

the various guidelines, rules and regulations, and goals, objectives and policies of the DEPE; the solid waste management plans developed by the State's 22 solid waste management districts; and other solid waste management planning and program components developed to address the State's solid waste needs.

The major focus of the update is on revised goals, objectives and policies for the management of municipal and industrial solid waste which initially emanated from the efforts of Governor Florio's Emergency Solid Waste Assessment Task Force (hereinafter Governor's Task Force). On April 6, 1990, Governor Florio signed Executive Order No. 8 and appointed the Governor's Task Force to re-evaluate New Jersey's solid waste management policies and practices and to recommend appropriate changes. On July 6, 1990, the Governor's Task Force issued a preliminary report, which analyzed the composition and amount of the waste stream and identified the amount of waste that could be eliminated at the source, recycled or managed through traditional disposal practices.

On August 6, 1990, the Governor's Task Force issued its final report and recommended sweeping changes to the State's existing solid waste management policies and approach. The revised approach centers upon aggressive source reduction measures, achieving a 60 percent total waste stream recycling rate by December 31, 1995, and utilizing existing disposal capacity and developing new capacity on a regional basis to service all or a significant percentage of the solid waste generated within two or more counties. The Governor's Task Force also acknowledged the immediate need to implement the revised policy approach as quickly as possible toward achieving disposal self-sufficiency on a statewide basis.

The 1993 update uses the Governor's Task Force recommendations as the framework for a revised Statewide plan. The update supersedes the last adopted municipal and industrial solid waste plan of 1986 and specifically:

- Outlines the State's short and long-term goals and objectives in the areas of source reduction, recycling, regionalization, disposal self-sufficiency and other aspects of solid waste management, as well as the legislative, regulatory and policy framework necessary to achieve those goals;
- Describes the current status of solid waste management in New Jersey and evaluates the effectiveness of these programs in light of the requirements of the Solid Waste Management Act; and
- Describes how New Jersey's program fits within the national regulatory scheme for the management of municipal and industrial solid waste.

After the public hearings and the close of the comment period, the DEPE will carefully review all comments relevant to the update and prepare a document summarizing the comments and the DEPE's responses thereto, including revisions to the proposed update that the DEPE deems necessary and appropriate. Following this, the DEPE intends to adopt the update.

Copies of the proposed update are available at all libraries in the State Library depository system and at all county solid waste management offices. In addition, copies may be obtained through writing to the DEPE's Division of Solid Waste Management (DSWM), Office of Recycling and Planning, 840 Bear Tavern Road, Trenton, New Jersey 08625-0414 or by calling the DSWM at (609) 530-8203.

(a)

GREEN ACRES PROGRAM

Notice of Availability of Grant Funds and Application Deadline

Nonprofit Acquisition Program

Take notice that, in compliance with N.J.S.A. 52:14-34.4, 34.5 and 34.6, the Department of Environmental Protection and Energy hereby announces the availability of the following State grant funds:

- A. **Name of grant program:** Green Acres Nonprofit Acquisition Grant Program
- B. **Purpose:** The purpose of this program is to provide matching grant funds to private nonprofit organizations for the acquisition of land which will be open to the public for conservation and recreation purposes. The nonprofit organization will donate to the State a conservation restriction or historic preservation restriction, as the case may be, on the land acquired using the grant.

- C. **Amount of money in the grant program:** Up to \$20 million will be awarded in 50/50 matching grants in this funding round. A maximum of \$500,000 will be awarded per project unless the Green Acres determines that the project area is of special environmental concern or has extraordinary resource value.
- D. **Match:** The nonprofit organization must match state grant funds on a 50/50 basis. The match may be in the form of cash or a donation of the value of land being acquired as part of the approved project scope.
- E. **Individuals or organizations who may apply for matching grants under this program:** Tax exempt nonprofit organizations which qualify as a charitable conservancy for the purposes of P.L. 1979, c.378 (N.J.S.A. 13:8B-1 et seq.)
- F. **Qualifications needed by applicant to be considered for the grant program:** To qualify for grant consideration, the board of directors or governing body of the applying tax exempt nonprofit organization shall:
 - a. Demonstrate to the Commissioner of the Department of Environmental Protection and Energy that it qualifies as a charitable conservancy for the purposes of P.L. 1979, c.378 (N.J.S.A. 13:8B-1 et seq.);
 - b. Demonstrate that it has the resources to match the grant requested;
 - c. Agree to make and keep the lands accessible to the public, unless the Commissioner determines that public accessibility would be detrimental to the lands or any natural resources associated therewith;
 - d. Agree not to sell, lease, exchange, or donate the lands except to the State, a local government unit, another qualifying tax exempt nonprofit organization, or the Federal government for recreation and conservation purposes (then only with the prior approval of Green Acres);
 - e. Agree to execute and donate to the State, at no charge, a conservation restriction or preservation restriction, as the case may be, pursuant to P.L. 1979, c.378 (N.J.S.A. 13:8B-1 et seq.) on the lands to be acquired utilizing the grant.
- G. **Procedure for application:** Application packages may be requested from:

Martha Sullivan, Principal Planner
Bureau of Green Trust Management
Green Acres Program
CN 412
Trenton, NJ 08625-0412
(609) 588-3490
- H. **Address of the division, office, or official receiving the application:** Same as above.
- I. **Dates applications will be accepted:** Applications must be submitted by May 28, 1993.
- J. **Dates by which applicant shall be notified of preliminary approval:** Applicants shall receive notice of preliminary approval no later than December 31, 1993.

(b)

OFFICE OF REGULATORY POLICY

Amendment to the Monmouth County Water Quality Management Plan

Public Notice

Take notice that on January 15, 1993, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Monmouth County Water Quality Management Plan was adopted by the Department. This amendment modifies the sewer service areas of both the Western Monmouth Utilities Authority (WMUA) and the Bayshore Regional Sewerage Authority (BRSA) in the northern part of Marlboro Township, known as Morganville, in accordance with the recent agreement between the two authorities. With the exception of the area zoned as a Senior Citizen Residential—Single Family District (RSCS) located on the northerly side of Wooleytown Road—Falson Lane, the area will be served by BRSA. The RSCS zone will be served by WMUA. There will be no flow

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restrictions from the service area. Any changes to the service areas of the two authorities under this agreement will require amendment of the Monmouth County WQMP.

This amendment proposal was noticed in the New Jersey Register on September 21, 1992 at 24 N.J.R. 3442(a). A comment was received during the comment period and is summarized below with the Department's response.

COMMENT: A request for service to a lot in the Land Conservation (LC) Zone across Falson Lane (Wooleytown Road) from the RSCS zone, which is to be sewered by WMUA under this amendment, was made by the owner of the lot.

RESPONSE: This amendment does not change the sewer service area boundary in this vicinity; it does change the authority which will provide service to this area from BRSA to WMUA. The lot in question and the remainder of the LC Zone is shown to be served by septic systems. The LC Zone in Marlboro Township in general, does not provide for development at a density which requires sewer service. The WMUA indicates that it is not the intent of the Authority to provide sewer service to properties in the LC Zone at the current time. Should the zoning change or development be proposed in conformance with the LC zoning restrictions which would require sewer service, the Authority would consider amending the WMP to allow sewer service at the owner's expense. On a case-by-case basis, the Authority would allow, with the approval of the Department, service to properties which have documented malfunctioning septic systems which cannot be economically repaired. Again, such connection would be at the owner's expense.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF CRIMINAL JUSTICE

Notice of Action on Petition for Rulemaking Administration and Maintenance Responsibilities for Law Enforcement Funds

N.J.A.C. 13:77-2.2, 2.4 and 2.5

Petitioner: John T. Paff, Chairman, FEAR (Forfeiture
Endangers American Rights).

LAW AND PUBLIC SAFETY

Take notice that on September 21, 1992, the Department of Law and Public Safety received a petition for rulemaking from John T. Paff, Chairman, FEAR (Forfeiture Endangers American Rights). The petition requests that the Department amend its forfeited property distribution rules N.J.A.C. 13:77-2.2, 2.4 and 2.5. Petitioner's stated purposes in requesting the amendments include (1) "clarification" of law enforcement fund administration and maintenance responsibilities and (2) public "control" of law enforcement fund expenditures.

Two requested amendments are intended to require the entity funding a prosecuting agency (and permit no other entity or agency) to establish, administer and maintain law enforcement funds for forfeited property. The third requested amendment is intended to require a funding entity to disburse funds from a Special Law Enforcement Fund only by resolution and only upon the entity's certification that the disbursement serves a law enforcement purpose. A formal notice of receipt of this rulemaking petition was published in the January 19, 1993 New Jersey Register at 25 N.J.R. 375(b).

Take further notice that the Department's own proposal to readopt with amendments its forfeited property distribution rules, N.J.A.C. 13:77, is adopted as published elsewhere in this issue of the New Jersey Register. Formal notice of that proposed readoption with amendments was published in the December 21, 1992 New Jersey Register (at 24 N.J.R. 4492(a)) and elsewhere. In addition, the Department is currently participating in legislative hearings on proposed amendments to the civil forfeiture statute, N.J.S.A. 2C:64-1 et seq., the source of authority for the N.J.A.C. 13:77 forfeited property distribution rules. Neither the Department's proposed rules readoption with amendments nor any known proposed statutory amendment contains the amendments requested in the present petition for rulemaking.

Accordingly, the Department needs more time to study the amendments requested in the present petition for rulemaking to determine (1) whether they are necessary to accomplish the purposes of N.J.S.A. 2C:64-1 et seq., (2) whether they are consistent with the purposes of N.J.S.A. 2C:64-1 et seq., or (3) whether they are contrary to the purposes of N.J.S.A. 2C:64-1 et seq., all in the context of the pending rules readoption with amendments and of the hearings on proposed statutory amendments. The Department intends to make its determinations and act on the petition for rulemaking by July 1993.