

This notice is to inform the public that a plan amendment has been proposed for the Tri-County WQM Plan. All information related to this plan and the proposed amendment is located at:

New Jersey Department of Environmental Protection
Division of Watershed Protection & Restoration
Bureau of NJPDES Stormwater Permitting and Water Quality Management
Water Quality Management Planning Program
PO Box 420, Mail Code 501-02A
501 East State Street
Trenton, New Jersey 08625-0420

The Department's file is available for inspection between 9:00 A.M. and 4:00 P.M., Monday through Friday, upon request. An appointment to inspect the file must be arranged by calling the Bureau of NJPDES Stormwater Permitting & Water Quality Management (609) 633-7021.

Interested persons may submit written comments on the proposed amendment to the Department at the address cited above or at the email: wqmp.publiccomments@dep.nj.gov. Comments should reference Program Interest No. 435433, Activity No. AMD210007 and must be submitted within 30 days of the date of this public notice.

Interested persons may request, in writing, that the Department hold a nonadversarial public hearing on the amendment or extend the public comment period specified in this notice. Such requests should reference Program Interest No. 435433, Activity No. AMD210007 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined at N.J.A.C. 7:1D-5.2(d). The request must be submitted within 30 days of the date of this notice to the Department address cited above. Should the Department decide to hold a public hearing, additional notice will be published in a future issue of the New Jersey Register and the comment period will be extended to 15 days after the Department's public hearing. All comments submitted prior to the close of the comment period shall be considered by the Department before making a final decision on the proposed amendment.

Sewer service is not guaranteed should this amendment be adopted as it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the SSA as a result of the approval of this amendment does not eliminate the need to obtain all necessary permits, approvals, or certifications required by any Federal, State, county, or municipal review agency with jurisdiction over this project/activity.

CORRECTIONS

(a)

DIVISION OF PROGRAMS AND REINTEGRATION SERVICES

Notice of Availability of Funds Purchase of Reintegration Service Coordination

Take notice that, in compliance with N.J.S.A. 52:14-34.4, 34.5, and 34.6 (P.L. 1987, c. 7), the Department of Corrections, Division of Programs and Reintegration Services, hereby publishes a notice of availability of funds.

Name of program: NJLEAD-Category A: Reintegration Service Coordination in Urban Communities in New Jersey.

Purpose for which the funds will be used: To provide grant aid to urban municipalities for Reintegration Service Coordination for inmates being released from the New Jersey Department of Corrections.

Funding period: Successful applicants will be awarded an 18-month grant with a service commencement date of January 1, 2023. The New Jersey Department of Corrections has the sole discretion to award a one-year grant extension based upon performance and the availability of funding.

Amount of funding available: The total Fiscal Year 2023 appropriation for NJLEAD is \$7,000,000. Funding for Category A: Reintegration Service Coordination in Urban Communities is \$1,500,000. The Fiscal Year 2024 appropriation amount will not be known until late June 2023.

Groups or entities which may apply: Municipalities located in urban communities.

Qualifications needed by applicant agency to be considered for a grant: Municipalities must have suitable office space that can properly accommodate the Reintegration Service Coordinator and provide for virtual meetings and conference call ability.

Procedure for eligible entities to apply for funds: Qualified applicants must complete and submit a proposal as outlined in the Notice of Grant Opportunity. Eligible and interested organizations may obtain a copy of the Notice of Grant Opportunity from the New Jersey Department of Corrections' website beginning October 17, 2022, at: <https://www.state.nj.us/corrections/pages/grants.html>.

Deadline by which proposals must be submitted: Proposals must be submitted no later than 12:00 P.M. on November 15, 2022.

Address for submission of proposals: Proposals shall be delivered through email at: Grants@doc.nj.gov.

Date by which applicant agency shall be notified whether they will receive funds: Applicants will be notified after a careful review and evaluation of their proposal, which is anticipated to be completed by December 15, 2022.

(b)

STATE PAROLE BOARD

Notice of Receipt of Petition for Rulemaking N.J.A.C. 10A:71-2.2, 3.11, and 3.20

Petitioner: Michael R. Noveck, Assistant Deputy Public Defender, on behalf of the Public Defender, Joseph E. Krakora, and the Office of the Public Defender (OPD).

Take notice that on September 13, 2022, the State Parole Board (SPB) received a petition for rulemaking from the above captioned petitioner. The petitioner requests that the State Parole Board (SPB) modify its existing rules in three ways.

First, the OPD requests modifications that account for the psychological and neuroscientific research regarding brain development and maturity for emerging adults and particularly those who have been incarcerated prior to age 25. In conformance with this research and New Jersey law regarding the mitigating factors of youth and increasing maturity of emerging adults, the OPD specifically requests that the SPB modify its consideration of serious disciplinary infractions committed during one's early adult years, N.J.A.C. 10A:71-3.11(b)7, as well as its use of "[s]ubsequent growth and increased maturity of [an] inmate during incarceration" as a factor in parole decisions, N.J.A.C. 10A:71-3.11(b)24, to ensure that a person's youth is not inappropriately considered as an aggravating factor. The OPD references *State v. Rivera*, 249 N.J. 285 (2021) ("[Youth] may be considered only as a mitigating factor in sentencing and cannot support an aggravating factor."); and N.J.S.A. 2C:44-1.b(14) (providing for mitigating factor at sentencing where defendant "was under 26 years of age at the time of the commission of the offense."). The OPD offered specific language for the SPB's consideration in regard to the aforementioned New Jersey Administrative Code provisions.

Second, the OPD requests that the SPB include a new mitigating factor in its parole decisions that accounts for the advanced age of a person eligible for parole, in light of the overwhelming evidence demonstrating the lack of recidivism for older persons. The OPD references *Acoli v. N.J. State Parole Board*, 250 N.J. 431 (2022) (a potential parolee's "advanced age ... is [a] highly relevant factor" for the Parole Board to consider); *State v. Comer*, 249 N.J. 359 (2022) (discussing the "age-crime curve" showing that prevalence of crime "drop[s] precipitously" as people age out of adolescence); and *Berta v. N.J. State Parole Board*, ___N.J. Super. ___ (2022) ("[W]e instruct the Board to account specifically for Berta's age ... in determining whether - and, if need be, explaining why - the preponderance of the evidence establishes a substantial likelihood that he will re-offend."). The OPD offered for the SPB's consideration specific language that would constitute new N.J.A.C. 10A:71-3.11(b)25.

Third, the OPD requests that the SPB modify its rule regarding the withholding of psychological and substance abuse reports from a person who is eligible for parole. The OPD notes that currently the SPB's rules contain a blanket designation of confidentiality over all such records, see N.J.A.C. 10A:71-2.2(a)1 and 2, which are withheld from the person seeking parole, see N.J.A.C. 10A:71-2.2(c). The OPD states that the rule was designed to prevent disclosure of an incarcerated person's confidential medical information to the public, but it has since inappropriately been modified to prevent the person from accessing their own records. The OPD states that this treatment is contrary to Appellate Division precedent requiring a case-by-case analysis and justification regarding the withholding of relevant materials from the parole applicant. The OPD references *Thompson v. N.J. State Parole Board*, 210 N.J. Super. 107 (App. Div. 1986) (requiring "good faith determinations, made pursuant to [reasonable] standards, whether file materials are to be

withheld" from person seeking parole); and *N.J. State Parole Board v. Cestari*, 224 N.J. Super. 534 (App. Div. 1988) (concluding that "there is no current reason for [appellant's] psychological report to remain confidential). The OPD offered for the SPB's consideration specific language that would modify N.J.A.C. 10A:71-2.2(c) and (d) and specific language that would modify N.J.A.C. 10A:71-3.20(e).

In accordance with the provisions at N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-4.2, the State Parole Board upon consideration of the above suggested rule change will mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.