

RULE ADOPTIONS

AGRICULTURE

(a)

DIVISION OF PLANT INDUSTRY

Notice of Readoption Gypsy Moth

Readoption with Technical Changes: N.J.A.C. 2:23

Authority: N.J.S.A. 4:1-11.1, 4:7-15 through 4:7-35, and 4:7-36 through 4:7-42.

Authorized By: The State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture.

Effective Dates: May 25, 2022, Readoption;
June 20, 2022, Technical Changes.

New Expiration Date: May 25, 2029.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:23 will expire on August 19, 2022. N.J.A.C. 2:23 protects trees in New Jersey municipalities through the voluntary aerial suppression program to combat *Lymantria dispar dispar* infestation.

The *Lymantria dispar dispar* (LDD) is a serious pest of forest, fruit, and shade trees in New Jersey and the eastern United States; oak-forested areas are particularly at risk of losses of trees due to repeat feeding damage by LDD caterpillars (larvae). Successive defoliation of susceptible trees by LDD larvae can cause widespread tree mortality leading to significant environmental and financial losses.

LDD damage threatens the quality of New Jersey's working landscape. The lack of leaf canopy also affects water quality. The LDD is well established in New Jersey and the eastern United States and cannot be eradicated. The Department promotes an integrated pest management philosophy, which conserves natural predators and diseases of LDD through detailed population monitoring and assessments that utilizes the least toxic spray materials to manage LDD outbreaks. However, LDD populations are building rapidly in certain areas of the State due to a breakdown in natural control by the fungus disease *Entomophaga maimaiga*. The fungus resides in the soil and infects caterpillars when rain is abundant in May and early June, killing the late-stage caterpillars before they can reproduce.

The Department of Agriculture cooperates with local municipalities and agencies through the voluntary aerial suppression program outlined at N.J.A.C. 2:23 to reduce tree losses caused from LDD damage when natural controls fail. The New Jersey Department of Agriculture also cooperates with the United States Department of Agriculture Forest Service (USDA Forest Service) for technical and financial assistance in managing LDD outbreaks. Annual fluctuations of this forest insect constantly affect the number of municipalities participating in the program.

N.J.A.C. 2:23, the LDD Voluntary Suppression Program, establishes a program for LDD suppression, establishes that the subchapter is applicable to voluntary participants in the LDD suppression program, describes the priorities established for identifying areas for treatment for LDD, and sets forth the requirements for local government participation in the program, including provision of a student commuting shutdown period.

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted without amendment, except to change all uses of the term "Gypsy Moth" to "*Lymantria dispar dispar*" and/or "LDD" which is a technical change pursuant to N.J.S.A. 52:14B-5.1.c(1). The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

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

CHAPTER 23 [GYPSY MOTH] *LYMANTRIA DISPAR DISPAR*

SUBCHAPTER 1. VOLUNTARY SUPPRESSION PROGRAM

2:23-1.1 Applicability

[(a)] The conditions in this subchapter are applicable to voluntary participants in the [gypsy moth] *Lymantria dispar dispar* suppression program.

2:23-1.3 Local government participation

(a) Spraying will only be done on a voluntary basis with local governments that agree to fully accept the following conditions for participation in their aerial spray program:

1. Request, in writing, an egg mass survey to determine status of the [gypsy moth] *Lymantria dispar dispar* infestations in residential and recreational forests.

2.-3. (No change.)

4. Adopt a resolution declaring the [gypsy moth] *Lymantria dispar dispar* a "Public Nuisance." The public must be notified in advance, pursuant to the **Senator Byron M. Baer** Open Public Meetings Act [For Proposed Municipal Action (], N.J.S.A. 10:4-9)], of the date, time, and place that the [gypsy moth] *Lymantria dispar dispar* resolution will be discussed. A copy of this notice must be sent to the Department of Agriculture.

5.-9. (No change.)

10. Submit to the Department of Agriculture a copy of the spray vendor's invoice and proof of payment within 60 days following the Statewide completion of the [gypsy moth] *Lymantria dispar dispar* aerial suppression program.

ENVIRONMENTAL PROTECTION

(b)

NEW JERSEY WATER SUPPLY AUTHORITY

Schedule of Rates, Charges, and Debt Service Assessments for the Sale of Water from the Raritan Basin System

Adopted Amendments: N.J.A.C. 7:11-2.3, 2.4, 2.5, and 2.6

Proposed: January 3, 2022, at 54 N.J.R. 3(a).

Adopted: May 9, 2022, by the New Jersey Water Supply Authority, Shawn LaTourette, Chair, and Commissioner, Department of Environmental Protection.

Filed: May 23, 2022, as R.2022 d.077, **without change**.

Authority: N.J.S.A. 58:1B-7.

DEP Docket Number: 09-21-12.

Effective Date: June 20, 2022.

Operative Date: July 1, 2022.

Expiration Date: February 12, 2023.

The New Jersey Water Supply Authority (Authority) is adopting amendments to the Schedule of Rates, Charges, and Debt Service Assessments for the Sale of Water from the Raritan Basin System. In accordance with N.J.A.C. 7:11-2.14(a)4, Procedures for rate adjustments, the Authority held a pre-public hearing meeting with the Authority's contractual water customers to present and explain the proposed adjustments to the rate schedule embodied in these rules. Notice of the pre-public hearing meeting was provided to the contractual water customers, the Secretary of State, and interested parties including the Division of the Ratepayer Advocate and the Board of Public Utilities. The