

(2) In Section P2904.2.3, Freezing areas, “Section [P2603.6] **P2603.5**” shall be deleted and “the plumbing subcode (N.J.A.C. 5:23-3.15)” shall be inserted.

(3) (No change.)

22. Chapters 30 through 33 shall be deleted in their entirety[,] and “Plumbing requirements under the scope of this subcode shall be regulated by the plumbing subcode, **N.J.A.C. 5:23-3.15.**” shall be inserted.

23. Chapters 34 through 43 shall be deleted in their entirety[,] and “Electrical requirements under the scope of this subcode shall be regulated by the electrical subcode, **N.J.A.C. 5:23-3.16.**” shall be inserted.

24. The Appendices shall be amended as follows:

i. (No change.)

ii. Appendix D, Recommended Procedure for Safety Inspection of an Existing Appliance Installation; Appendix E, Manufactured Housing Used as Dwellings; Appendix F, [Passive] Radon [Gas] Control[s] Methods; and Appendix G, Piping Standards for Various Applications, are deleted in their entirety.

iii. (No change.)

iv. Appendix I, Private Sewage Disposal; Appendix J, Existing Buildings and Structures; Appendix L, Permit Fees; Appendix M, Home Day Care - R-3 Occupancy; Appendix N, Venting Methods; Appendix O, Automatic Vehicular Gates; and Appendix P, Sizing of Water Piping Systems; and Appendix Q, Reserved, shall be deleted.

v. **Appendix Q, Tiny Houses;** Appendix R, Light Straw-Clay Construction[.]; and Appendix S, Strawbale Construction, shall be adopted as part of this subcode.

vi. Appendix T, [Recommended Procedure For Worst-Case Testing Of Atmospheric Venting Systems Under N1102.4 or N1105 Conditions <= 5ACH50, and Appendix U.] Solar-Ready Provisions— Detached One-And Two-Family Dwellings, Multiple Single-Family Dwellings (Townhouses), shall be deleted in their entirety.

5:23-3.22 Fuel gas subcode

(a) Rules concerning the fuel gas subcode adopted are as follows:

1. Pursuant to authority of P.L. 1975, c. 217, the Commissioner hereby adopts the model code of the International Code Council, Inc., known as the International Fuel Gas [Code/2015] **Code/2018**. This code is hereby adopted by reference as the fuel gas subcode for the State of New Jersey subject to the modifications in (b) below.

i. (No change.)

ii. The International Fuel Gas [Code/2015] **Code/2018** may be known and cited as the “fuel gas subcode.”

2.-3. (No change.)

(b) The following chapters, sections or pages of the International Fuel Gas [Code/2015] **Code/2018** shall be amended as follows:

1. (No change.)

2. Chapter 2 of the fuel gas subcode, entitled “Definitions,” is amended as follows:

i.-ii. (No change.)

iii. The definition of the term “approved” is deleted and the following shall be inserted: “Approved refers to approval by the [building] **appropriate** subcode official or other authority having jurisdiction in accordance with the regulations.”

iv.-viii. (No change.)

3.-6 (No change.)

7. Chapter 8 of the fuel gas code, entitled “Referenced Standards,” shall be amended as follows:

i. Under the heading “ICC,” amend the following titles:

(1) Delete “[IPC—15] **IPC—18**, International Plumbing Code.”

8.-9. (No change.)

(a)

**STATE PLANNING COMMISSION**

**State Planning Rules; Period of Endorsement**

**Proposed Amendment: N.J.A.C. 5:85-7.21**

Authorized By: State Planning Commission, Melanie Willoughby, Secretary and Director of the Office for Planning Advocacy.

Authority: N.J.S.A. 52:18A-203.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2019-026.

Submit written comments, electronic or paper, by May 3, 2019, to:

Office for Planning Advocacy, Department of State

PO Box 820

Trenton, New Jersey 08625

or

[Melanie.Willoughby@sos.nj.gov](mailto:Melanie.Willoughby@sos.nj.gov)

If you need this document in Braille, large print, or audio cassette, contact the Office of Marketing at (609) 292-7832 or NJ Relay (TTY) 1-800-852-7899.

The agency proposal follows:

**Summary**

Pursuant to its authority under N.J.S.A. 52:18A-203, the State Planning Commission (Commission) is proposing an amendment to N.J.A.C. 5:85-7.21 to extend the expiration dates of certain plan endorsements and center designations issued by the Commission prior to December 31, 2009, beyond their otherwise applicable expiration dates. The proposed amendment would extend only those endorsements and center designations set to expire on or before December 31, 2019, to June 30, 2020.

The endorsements and center designations subject to this rulemaking were initially extended by operation of the Permit Extension Act of 2008, N.J.S.A. 40:55D-136.1 through 136.6 (Act). The Act tolled their expiration for a designated period depending on time remaining on the approval and the county in which the municipality is located. The endorsements and center designations were then extended an additional three years beyond their otherwise applicable expiration date by the Commission’s 2015 amendment to N.J.A.C. 5:85-7.21.

In many ways and for many reasons, the Commission’s process for issuing endorsements and center designations has been largely stalled since February 2010, the low point for private sector employment in New Jersey following the 2009 economic crash. In the nine intervening years, the cities have become more attractive to young people, the suburbs have experienced significant economic challenges due to losses in the big box real estate sector, and Superstorm Sandy forced the rethinking and reconstruction of wind- and flood-resistant infrastructure, particularly in the nine counties most impacted by the storm. For all of these and other related reasons, municipalities have, in many cases, not engaged in the Commission’s process and their existing endorsements and center designations now stand to soon expire. The Commission recognizes, however, that given adequate opportunity, these municipalities may wish to alter designations within their communities or may desire to move quickly on the existing plan. As such, the Commission finds little reason to force the expiration of existing endorsements and center designations and impose the considerable expense of re-establishing plan endorsements or center designations on municipalities that wish to proceed on existing plans. Rather, the Commission proposes to amend N.J.A.C. 5:85-7.21 to allow for limited extensions of plan endorsements and center designations set to expire in 2019 to allow municipalities to focus their limited resources on moving forward.

The Commission’s proposed amendment to N.J.A.C. 5:85-7.21 will extend the validity of plan endorsements and center designations approved by the Commission prior to December 31, 2009, for any center expiring in 2019 until June 30, 2020.

The extension period will give the Commission an opportunity to consult with municipalities and various other interested parties in regard to what the State Plan process should look like going forward and to move

forward with whatever changes need to be made, including resiliency, which in the context of State planning, refers to aspects of development that considers growth in environmentally sensitive areas and expansion of impervious surface within these areas. Furthermore, during this extension the Commission will be able to analyze the plan endorsement process and make any necessary changes including, if necessary, regulatory changes to encourage communities to participate.

As the Commission has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

#### Social Impact

The proposed amendment at N.J.A.C. 5:85-7.21(g) is intended to have a positive social impact in municipalities that will benefit from economic activity, job creation, and revenue generation. The proposed amendment benefits municipalities by avoiding the expense of re-establishing plan endorsements and center designations, allowing them to focus resources to essential services and other objectives. The proposed amendment ensures that specified geographic areas remain eligible for myriad economic incentives, enhances certainty for the near-term land use horizon, facilitating economic activity and job creation leading to increased ratable and taxable income. To the degree that they also leave in place non-growth, or minor-growth designations, they also work to reduce income inequality and maintain a high quality of life.

The proposed amendment also will mark the beginning of a process of consultation with many groups on the most effective, efficient way to manage State planning going forward.

#### Economic Impact

The proposed amendment at N.J.A.C. 5:85-7.21(g) will have a positive economic impact on the State and impacted municipalities. The proposed amendment will avoid unnecessary expense in having to revisit existing center designations and create the land use certainty needed to foster economic growth in the near term. Additionally, the proposed amendment will allow the continued focus of State economic incentives on areas slated for redevelopment and development, spurring near-term job creation, sustained employment security, and revenue generation.

#### Federal Standards Statement

There are no Federal standards or requirements applicable to the proposed amendment. As a result, a Federal standards analysis is not required.

#### Jobs Impact

The proposed amendment at N.J.A.C. 5:85-7.21(g) may have a positive impact on jobs and job growth in the State. As discussed in the Social Impact and Economic Impact statements, the proposed amendment will ensure that designated geographic areas remain eligible for a myriad of economic incentives and land use standards. The greater certainty on the near-term land use horizon will allow developers and redevelopers to proceed with planned economic development and redevelopment in specified areas.

#### Agriculture Industry Impact

The proposed amendment at N.J.A.C. 5:85-7.21(g) is unlikely to have an appreciable impact on the agricultural industry because the vast majority of impacted land is not in agricultural production.

#### Regulatory Flexibility Statement

The proposed amendment at N.J.A.C. 5:85-7.21(g) imposes no reporting, recordkeeping, or other compliance requirements on small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The basis for this finding is that plan endorsement and center designations are sought by municipalities—not businesses.

#### Housing Affordability Impact Analysis

The proposed amendment at N.J.A.C. 5:85-7.21(g) is unlikely to have a significant change on the average costs associated with housing. The acreage of land affected by the proposed amendment is fairly minimal in comparison to the acreage of land in New Jersey in total, and, therefore, the proposed amendment is unlikely to have a measurable effect on housing costs.

#### Smart Growth Development Impact Analysis

The proposed amendment at N.J.A.C. 5:85-7.21(g) will have a positive impact on smart growth areas in the State through the maintenance of existing Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan, thus encouraging additional housing production in those areas.

#### Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission, after due consideration, has determined the proposed amendment will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in this State.

**Full text** of the proposal follows (addition indicated in boldface **thus**):

#### SUBCHAPTER 7. PLAN ENDORSEMENT

5:85-7.21 Period of endorsement

(a)-(f) (No change.)

**(g) Any center with an expiration date on or before December 31, 2019, is extended to June 30, 2020.**

## ENVIRONMENTAL PROTECTION

### (a)

#### WATER RESOURCE MANAGEMENT WATER MONITORING AND STANDARDS Surface Water Quality Standards

#### Proposed Amendments: N.J.A.C. 7:9B-1.4 and 1.15

Authorized By: Catherine R. McCabe, Commissioner, Department of Environmental Protection.

Authority: N.J.S.A. 13:1D-1 et seq., 58:10A-1 et seq., and 58:11A-1 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

DEP Docket Number: 01-19-01.

Proposal Number: PRN 2019-028.

A **public hearing** concerning this notice of proposal will be held on Monday, April 8, 2019, at 1:00 P.M. at:

New Jersey Forensic Science Technology Center Auditorium  
1200 Negron Drive  
Hamilton, NJ 08691

Directions to the public hearing room are available on the Department of Environmental Protection's website at [www.nj.gov/dep/where.htm](http://www.nj.gov/dep/where.htm).

Submit comments by May 3, 2019, electronically at [www.nj.gov/dep/rules/comments](http://www.nj.gov/dep/rules/comments). Each comment should be identified by the applicable N.J.A.C. citation, with the commenter's name and affiliation following the comment.

The Department encourages electronic submittal of comments. In the alternative, comments may be submitted on paper to:

Gary J. Brower, Esq.  
Attn.: DEP Docket Number: 01-19-01  
Office of Legal Affairs  
New Jersey Department of Environmental Protection  
401 East State Street, 7th Floor  
Mail Code 401-04L  
PO Box 402  
Trenton, NJ 08625-0402

Written comments may also be submitted at the public hearing. It is requested (but not required) that anyone submitting oral testimony at the public hearing provide a copy of any prepared text to the stenographer at the hearing.

Courtesy copies of this notice of proposal, as well as the basis and background document containing technical detail in support of the proposed amendments, may be viewed or downloaded from the Department's website at <https://www.state.nj.us/dep/rules/>.