ae—*[\$215.00]* ***\$214.00*** per year;
6. Type Af—\$257.00 per year;
7. Type Ag—\$323.00 per year;
8. Type Ah—\$384.00 per year;
9. Type Ai—\$512.00 per year;
10. Type Aj—\$641.00 per year;
11. Type Ba—\$170.00 per year;
12. Type Bb—\$323.00 per year;
13. Type Bc—\$512.00 per year;
14. Type Bd—\$641.00 per year;
15. Type Be—*[\$750.00]* ***\$749.00*** per year;
16. Type Bf—\$915.00 per year;
17. Type Bg—\$974.00 per year;
18. Type Bh—\$1,218 per year;
19. Type Bi—\$1,465 per year;
20. Type Bj—\$1,523 per year;
21. Type Bk—\$1,827 per year;
22. Type Bl—\$2,134 per year;
23. Type Bm—\$2,379 per year;
24. Type Bn—\$3,044 per year;
25. Type Bo—\$3,653 per year;
26. Type Bp—\$1,282 per year;
27. Type Bq—\$3,984 per year;
28. Type Ca—\$1,218 per year;
29. Type Cb—\$1,462 per year;
30. Type Cc—\$1,582 per year;
31. Type Cd—\$1,704 per year;
32. Type Ce—\$1,949 per year;
33. Type Cf—\$697.00 per year;
34. Type Cg—\$2,436 per year;
35. Type Ch—\$3,059 per year;
36. Type Ci—\$3,677 per year;
37. Type Da—\$2,428 per year;
38. Type Db—\$3,677 per year;
39. Type Dc—\$4,781 per year.

(b) Where more than one life hazard use exists under one ownership at a given location, the highest life hazard use shall be registered at full fee and subsequent life hazard uses at one-half the scheduled fee.

1. No public or private K-12 educational building shall pay more than one \$214.00 life hazard use registration fee, regardless of the number or type of life hazard uses contained within the building.

2. No camp accommodating six or more children of school age shall pay more than \$191.00 life hazard use registration fee, regardless of the number or type of life hazard uses contained within the premises.

3. (No change.)

(c) The application fee for a permit shall be as follows:

1. Type 1—\$54.00;
2. Type 2—\$214.00;
3. Type 3—\$427.00;
4. Type 4—\$641.00.

i. (No change.)

5. (No change.)

(d) The application fee for a certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC), as required by N.J.A.C. 5:70-2.3, shall be based upon the amount of time remaining before the change of occupant is expected, as follows:

1. Requests for a CSDCMAC received more than 10 business days prior to the change of occupant: \$45.00;

2. Requests for a CSDCMAC received four to 10 business days prior to the change of occupant: \$90.00; and

3. Requests for a CSDCMAC received fewer than four business days prior to the change of occupant: \$161.00.

(e) The annual application fee for a carnival registration certificate shall be as follows:

1. For 10 or fewer locations: \$77.00;

2. For 11 to 25 locations: \$116.00;

3. For 26 or more locations: \$155.00.

(f) A municipality having a local enforcing agency may establish by ordinance a different permit and certificate of smoke detector compliance fee schedule based on the actual cost anticipated or incurred for the enforcement of these Code provisions; provided, however, that the permit fee for the temporary use of a commercial farm building as a place of public assembly shall not exceed \$97.00.

ENVIRONMENTAL PROTECTION

(a)

**COMMISSIONER'S OFFICE
OFFICE OF LEGAL AFFAIRS
Notice of Readoption
Waiver of Department Rules
Readoption: N.J.A.C. 7:1B**

Authority: N.J.S.A. 12:5-1 through 12:5-11, 13:1B-2 through 13:1B-71, 13:1B-15.4 through 13:1B-15.12, 13:1B-15.12a-1 through 13:1B-12a-10, 13:1B-15.100 through 13:1B-15.107, 13:1B-15.108 through 13:1B-15.121, 13:1B-15.128 through 13:1B-15.132, 13:1B-15.151 through 13:1B-15.161, 13:1B-30 through 13:1B-41, 13:1D-1 through 13:1D-19, 13:1D-29 through 13:1D-34, 13:1D-35 through 13:1D-67, 13:1D-120 through 13:1D-124, 13:1D-125 through 13:1D-133, 13:1D-134 through 13:1D-137, 13:1E-1 through 13:1E-225, 13:1E-100 through 13:1E-116, 13:1F-1 through 13:1F-33, 13:1G-1 through 13:1G-23, 13:1H-1 through 13:1H-7, 13:1H-8 through 13:1H-11, 13:1K-1 through 13:1K-5, 13:1K-6 through 13:1K-18, 13:1K-19 through 13:1K-42, 13:1L-1 through 13:1L-36, 13:8-30 through 13:8-44.2, 13:8A-1 through 13:8A-18, 13:8A-19 through 13:8A-34, 13:8A-35 through 13:8A-55, 13:8C-1 through 13:8C-42, 13:9A-1 through 13:9A-10, 13:9B-1 through 13:9B-30, 13:13A-1 through 13:13A-15, 13:19-1 through 13:19-45, 13:20-1 through 13:20-35, 23:1-1 through 23:12-2, 23:2A-1 through 23:2A-15, 23:2B-1 through 23:2B-22, 26:2C-1 through 26:2C-25.2, 26:2C-37 through 26:2C-57, 26:2D-1 through 26:2D-88, 26:3A2-21 through 26:3A2-38, 34:5A-1 through 34:5A-44, 39:3-33.10 through 39:3-33.11, 39:8-59 through 39:8-78, 40:55D-1 through 163, 40A:11-1 through 40A:11-51, 45:1-8 through 45:1-9, 45:5AA-1 through 45:5AA-11, 45:15C-1 through 45:15C-32, 47:1A-1 through 47:1A-13, 48:3-1 through 48:3-107, 48:13A-1 through 48:13A-7, 48:13A-7.1 through 48:13A-7.23, 50:1-5 through 50:1-36, 50:1-23 through 50:1-33, 50:2-7 through 50:2-12, 50:3-1 through 50:3-5, 52:14B-1 through 52:14B-15, 52:27D-222 through 52:27D-228, 54:4-3.63 through 54:4-3.71, 54:4-23.1 through 54:4-34, 54:10A-5.31 through 54:10A-5.32, 54:32B-8.36, 58:1A-1 through 58:1A-17, 58:1B-1 through 58:1B-25, 58:2-1 through 58:2-5, 58:4-1 through 58:4-14, 58:4A-4.1 through 58:4A-29, 58:10-23.11a through 58:10-23.11z, 58:10-

23.15 through 58:10-23.19, 58:10-23.20 through 58:10-23.24, 58:10-46 through 58:10-50, 58:10A-1 through 58:10A-14.6, 58:10-15 through 58:10A-20, 58:10A-21 through 58:10A-35, 58:10B-1 through 58:10B-31, 58:10C-1 through 58:10C-29, 58:11-9.1 through 58:11-11, 58:11-23 through 58:11-48, 58:11-49 through 58:11-58, 58:11-59 through 58:11-63.4, 58:11-64 through 58:11-73, 58:11A-1 through 58:11A-16, 58:12A-1 through 58:12A-21, 58:12A-22 through 58:12A-25, 58:12A-26 through 58:12A-37, 58:16A-50 through 58:16A-102, 58:24-1 through 58:24-14, 58:25-23 through 58:25-33, and 58:29-1 through 59:29-8.

Authorized By: Bob Martin, Commissioner, Department of Environmental Protection.

Effective Date: September 5, 2017.

New Expiration Date: September 5, 2024.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, Waiver of Department Rules, N.J.A.C. 7:1B, is readopted and shall continue in effect for a seven-year period. The rules were scheduled to expire on April 2, 2019. The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted 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.

N.J.A.C. 7:1B, Waiver of Department Rules, sets forth the limited circumstances in which the Department may, in its discretion, waive the strict compliance with any of its rules in a manner consistent with the core missions of the Department to maintain, protect, and enhance New Jersey's natural resources and to protect the public health, safety, and welfare, and the environment. The Department may provide a waiver, where appropriate, to address situations where rules conflict, strict compliance with the rule would be unduly burdensome in specific application, the waiver would result in a net environmental benefit, or a public emergency exists.

(b)

**DIVISION OF WATER AND LAND USE
ENFORCEMENT**

**Notice of Readoption
Water Pollution Control Act
Readoption: N.J.A.C. 7:14**

Authority: N.J.S.A. 13:1B-3 et seq., 13:1D-1 et seq., 13:1E-1 et seq., 58:10-23.11 et seq., 58:10A-1 et seq., 58:11-49 et seq., 58:11A-1 et seq., and 58:12A-1 et seq.

Authorized By: Bob Martin, Commissioner, Department of Environmental Protection.

Effective Date: August 31, 2017.

New Expiration Date: August 31, 2024.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the Water Pollution Control Act rules at N.J.A.C. 7:14 are readopted and shall continue in effect for a seven-year period. The rules were scheduled to expire on October 5, 2017. The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted 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 Water Pollution Control Act rules establish construction standards for wastewater treatment facilities and define the roles and responsibilities of the owner, the owner's representative or engineer, and the construction contractor. The rules address such items as mobilization costs, payments to contractors, and eligibility of certain items for projects that receive Federal construction grant assistance.