

2:68-1.5 Definitions of feed ingredients

The Department of Agriculture adopts and incorporates by reference the definitions of feed ingredients as set forth in the 2015 edition of the official publication of the Association of American Feed Control Officials, Inc., as amended and supplemented.

2:68-1.6 Sampling and analysis

Sampling and analysis shall be conducted in accordance with methods published in the 18th edition (2015) of the official methods of analysis of the Association of Official Analytical Chemists, which is incorporated herein by reference, as amended and supplemented, or in accordance with other recognized official methods.

2:68-1.7 Other rules and regulations

In addition to the definitions of feed ingredients and feed terms previously adopted, the Department of Agriculture adopts and incorporates by reference the official pet food regulations, the statement of uniform interpretation and policy, and lists of new animal drugs, certifiable antibiotics, and warning statements associated therewith, the permitted analytical variations and the pet food protocols and affidavits as contained in the 2015 edition of the official publication of the Association of American Feed Control Officials, Inc., as amended and supplemented.

2:68-1.8 Obtaining copies of rules incorporated by reference

(a) A copy of the 2015 edition of the official publication of the American Feed Control Officials is on file in the Director's Office, Division of Marketing and Development, New Jersey Department of Agriculture, Health & Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625. Copies may be procured by writing to Jennifer Roland, AAFCO, 1800 South Oak Street, Suite 100, Champaign, IL 61820, or by ordering on line at www.aaafco.org.

(b) A copy of the 18th edition of the official methods of the Association of Official Analytical Chemists (AOAC) is on file in the State Chemists Office, NJPHEAL, 3 Schwarzkopf Drive, Ewing, New Jersey 08628. Copies may be procured by contacting AOAC Customer Service at (301) 924-7077 Ext. 170, or by ordering online at www.aoac.org.

CHILDREN AND FAMILIES

(a)

OFFICE OF LICENSING

Manual of Requirements for Residential Child Care Facilities

Readoption: N.J.A.C. 10:127

Proposed: May 2, 2016, at 48 N.J.R. 699(a).
 Adopted: July 29, 2016, by Allison Blake, Ph.D., L.S.W.,
 Commissioner, Department of Children and Families.
 Filed: September 23, 2016, as R.2016 d.143, **without change**.
 Authority: N.J.S.A. 30:1-14 and 15 and 30:4C-4.
 Effective Date: September 23, 2016.
 Expiration Date: September 23, 2023.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

The readopted rules do not exceed Federal requirements, since there are no existing statutes or requirements pertaining to residential child care facilities imposed by Federal law within the scope of this chapter.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10:127.

MILITARY AND VETERANS' AFFAIRS

(b)

OFFICE OF THE ADJUTANT GENERAL

Brigadier General William C. Doyle Veterans' Memorial Cemetery

Readoption with Amendments: N.J.A.C. 5A:4

Adopted New Rules: N.J.A.C. 5A:4-5

Proposed: May 16, 2016, at 48 N.J.R. 733(a)
 Adopted: September 14, 2016, by Brigadier General Michael L. Cunniff, The Adjutant General, Commissioner, Department of Military and Veterans' Affairs.
 Filed: September 28, 2016, as R.2016 d.144, **with non-substantial changes** not requiring additional public comment (see N.J.A.C. 1:30-6.3).
 Authority: 38 U.S.C. § 2402 and N.J.S.A. 38A:3-2.2, 38A:3-6(o), and 38A:3-6(u).
 Effective Dates: September 28, 2016, Readoption.
 November 7, 2016, Amendments and New Rules.
 Expiration Date: September 28, 2023.

Summary of Public Comments and Agency Responses:

The Department of Military and Veterans Affairs received timely comments from two commenters during the 60-day public comment period, which ended on July 15, 2016.

General Comments

1. COMMENT: An unknown commenter commented that the proposed rules were very interesting.

RESPONSE: The Department thanks the commenter for their support.

N.J.A.C. 5A:4-2.1

2. COMMENT: The New Jersey State Funeral Directors Association, Inc. (NJSFDA) recommended a change to N.J.A.C. 5A:4-2.1(b)3v, which proposed that a utility bill issued within the last 30 days is acceptable proof of New Jersey residency for the purposes of interment eligibility. The NJSFDA believes that this requirement will create an unintended delay in eligibility consideration and recommends changing this requirement to 60 to 90 days.

RESPONSE: The Department agrees with the NJSFDA's comments and will make a change upon adoption at N.J.A.C. 5A:4-2.1(b)3v, to change the 30-day utility bill requirement to a 90-day requirement.

N.J.A.C. 5A:4-4.1

3. COMMENT: The NJSFDA objected to the Department's requirement that a burial permit and certified death certificate be provided to the Cemetery before services can be scheduled as proposed at N.J.A.C. 5A:4-4.1(a)2. The NJSFDA states that this requirement is impractical and may have costly and burdensome implications for bereaved families as a final decision on the method and location of disposition must be confirmed before a burial permit can be generated and a death certificate can be certified. The NJSFDA further noted that if such documents were provided and the veteran is later deemed ineligible for interment, then the families would be subjected to unnecessary stress and additional expenses to amend the death certificate in order to reflect a new location of disposition, a process that can take six to eight weeks. The NJSFDA recommends that the Department utilize the existing regulations at N.J.A.C. 5A:4-2.1.

RESPONSE: The Department agrees with the commenter, and in discussion with the NJSFDA, has deleted the words "to establish and confirm eligibility" at the end of N.J.A.C. 5A:4-4.1(a)2. The eligibility requirements for an interment at the Cemetery are set forth at N.J.A.C. 5A:4-2.1. This change will alleviate the burden and stress of bereaved families, as well as negate any potential cost later.

N.J.A.C. 5A:4-5

4. COMMENT: The NJSFDA recommends that the Department utilize the established procedures for obtaining the proper authorizations to

conduct a disinterment in the Cemetery, which are codified in N.J.S.A. 45:27-22 and 45:27-23 and N.J.A.C. 8:9. The NJSFDA states that the proposed new rules at N.J.A.C. 5A:4-5 create a new procedure that is inconsistent with existing State laws and rules. The NJSFDA states that N.J.S.A. 45:27-22 and 45:27-23 expressly list the hierarchy of individuals that may authorize the funeral and disposition of a decedent and provides specific criteria for obtaining approval to proceed with a disinterment. Additionally, the NJSFDA noted that N.J.A.C. 8:9 states the required signatures required to legally be issued a State Disinterment Permit from the local Board of Health.

RESPONSE: The Department disagrees with the NJSFDA's recommendation. The proposed new rules at N.J.A.C. 5A:4-5 supplement N.J.S.A. 45:27-22 and 45:27-23 and N.J.A.C. 8:9, while still adhering to the U.S. Department of Veterans' Affairs (VA) Rules for Veteran Cemetery disinterments found at 38 CFR 38.621. The only significant difference between the State's and VA's requirements is that the State requires that the surviving spouse, adult children, and the owner of the interment space authorize removal in writing, whereas the VA requires notarized statement(s) by all living immediate family members of the decedent.

N.J.A.C. 5A:4-5.3

5. COMMENT: The NJSFDA opposes proposed new N.J.A.C. 5A:4-5.3(e) because it charges the disinterment fee to a funeral director. The NJSFDA states that a request to disinter a veteran is a decision made by the veteran decedent's family and should be borne by the veteran decedent's next-of-kin.

RESPONSE: The Department agrees with the NJSFDA comment and will make a change upon adoption at N.J.A.C. 5A:4-5.3(e) by deleting the words "or funeral director" from the rule.

Summary of Agency-Initiated Change:

In discussion with the NJSFDA concerning their comments, the Department noted that the new proposed rules found at N.J.A.C. 5A:4-5.1, 5.2, and 5.3 were inconsistent with United States Veterans Affairs Rules found at 38 CFR 38.621 concerning the definition of "immediate family members." The Department will make a technical change upon adoption at N.J.A.C. 5A:4-5.2, to replace paragraphs (a)1, 2, and 3 with new paragraphs (a)1 and 2 to conform with the Federal definition.

Federal Standards Statement

The provisions of this chapter do not exceed any Federal standards and the requirements of these rules are the same as those imposed by Federal law Title 38 United States Code-Veterans Benefits, at 38 U.S.C. § 2402.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 5A:4.

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

SUBCHAPTER 1. GENERAL PROVISIONS

5A:4-1.1 Scope

(a) This chapter is applicable to all residents of the State who served in any capacity on active duty with the Armed Forces of the United States of America and who have been separated or discharged from such active duty under conditions other than undesirable or dishonorable.

(b) This chapter is applicable to all residents of the State who are or were members of the Reserve Components of the Armed Forces of the United States of America who have 20 years of service creditable for retired pay. Members of the State Organized Militia shall be considered in accordance with N.J.A.C. 5A:4-2.3.

(c) (No change in text.)

SUBCHAPTER 2. ELIGIBILITY CRITERIA

5A:4-2.1 Veterans' interment eligibility

(a) (No change.)

(b) The following eligibility criteria are outlined in order to delineate and clarify the provisions of (a) above:

1.-2. (No change.)

3. Proof of New Jersey residency is considered to be one of the following:

i.-iv. (No change.)

v. Utility bills that are current within the last *[30]* *90* days with the veteran's name and New Jersey address appearing thereon; or

vi. (No change.)

4. In the absence of an acceptable discharge document or proof of residency, the interment may be subject to delay in order to permit a determination of eligibility.

5.-6. (No change.)

5A:4-2.2 Family interment eligibility

In order for a spouse or dependent child to be eligible for interment, the eligible sponsor must be interred or agree to be interred in a veterans' memorial cemetery. The surviving spouse of a veteran remains eligible for burial in the Veterans' Memorial Cemetery based on his or her marriage to the veteran, regardless of the status of a subsequent marriage, as long as the effective date of death is on or after January 1, 2000. The Veterans' Memorial Cemetery recognizes a veteran's marriage if the marriage was recognized under the law of the place where at least one of the parties resided when they were married or when the claimant became eligible for benefits. The Veterans' Memorial Cemetery also recognizes all same-sex marriages without regard to a veteran's current or previous state of residence.

5A:4-2.3 Members of the State Organized Militia interment eligibility

A member of the State Organized Militia, who while on State Active Duty by Order of the Governor of the State of New Jersey and who dies or is killed in the line of duty, is eligible for interment in the Veterans' Memorial Cemetery. The family of such a State Organized Militia member is eligible for interment in accordance with the provisions of this chapter as they apply to the family of a deceased veteran.

5A:4-2.4 Right of appeal

A veteran, a reserve component member, State Organized Militia member, their legal representative, or next-of-kin may appeal a decision regarding eligibility for interment within 30 days of notification of the decision. The appeal shall be in writing and be filed with the Cemetery Administrator who shall forward the request for reconsideration with all documentation to the Department of Military and Veterans' Affairs, attn: The Adjutant General, for final determination. The Department shall respond to the appeal with a final decision within 48 hours.

SUBCHAPTER 3. GENERAL OPERATING RULES FOR BRIGADIER GENERAL WILLIAM C. DOYLE VETERANS' MEMORIAL CEMETERY

5A:4-3.2 General operations

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

(c) Depending upon the availability of resources, the Veterans' Memorial Cemetery shall normally be open for visitation seven days a week during the hours of 8:00 A.M. to dusk. The Administrative Office shall be open Monday through Friday, during the hours of 8:00 A.M. to 4:00 P.M., except for State holidays.

(d)-(g) (No change.)

(h) No plantings of any type are permitted on cemetery grounds or on grave sites. No potted plants, wreaths, emblems, or other forms of decorative articles are permitted on grave sites, except for as authorized in this section.

(i) (No change.)

(j) Evergreen blankets and wreaths shall be permitted on graves beginning December 1 and shall be removed by cemetery personnel no earlier than January 15.

(k)-(p) (No change.)

(q) Eligible resident New Jersey veterans, Reserve component members, State Organized Militia members, their spouse, and eligible dependents shall be interred at no cost.

(r) Eligible New Jersey veterans and members of reserve components and State Organized Militia interred in cemeteries other than the Veterans' Memorial Cemetery may be disinterred at no cost to the State

and re-interred at the Veterans' Memorial Cemetery in accordance with (q) above.

(s) (No change.)

SUBCHAPTER 4. GENERAL OPERATING RULES FOR FUNERAL DIRECTORS WHEN DEALING WITH THE BRIGADIER GENERAL WILLIAM C. DOYLE VETERANS' MEMORIAL CEMETERY

5A:4-4.1 General requirements

(a) In an effort to avoid unnecessary stress to the bereaved family and to ensure that the scheduling of interments proceed without delay, funeral directors shall:

1. (No change.)

2. Before a funeral service, committal service, burial, and/or bronze marker order can be scheduled, the following documents must be provided to the Cemetery*[to establish and confirm eligibility]*:

i. The Burial, Cremation, Removal, or Transit Permit (required for all interments and must be presented prior to service);

ii. (No change.)

iii. The Certified Death Certificate (or Abstract); and

iv. (No change.)

(b) The bronze memorial marker shall not be ordered until all of the documentation listed in (a) above has been received.

5A:4-4.4 Assignment of gravesites

Gravesites/niches are assigned the afternoon on the day before the interment service. The next available grave or niche is assigned for the interment or inurnment. Assignment of graves and niches are made without regard to military rank, race, color, creed, or gender of the qualifying service member.

5A:4-4.5 Floral arrangements

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

(c) The next of kin or representative shall sign a Grave Configuration Form and a Marker Form prior to the committal service.

SUBCHAPTER 5. *[DISINTERMENTS]* **DISINTERMENTS***

5A:4-5.1 General

Interments at the Veterans' Memorial Cemetery are also considered permanent and final. Disinterments will be permitted only for cogent reasons and then only with the prior written authorization of the Director of the Division of Veterans' Services for the New Jersey Department of Military and Veterans' Affairs.

5A:4-5.2 Administrative requirements

(a) Disinterments from the Veterans' Memorial Cemetery will be approved only when all living immediate family members of the decedent, to include the person who initiated the interment (regardless if he or she is a member of the immediate family), give their written consent, or when a court order or State instrumentality of competent jurisdiction directs the disinterment.

*[1. "Immediate family members" as used in this section shall mean the unremarried surviving spouse, all adult children of the decedent, appointed guardians of minor children, and the appointed guardian of the unremarried surviving spouse of the decedent.

2. When the person who initiated the interment is the remarried spouse, his or her written consent will not be required.

3. In the absence of a surviving unremarried spouse and children, the decedent's parents will be considered "immediate family members."*

***1. "Immediate family members" are defined as the surviving spouse, whether or not he or she is remarried; all adult children of the decedent; the appointed guardian(s) of minor children; and the appointed guardian(s) of the surviving spouse or of the adult child(ren) of the decedent.**

2. In the absence of a surviving spouse and children, the decedent's parents will be considered "immediate family members."*

(b) All requests for authority to disinter the decedent's remains will be submitted in writing to the New Jersey Department of Military and Veterans' Affairs, Director of Veterans' Services, and include the following information:

1. A full statement of reasons for the proposed disinterment;

2. Notarized statements by all eligible living immediate family members of the decedent to include the person who initiated the interment (regardless if he or she is a member of the immediate family), that they consent to the proposed disinterment; and

3. A notarized statement, by the person requesting the disinterment that those who supplied affidavits comprise all of the living immediate family members of the decedent.

(c) In lieu of the documents in (b) above, an order of a court of competent jurisdiction will be considered. The Brigadier General William C. Doyle Veterans' Memorial Cemetery and/or officials of the Cemetery should not be made a party to the court action, as this is a matter among the family members involved.

(d) When a disinterment has been authorized, written notification will be sent to the funeral home and/or requester. The notification must inform the requester that costs related to the disinterment must be at private expense and that a date and time for the disinterment must be coordinated with the Cemetery Interment Office for scheduling purposes. Sensitive or unusual cases that could impact negatively on the State of New Jersey would be referred to the Office of the Attorney General for resolution.

5A:4-5.3 Operational requirements

(a) Disinterments will be supervised at the grave by the Cemetery Superintendent or his or her designated representative.

(b) Special care will be shown toward adjacent graves and headstones to avoid or minimize damage.

(c) Cemetery personnel will reopen the grave to one foot above the top of the casket or casket container. Cremated remains that are inurned may be fully uncovered.

(d) Cemetery personnel will not handle remains or otherwise participate in any other aspect of the disinterment operation of a full casket.

(e) A disinterment charge will be made to the family *[or funeral director]* for the supervision of, and participation in, the disinterment operation, as follows:

1. Disinterment of a full casket: \$500.00;

2. Disinterment of a buried urn: \$200.00; and

3. Disinterment of an unburied urn: \$100.00.

(f) The headstone or marker removed from the grave will not be shipped to the cemetery where the remains are to be reinterred. If the remains are to be buried at another cemetery under the jurisdiction of the Veterans' Administration a new headstone will be ordered by the director of the receiving cemetery. There is no charge to the next of kin for the new government-furnished headstone/marker. The old marker will be disposed of in accordance with provisions outline by the Veterans' Administration.

ENVIRONMENTAL PROTECTION

(a)

WATER RESOURCE MANAGEMENT

DIVISION OF WATER QUALITY

Water Quality Management Planning Rules

Adopted Repeals and New Rules: N.J.A.C. 7:15

Adopted Amendments: N.J.A.C. 7:14A-4.3 and 7:38-1.1

Proposed: October 19, 2015, at 47 N.J.R. 2531(a) (see also 47 N.J.R. 2695(a)).

Adopted: October 6, 2016, by Bob Martin, Commissioner, Department of Environmental Protection.

Filed: October 7, 2016, as R.2016 d.149, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).