

PUBLIC NOTICES

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Notice of Receipt of and Action on Petition for Rulemaking

Constitutional Right to a Probable Cause Hearing

Petitioner: Donell Freeman, Inmate at Monmouth County Jail

Take notice that on September 9, 2016, the Office of Administrative Law received a petition for rulemaking from the above petitioner requesting that the Office of Administrative Law adopt rules pertaining to the right to a probable cause hearing under the Fourth Amendment of the Constitution of the United States of America.

Take further notice that, after having duly considered this petition, the Director of the Office of Administrative Law must deny the petitioner's request as the Office of Administrative Law has no statutory authority to promulgate rules pertaining to probable cause hearings.

ENVIRONMENTAL PROTECTION

(b)

NEW JERSEY PINELANDS COMMISSION

Notice of Agency Action

Increase in Minimum Lot Size Required for Use of the BioBarrier and SeptiTech Systems in the Pinelands Area

Take notice that effective October 3, 2016, the Pinelands Commission has increased the minimum lot size required when a BioBarrier or SeptiTech wastewater treatment system is proposed for residential use in the Pinelands Area. The BioBarrier and SeptiTech wastewater treatment technologies were originally authorized through the Commission's Alternate Design Treatment Systems Pilot Program for use on minimum 1.0-acre lots. Analysis of effluent data collected to date has led to a determination that both systems require a minimum 1.7-acre lot to meet the Commission's nitrogen-based water quality standard. Accordingly, new BioBarrier and SeptiTech systems shall be located on parcels containing at least 1.7 acres for each dwelling unit that will be served by the system.

This action does not affect existing BioBarrier or SeptiTech systems that were installed on lots that are smaller than 1.7 acres. N.J.A.C. 7:50-10.22(b) provides that owners of alternate design systems that fail to meet original nitrogen removal expectations shall not be held liable for the system's nitrogen removal efficiency, provided the system is properly operated and maintained.

Operating a BioBarrier or SeptiTech system on a lot smaller than 1.7 acres does not raise a public health concern. The Commission's action relates only to the inability of the systems to meet the Commission's ecologically-based groundwater quality standard, as determined by the Pinelands Septic Dilution Model, when used on less than 1.7 acres.

The Commission will permit new BioBarrier and SeptiTech systems on lots that are smaller than 1.7 acres only in instances in which contracts for the purchase or design of the system were entered into prior to October 3, 2016. All municipal and county approvals of the BioBarrier or SeptiTech technologies on lots smaller than 1.7 acres that are submitted to the Commission after October 3, 2016, will be called up for Commission review pursuant to N.J.A.C. 7:50-10.22(a)5i. The Commission will consider releasing these approvals if the applicant provides the Commission with evidence to support that a financial

commitment toward the BioBarrier or SeptiTech technology was made prior to October 3, 2016.

Questions pertaining to the Commission's Alternate Design Treatment Systems Pilot Program should be directed to the Commission's Land Use and Technology Programs staff at (609) 894-7300 or to wastewater@njpinelands.state.nj.us.

(c)

DIVISION OF FISH AND WILDLIFE

BUREAU OF SHELLFISHERIES

Notice of 2016-2017 Surf Clam Harvest Quota

Take notice that the Department of Environmental Protection, pursuant to N.J.A.C. 7:25-12.10, announces that the harvest quota for the 2016-2017 season will be 14,592 bushels of surf clams. The Department, with the advice of the New Jersey Shellfisheries Council and the Surf Clam Advisory Committee, established the season quota at a level that provides benefits to the industry without detriment to the resource.

HEALTH

(d)

HEALTH SYSTEMS BRANCH

CERTIFICATE OF NEED AND LICENSING DIVISION

OFFICE OF CERTIFICATE OF NEED AND HEALTHCARE FACILITY LICENSURE

Notice of Rescission of Certificate of Need Call for Applications for New Mobile Intensive Care Units

Take notice that, in compliance with N.J.S.A. 26:2H-1 et seq., and the provisions of N.J.A.C. 8:33-4.1(a), Cathleen D. Bennett, Commissioner, New Jersey Department of Health, hereby publishes notice rescinding the invitation for certificate of need applications to establish a new mobile intensive care service, previously published at 48 N.J.R. 1468(a).

The Department is in the process of gathering and evaluating data to determine whether there is currently a need for new mobile intensive care services anywhere in the State of New Jersey. Accordingly, it is necessary to rescind the call for certificate of need applications to establish a new mobile intensive care service in order to allow the Department sufficient time to complete its evaluation of need, and to provide potential applicants and affected parties sufficient time to respond appropriately to a certificate of need call notice in the event the Department determines that there is a specific need for new mobile intensive care services. The Department anticipates being in a position to make a determination regarding whether a call is necessary in 2017. If the Department determines that there is a need for a call, a call will be published in the New Jersey Register that will provide the necessary time for both potential applicants and interested parties to respond to the future call notice. In the alternative, if the determination is made to cancel the call, then the Department will publish a cancellation notice in the New Jersey Register.