

commenter's suggestions, where appropriate. The changes to the general permit were limited to minor edits and clarification.

The general permit continues to provide for inspections and evaluations to ensure conformance with all provisions of N.J.A.C. 7:27. This general permit is issued under the authority of N.J.S.A. 26:2C-9.2 and N.J.A.C. 7:27-8.

How to Obtain a General Permit

General permit GP-015A, Plating, Etching, Pickling, and Electropolishing Operations will be a PDF fillable registration form, which can be found at <http://www.nj.gov/dep/aqpp/gp1list.htm>.

For technical questions, please contact the Bureau of Stationary Sources Help Desk at 609-633-2829 or 609-633-7259.

Notice of Administrative Change to N.J.A.C. 7:27-8.8(c)

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

SUBCHAPTER 8. PERMITS AND CERTIFICATES FOR MINOR FACILITIES (AND MAJOR FACILITIES WITHOUT AN OPERATING PERMIT)

7:27-8.8 General permits

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

(c) A general permit is available for the following sources:

1.-15. (No change.)

[16. Equipment located at a plating or electroplating facility which is not subject to MACT;]

16. Plating, Etching, Pickling, and Electropolishing Operations (GP-015A);

17.-23. (No change.)

(d)-(o) (No change.)

(a)

AIR QUALITY, ENERGY, AND SUSTAINABILITY DIVISION OF AIR QUALITY

Notice of Administrative Change and Announcement of Availability of a Revised General Permit (GP-016A) for Manufacturing and Materials Handling Equipment

N.J.A.C. 7:27-8.8(c)

Take notice that the Department of Environmental Protection (Department) is announcing the availability of a revised General Permit GP-016A for manufacturing and materials handling equipment each with a potential to emit less than the reporting threshold for each air contaminant for minor facilities. The revised general permit adds fumigation activities to the list of existing excluded categories.

This general permit is available beginning on November 5, 2018, and will be included in the list of sources at N.J.A.C. 7:27-8.8(c) for which general permits are available.

GP-016A allows for the construction, installation, reconstruction, modification, and operation of a single or multiple pieces of uncontrolled or controlled manufacturing and materials handling equipment each with a potential to emit less than the reporting threshold for each air contaminant as specified in the GP, but excludes 18 categories, including fumigation activities.

A general permit is a pre-approved permit to construct and certificate to operate, issued pursuant to N.J.A.C. 7:27-8.8, for one or more types of similar sources at a minor facility. A minor facility operator with a qualifying source may register for and operate under the conditions of the general permit, rather than submit a case-by-case permit application.

The Department published notice of the proposed general permit in the July 16, 2018 New Jersey Register at 50 N.J.R. 1671(c), pursuant to the Air Pollution Control Act, N.J.S.A. 26:2C-9.2. The Department reviewed and evaluated the comments received. All General Permits procedures were followed and revised GP-016A was finalized as proposed.

The general permit continues to provide for inspections and evaluations to ensure conformance with all provisions of N.J.A.C. 7:27. This general permit is issued under the authority of N.J.S.A. 26:2C-9.2 and N.J.A.C. 7:27-8.

How to Obtain a General Permit

To view the requirements of GP-016A, Manufacturing and Materials Handling Equipment, go to <http://www.state.nj.us/dep/aqpp/gp.html>. To register for an available general permit, click on the online application hyperlink under the general permit and follow the directions.

For technical questions, please contact the Bureau of Stationary Sources Help Desk at 609-633-2829 or 609-633-7259.

Notice of Administrative Change to N.J.A.C. 7:27-8.8(c)

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

SUBCHAPTER 8. PERMITS AND CERTIFICATES FOR MINOR FACILITIES (AND MAJOR FACILITIES WITHOUT AN OPERATING PERMIT)

7:27-8.8 General permits

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

(c) A general permit is available for the following sources:

1.-16. (No change.)

[17. Single or multiple pieces of uncontrolled or controlled manufacturing and materials handling equipment each with a potential to emit less than the reporting threshold for each air contaminant as specified in the GP (GP-016A);]

17. Manufacturing and Materials Handling Equipment (GP-016A);

18.-23. (No change.)

(d)-(o) (No change.)

HUMAN SERVICES

(b)

DIVISION OF FAMILY DEVELOPMENT

Notice of Administrative Change Social Services Programs—Personal Needs Allowance

N.J.A.C. 10:123-3.4

Take notice that the Division of Family Development is changing the rate of the personal needs allowance reserved by the owner or operator for Supplemental Security Income (SSI) recipients and Work First New Jersey/General Assistance recipients living in residential health care facilities and for SSI recipients living in boarding homes. The amended rate is in the amount of at least \$112.00 per month, provided that the rate of the total 2018 Federal Social Security cost-of-living increase is 2.00 percent. No owner or operator, or agent thereof, shall interfere with the recipient's retention, use, or control of the personal needs allowance.

This notice is being given to inform the public that the Division of Family Development shall increase the rate of the personal needs allowance from \$110.00 to \$112.00 effective January 1, 2018, for SSI recipients and Work First New Jersey/General Assistance recipients living in residential health care facilities and for SSI recipients living in boarding homes. This increase is based on the total 2018 Federal Social Security cost-of-living increase and is consistent with N.J.A.C. 10:123-3.4(a) and (c), which require the announcement of the personal needs allowance increase through public notice. Through this notice, N.J.A.C. 10:123-3.4(a) is changed to reflect this changed rate.

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

SUBCHAPTER 3. PERSONAL NEEDS ALLOWANCE

10:123-3.4 Amount

(a) The owner or operator of each residential health care facility or boarding home shall reserve to each Supplemental Security Income (SSI) recipient residing therein, and the owner or operator of each residential health care facility shall reserve to each Work First New Jersey/General Assistance recipient residing therein, a personal needs allowance in the amount of at least [\$110.00] **\$112.00** per month, set according to (b) below, and noticed in the New Jersey Register and otherwise publicized, in accordance with (c) below. No owner or operator, or agency thereof, shall interfere with the recipient's retention, use, or control of the personal needs allowance.

(b)-(c) (No change.)

LABOR AND WORKFORCE DEVELOPMENT

(a)

DIVISION OF WAGE AND HOUR COMPLIANCE

Notice of Administrative Changes

Minimum Wage

N.J.A.C. 12:56-3.1

Take notice that the Department of Labor and Workforce Development has requested, and the Office of Administrative Law has agreed to permit, an administrative change to N.J.A.C. 12:56-3.1(a). In pertinent part, that subsection states that "except as provided in N.J.A.C. 12:56-3.2, every employee shall, effective January 1, 2018, be paid not less than \$8.60 per hour, the minimum hourly wage rate set by section 6(a)(1) of the Federal 'Fair Labor Standards Act of 1938' (29 U.S.C. §206(a)(1)), or the rate provided under N.J.S.A. 34:11-56a4, whichever is greatest." Pursuant to N.J.A.C. 12:56-3.1(b), on an annual basis, on or about September 30, the Department shall revise the minimum hourly wage rate, "based on any percentage increase during the one-year period of August of the prior year through August of the current year of the consumer price index (CPI) for all urban wage earners and clerical workers (CPI-W, U.S. City Average), as released by the United States Department of Labor, Bureau of Labor Statistics." N.J.A.C. 12:56-3.1 indicates further that the Department shall annually, (1) through a public notice published in the New Jersey Register, provide the new CPI-adjusted minimum hourly wage rate, and (2) no later than September 30 of each year, publish the aforementioned public notice on the Department's website. The percent increase in the CPI-W, U.S. City Average, for the one-year period, August 2017 through August 2018, is 2.88 percent. That is, the CPI-W, U.S. City Average, in August 2017 was 239.448, and in August 2018 it was 246.336. Consequently, the change in the index over the one-year period equals 6.888, or an increase of 2.88 percent (6.888/239.448x100). Using as a base for the calculation the current New Jersey minimum hourly wage rate of \$8.60 (since as of this date, \$8.60 is greater than both the minimum hourly wage rate set by section 6(a)(1) of the Federal Fair Labor Standards Act and the rate provided under N.J.S.A. 34:11-56a4), a 2.88 percent increase (rounded to the nearest penny) is \$0.25, yielding an adjusted State minimum hourly wage rate, effective January 1, 2019, of \$8.85. Therefore, pursuant to Article 1, Paragraph 23, of the New Jersey Constitution, and N.J.A.C. 12:56-3.1(b), the State minimum hourly wage rate, effective January 1, 2019, must be changed from \$8.60 to \$8.85. This requires making two administrative changes to N.J.A.C. 12:56-3.1(a): (1) the date, January 1, 2018, must be replaced by the date, January 1, 2019; and (2) the amount, \$8.60, must be replaced by the amount, \$8.85.

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

SUBCHAPTER 3. MINIMUM WAGE RATES

12:56-3.1 Statutory minimum wage rates for specific years

(a) Except as provided in N.J.A.C. 12:56-3.2, every employee shall, effective January 1, [2018] **2019**, be paid not less than [\$8.60] **\$8.85** per hour, the minimum hourly wage rate set by section 6(a)(1) of the Federal "Fair Labor Standards Act of 1938" (29 U.S.C. § 206(a)(1)), or the rate provided under N.J.S.A. 34:11-56a4, whichever is greatest.

(b)-(c) (No change.)

LAW AND PUBLIC SAFETY

(b)

DIVISION OF STATE POLICE

Firearms and Weapons

Definitions; State of New Jersey Firearms

Identification Card or Permit to Purchase a

Handgun and Form of Register Required;

Prohibition on Sale of Certain Weapons;

Application for a Permit to Carry a Handgun

Adopted Amendments: N.J.A.C. 13:54-1.2, 1.3, and 2.4

Proposed: June 18, 2018, at 50 N.J.R. 1424(a).

Adopted: September 13, 2018, by Patrick J. Callahan, Office of the Superintendent, Division of State Police, with the approval of Gurbir S. Grewal, Attorney General.

Filed: October 4, 2018, as R.2018 d.192, **without change**.

Authority: N.J.S.A. 2C:39-1 et seq., and 2C:58-1 et seq.

Effective Date: November 5, 2018.

Expiration Date: May 12, 2022.

Summary of Public Comments and Agency Responses:

The official 60-day comment period ended on August 17, 2018. The Division of State Police (Division) received electronic comments from the following individuals:

1. John J. Petrolino III

2. Anonymous (jj@XXXXX.net) (e-mail redacted for privacy)

1. COMMENT: The commenters generally objected to the proposed amendment to N.J.A.C. 13:54-2.4, Application for a Permit to Carry a Handgun. Each cited the United States Supreme Court decision in *District of Columbia et al v. Heller*, No. 07-290 478 *F.3d* 370 (2008), as evidence of this notice of proposal's unconstitutionality. The commenters stated in *Heller*, the Supreme Court affirmed the right to carry a firearm for "all lawful purposes" and "self-defense" cannot be determined on a case-by-case basis and should be permitted both inside and outside the home. Furthermore, the commenters requested the standard of establishing "justifiable need" to warrant the approval of a permit to carry a handgun be removed in its entirety as it is directly in violation of the 2nd Amendment. Finally, both commenters reject the use of *Siccardi v. State*, 59 *N.J.* 545 (1971) and *In re Preis*, 118 *N.J.* 564 (1990), as justification for the overall limitations prescribed by New Jersey firearms laws and advocate for them to be revised to be aligned with Federal standards and those of other states to allow the citizens of New Jersey to carry handguns outside the home for lawful, self-defense purposes.

RESPONSE: After a review of the precedent in *Siccardi* and *In re Preis*, *supra*, it has been determined that the inclusion of "serious threats" is not necessary to convey the "justifiable need" standard of requiring demonstration of an urgent necessity for protection from a specific threat in order to issue a permit to carry a handgun. Therefore, a private citizen who applies for a permit to carry a handgun must provide written certification of specific threats or previous attacks that demonstrate a special danger to the applicant's life. By removing the reference to "serious threats" from this provision, the Division has restored the prior language contained in the rules for submitting an application for a permit to carry a handgun under N.J.S.A. 2C:58-4. Furthermore, the Division