

rationale apply to these projects regardless of whether they involve structures. However, the Department notes that in many cases linear and utility infrastructure projects, including pipelines and communication towers, are classified as major diversions because they are considered private, not public, projects under these rules.

On the issue of subjecting diversion/disposal applications to the "Ogden-Rooney" requirements, the Department notes that the Ogden-Rooney statute, N.J.S.A. 13:1D-51 et seq., only applies to conveyances of State land, not the local/nonprofit parkland regulated under these rules. However, the Department also notes that all Green Acres diversion/disposal applications are subject to public notice and hearing requirements. In particular, "major" diversion/disposal applications require two public hearings under N.J.A.C. 7:36-26.9 and 26.11.

Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. (as amended by P.L. 1995, c.65) require State agencies that adopt, readopt, or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. N.J.A.C. 7:36 is not promulgated under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards, or requirements. Accordingly, Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. do not call for a Federal standards analysis for these rules readopted without amendment.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 7:36.

HEALTH AND SENIOR SERVICES

(a)

PUBLIC HEALTH SERVICES BRANCH DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL, AND OCCUPATIONAL HEALTH CONSUMER, ENVIRONMENTAL, AND OCCUPATIONAL HEALTH SERVICE INDOOR ENVIRONMENTS PROGRAM Standards for Lead Certification Readoption: N.J.A.C. 8:62

Proposed: March 21, 2011 at 43 N.J.R. 715(a).

Adopted: February 3, 2012 by Mary E. O'Dowd, M.P.H.,

Commissioner, Department of Health and Senior Services.

Filed: February 7, 2012 as R.2012 d.052, **without change**.

Authority: N.J.S.A. 26:2Q-12.

Effective Date: February 7, 2012.

Expiration Date: February 7, 2019.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

The readopted rules are consistent with Federal standards relating to the certification of training courses and the issuance of permits to lead workers provided at 40 CFR Part 745, Lead-Based Paint Poisoning Prevention in Certain Residential Structures, particularly Subpart L, Lead Based Paint Activities, at 40 CFR 745.225, Accreditation of training programs: target housing and child-occupied facilities; and 745.226, Certification of individuals and firms engaged in lead-based paint activities: target housing and child-occupied facilities.

N.J.A.C. 8:62-4.2 requires 32 hours of training for qualification as a lead abatement worker for housing and public buildings. Federal law requires 16 hours for the same discipline. The difference occurs because the Federal program does not include various topics relating to worker protection. New Jersey law, at N.J.S.A. 26:2Q-4, requires worker

protection to be included as an area of instruction in lead abatement worker and supervisor training courses.

Section 404(b) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2684(b), establishes the standards by which the EPA can approve a state's lead program. It says that a state must demonstrate that its program would be at least as protective of human health and the environment as the Federal program, and would provide for adequate enforcement. Thus, Federal law authorizes states to implement lead program requirements that are more stringent than the Federal model. For example, the State's rules require a training course for lead abatement workers and supervisors who are involved with commercial buildings and superstructures. Federal standards are limited to housing and child-occupied facilities.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 8:62.

HIGHER EDUCATION

(b)

HIGHER EDUCATION STUDENT ASSISTANCE AUTHORITY

Student Loan and College Savings Programs The New Jersey College Loans to Assist State Students (NJCLASS) Program: Policies and Procedures

Adopted Amendments: N.J.A.C. 9A:10-6.5, 6.8, 6.11,
6.12, and 6.13

Proposed: September 6, 2011 at 43 N.J.R. 2216(a).

Adopted: January 24, 2012 by the Higher Education Student

Assistance Authority, Richard Garcia, Chairperson.

Filed: February 6, 2012 as R. 2012 d.051, **without change**.

Authority: N.J.S.A. 18A:71A-1 et seq. and 18A:71C-21 et seq.

Effective Date: March 5, 2012.

Expiration Date: May 1, 2016.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis is not required because the subject matter of this State student loan program is not subject to any Federal requirements or standards except for the standards for tax-exempt bonds, section 144(b) of the Federal Internal Revenue Code. NJCLASS loans funded by tax-exempt bonds are intended to qualify under the standards of section 144(b) of the Federal Internal Revenue Code, and do not exceed the standards of that section.

Full text of the adoption follows:

SUBCHAPTER 6. THE NEW JERSEY COLLEGE LOANS TO ASSIST STATE STUDENTS (NJCLASS) PROGRAM: POLICIES AND PROCEDURES

9A:10-6.5 NJCLASS creditworthiness

(a) (No change.)

(b) The Authority may require that borrowers or cosigners submit to the Authority information that includes the most recent signed Federal Income Tax Return, including all schedules, and current pay stub or other documentation of income, if applicable. For joint filers, this documentation may include the current pay stub or other documentation of income, if applicable, of both filers.

(c) To be approved for a fixed rate NJCLASS loan, a creditworthy borrower or cosigner must have documentable annual income that exceeds Federal poverty guidelines, as adjusted annually by the United States Department of Health and Human Services. The amount by which

income must exceed Federal poverty guidelines is determined by the bonds or notes whose proceeds are funding the loan.

(d) A borrower or cosigner with one or more of the items listed below in his or her credit history may be denied an NJCLASS loan for not being creditworthy. These items include delinquent accounts, paid and unpaid collection accounts, paid and unpaid charged off accounts, foreclosure, repossession, bankruptcy or a paid or unpaid judgment.

(e) Borrowers who do not meet the income and credit requirements may be reconsidered with an eligible cosigner who does meet the requirements of this section.

9A:10-6.8 Fees

(a) A recipient of an NJCLASS loan shall be required to pay an application and an administrative fee to the Authority, which combined shall not exceed five percent of the total approved loan amount.

1. Pursuant to the loan disclosure statements accepted by the borrowers, these fees shall either be deducted from the loan proceeds or added to the loan balance. The bonds or notes whose proceeds are funding the loan determine whether the fees shall be deducted from the loan proceeds or added to the loan balance.

2. For multiply disbursed loans, these fees shall be deducted or added in equal installments, from each loan disbursement.

(b) (No change.)

9A:10-6.11 Repayment of loan

(a) (No change.)

(b) There are three repayment options for NJCLASS loans. Eligibility for each specific option may be restricted by the bond indentures. Borrowers shall indicate preferred repayment options while applying for an NJCLASS loan. Applications cannot be processed until a repayment option is selected. The Authority shall make best efforts, based on available funding, to offer borrowers the repayment option selected. If the selected option is unavailable the loan offer will include the most similar available repayment option. In exchange for the option of deferring both principal and interest or principal only, borrowers in the repayment schedule set forth in (b)2 and 3 below may be required to pay an increase over the regular interest rate in effect at the time of borrowing. In exchange for a shortened term for repayment, borrowers in the repayment schedule set forth in (b)1 below may receive a decrease from the regular interest rate in effect at the time of borrowing. The regular interest rate is established by the Authority pursuant to N.J.A.C. 9A:10-6.9(a). The interest rate differentials do not apply to NJCLASS variable interest rate loans. The three repayment options for an NJCLASS loan are as follows:

1.-2. (No change.)

3. Borrowers are not required to pay principal or interest until graduation, withdrawal or notification of less than half-time enrollment of the student on whose behalf the loan was obtained. Once one of these circumstances occurs, the loan reverts to a repayment schedule as set forth in (b)1 above. However, interest accrued from the date of loan disbursement is deferred and capitalized (added to principal) on a quarterly basis for loans originated before June 9, 1997, and on an annual basis for loans originated on or after June 9, 1997. The first monthly payment of principal and interest shall be required within 60 days after the reversion date.

Recodify existing (d), (e) and (f) as (c), (d) and (e) (No change in text.)

(f) Notwithstanding any periods of deferment and/or forbearance, NJCLASS loans shall be paid in full within the amount of years from the date of first disbursement as specified in the NJCLASS Application, Promissory Note and disclosures. The amount of years in which a loan is to be repaid is determined by the bonds or notes whose proceeds are funding the loan.

(g) (No change in text.)

9A:10-6.12 Deferments and forbearance

(a) (No change.)

(b) The deferment begins on the date the borrower's qualifying status is certified to begin and ends on the date the borrower's qualifying status is certified to end. Maximum allowable time periods for all deferments except full-time and half-time study at an eligible institution shall not exceed six months for loans with a 10-year repayment term, 18 months for loans with a 15-year repayment term, 24 months for loans with a 20-

year repayment term, 30 months for loans with a 25-year repayment term and 36 months for loans with a 30-year repayment term for an unemployment deferment, and for each of the remaining deferments, as established by the Authority. Deferments for NJCLASS loans with a 10-year repayment term are limited to unemployment deferments.

(c)-(d) (No change.)

9A:10-6.13 Consolidation Loan Program

(a)-(e) (No change.)

(f) An NJCLASS Consolidation loan borrower and/or co-borrower shall meet minimum income requirements and be determined creditworthy by the Authority in order to be eligible for an NJCLASS Consolidation loan. Cosigners shall be required to meet the minimum income or creditworthy determination by the Authority if the borrower or co-borrower are unable to do so.

1. To be approved for an NJCLASS Consolidation loan, a creditworthy borrower, co-borrower or cosigner shall have documentable annual income that exceeds Federal poverty guidelines, as adjusted annually by the United States Department of Health and Human Services. The amount by which income must exceed Federal poverty guidelines is determined by the bonds or notes whose proceeds are funding the loan.

2. (No change.)

(g) (No change.)

(h) The process to borrow under the NJCLASS Consolidation Loan Program shall be as follows:

1. (No change.)

2. The Authority shall process the application and upon approval will provide the applicant(s) an NJCLASS loan offer. Borrowers will have 30 days to accept the loan. Borrowers will not receive the NJCLASS Consolidation Loan unless they accept the offer.

3. (No change.)

4. The Authority shall provide the borrower, co-borrower and cosigner, if any, with a completed NJCLASS Consolidation Loan Pre-Disbursement Disclosure Statement or other disclosures as required by Federal law.

5. (No change.)

(i) (No change.)

(j) The interest rate on the NJCLASS Consolidation loan will be a fixed rate based upon the weighted average interest rate of all the underlying NJCLASS loans being consolidated plus 25 basis points. The interest rate of the underlying NJCLASS loan is calculated using a blending of the applicable initial and step-up interest rates disclosed to the borrower. If the interest rate of the underlying NJCLASS loan currently reflects the step-up interest rate, the step-up interest rate will be used solely in the calculation. If a variable rate NJCLASS loan or an NJCLASS loan with a 10-year repayment term is being included in the NJCLASS consolidation, the rate used in the weighted average calculation will be the equivalent 15- or 20-year fixed rate interest rate for the immediate repayment of principal and interest in effect at the time of disbursement of the underlying NJCLASS loan. Interest on an NJCLASS Consolidation loan will begin to accrue at the time of the loan disbursement.

(k)-(n) (No change.)

HUMAN SERVICES

(a)

MENTAL HEALTH AND ADDICTION SERVICES

Partial Care Services Standards Staff-to-Consumer Ratios

Adopted Amendment: N.J.A.C. 10:37F-2.5

Proposed: August 15, 2011 at 43 N.J.R. 2110(b).

Adopted: January 26, 2012 by Jennifer Velez, Commissioner,
Department of Human Services.

Filed: February 2, 2012 as R.2012 d.049, **without change**.

Authority: N.J.S.A. 30:9A-10.