

rodent and weed control, electrical installations, flammable liquids and gases, swimming and bathing, and other hazardous conditions. These standards were taken from the State Sanitary Code and from a model code for recreational vehicle parks and campgrounds published by the National Association of RV Parks and Campgrounds. Applicable provisions of the State Uniform Construction Code (N.J.A.C. 5:23), the Uniform Fire Code (N.J.A.C. 5:70) and the Regulations for the Maintenance of Hotels and Multiple Dwellings (N.J.A.C. 5:10) are incorporated by reference.

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

Social Impact

These rules are intended to ensure that proprietary campground facilities are maintained in a manner that will protect the health, safety and welfare of persons using the facilities and of the general public. There are currently 13 proprietary campgrounds in New Jersey. Ten are in Cape May County and are inspected by the Cape May County Department of Health, under authorization from the Bureau of Housing Inspection pursuant to N.J.S.A. 45:22A-55. The other facilities are in Atlantic, Monmouth and Sussex Counties and are inspected by the Bureau directly.

Economic Impact

As required by statute, an inspection fee is charged that is sufficient to cover the cost of the program. The fee is set at \$100.00 per facility, plus \$1.00 per unit for the first 350 units and \$.50 per unit thereafter. If reinspection is required, the fee for that is \$100.00 per facility plus \$1.00 per unit requiring reinspection. A county or municipal agency performing inspections for the Bureau receives 65 percent of this revenue, with the remaining 35 percent being retained by the Bureau to cover its enforcement costs.

Facility owners may incur costs for bringing their facilities into compliance with the rules being proposed for re-adoption. The cost of doing so would vary on a case-by case basis.

Federal Standards Statement

No Federal standards analysis is required because these rules are not being re-adopted under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or a State law that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The need to comply with the rules being proposed for re-adoption may generate maintenance jobs at proprietary campground facilities.

Agriculture Industry Impact

The Department does not anticipate any impact upon the agriculture industry as a result of the rule proposed for re-adoption.

Regulatory Flexibility Analysis

Many of the proprietary campground facilities that now exist, or may exist in the future, are or will be "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. All that is required of a facility, be it a "small business" or otherwise, is compliance with basic health and safety standards, completion of a simple registration form and payment of fees necessary to cover the cost of enforcing the statute. In the event of noncompliance, facility owners may need to hire electricians, plumbers or other contractors to correct violations. Since the rules are necessary to protect health and safety, no lesser or differing standards can be established for "small businesses."

Smart Growth Impact

These rules do not have any impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact

The rules proposed for re-adoption establish health and safety standards for campgrounds under a cooperative or condominium form of ownership. The rules would be most unlikely to have any impact upon housing production costs or to affect affordability.

Smart Growth Development Impact

The rules proposed for re-adoption establish health and safety standards for campgrounds under a cooperative or condominium form of ownership. The rules would be most unlikely to have any impact upon housing production within Planning Areas 1 and 2 or within designated centers under the State Development and Redevelopment Plan.

Full text of the rules proposed for re-adoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:10A.

(a)

**DIVISION OF CODES AND STANDARDS
Lead Hazard Evaluation and Abatement Code
Proposed Re-adoption: N.J.A.C. 5:17**

Authorized By: Lori Grifa, Commissioner, Department of Community Affairs.
Authority: N.J.S.A. 52:27D-124 and 436.
Calendar Reference: See Summary below for explanation of exception to calendar requirement.
Proposal Number: PRN 2010-082.

Submit written comments by August 20, 2010 to:

Michael L. Tickin, Esq.
Chief, Legislative Analysis
Department of Community Affairs
PO Box 802
Trenton, NJ 08625
Fax No. (609) 633-6729

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1c, the Lead Hazard Evaluation and Abatement Code, N.J.A.C. 5:17, is scheduled to expire on May 29, 2011. The Department has reviewed these rules and finds that they continue to be necessary for the purpose for which they were promulgated and is therefore proposing that they be re-adopted.

The Lead Hazard Evaluation and Abatement Code is intended to protect public health, safety and welfare through the identification and abatement of lead-based paint hazards. The rules control the abatement of such hazards and the certification of lead-based paint evaluation or abatement contractors.

The rules consist of 11 subchapters, which are as follows: general provisions; contractor certification; evaluation and testing; pre-abatement preparation and occupant protection; lead hazard abatement—general; paint removal; component replacement; enclosure; encapsulation; soil; abatement cleaning (interior and exterior); final inspection and clearance testing; waster disposal; and steel structures or other superstructures.

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

Social Impact

These rules are necessary in order to protect building owners and occupants from unqualified lead evaluation and abatement contractors and from unsafe work practices that might cause harm to them and their families or employees.

Economic Impact

A fee of \$2,268 is imposed by these rules for initial certification and renewal of certification. In either case, the certification is valid for two years.

The use of certified contractors and the following of prescribed work practices may well add to the cost of work. However, hazards to health and safety that are likely to result from work done by an unqualified person in an unsafe manner must also be taken into account in determining overall economic impact. Furthermore, inasmuch as these rules are consistent with applicable United States Environmental Protection Agency (USEPA) rules on contractor certification and United States Department of Housing and Urban Development (HUD) guidelines

concerning lead evaluation and abatement work practices, they do not impose any economic burden not already imposed by these Federal rules and guidelines.

Federal Standards Statement

These rules do not include any requirements that exceed those established under Federal law. The following Federal rules and guidelines are referred to in the chapter:

“Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,” published by HUD;

“Federal Requirements for Disclosure of Known Lead-Based Paint Hazards in Housing,” jointly adopted by HUD and USEPA at 24 CFR 38 and 40 CFR 745, respectively, and “Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities,” which was adopted by USEPA as part of 40 CFR 745 but was not jointly adopted by HUD. These rules are also referred to as rules adopted by USEPA under authority of Title X of the Housing and Community Development Act of 1992; and

“Lead Exposure in Construction Standards,” adopted by OSHA at 29 CFR 2916.62. This chapter is not to be construed as conflicting with or limiting the applicability of these OSHA rules.

The Department has filed with USEPA a self-certification of these rules as conforming to USEPA requirements. This self-certification has been accepted without any objection and the rules are therefore deemed to be conforming. Work practice rules are consistent with, and do not exceed, the current HUD guidelines.

Jobs Impact

Since Federal laws prohibiting the performance of lead evaluation and abatement by uncertified contractors would be effective even if these rules were not readopted, these rules are not absolutely necessary in order to protect jobs of persons employed by certified contractors who might otherwise be undercut in price by unqualified contractors doing inferior work. However, involvement of the Department in lead hazard regulation does protect those jobs by strengthening enforcement.

Agriculture Industry Impact

These rules affect the agriculture industry insofar as they apply to evaluation and abatement of lead hazards in buildings used for agricultural purposes in the same way as they apply to buildings used for other purposes.

Regulatory Flexibility Analysis

Most, if not all, of the in-State contractors offering lead evaluation and abatement services are “small businesses,” as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Compliance requirements and costs are discussed in the Summary and Economic Impact statements above. Since the rules are necessary to protect health and safety, no lesser or differing standards can be established for “small businesses.” Furthermore, the rules are in conformity with applicable Federal law.

Smart Growth Impact

By facilitating the proper maintenance, and thus the preservation as safe housing, of older buildings where lead-paint hazards may be present, these rules advance the goals of achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact

The rules proposed for readoption are intended to protect public health, safety and welfare through the identification and abatement of lead-based paint hazards. The rules would be most unlikely to have any impact upon housing production costs or to affect affordability.

Smart Growth Development Impact

The rules proposed for readoption are intended to protect public health, safety and welfare through the identification and abatement of lead-based paint hazards. The rules would be most unlikely to have any impact upon housing production within Planning Areas 1 and 2 or within designated centers under the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:17.

(a)

DIVISION OF CODES AND STANDARDS Liquefied Petroleum Gas

Proposed Readoption: N.J.A.C. 5:18

Authorized By: Lori Grifa, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 34:1-20, 34:1A-3(e) and 21:1B-2; Reorganization Plan No. 002-1998.

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

Proposal Number: PRN 2010-087.

Submit written comments by August 20, 2010 to:

Michael L. Ticktin, Esq.
Chief, Legislative Analysis
Department of Community Affairs
PO Box 802
Trenton, NJ 08625
Fax No. (609) 633-6729

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1c, the Liquefied Petroleum Gas rules, N.J.A.C. 5:18, are scheduled to expire on April 22, 2011. The Department has reviewed these rules and finds that they continue to be necessary for the purpose for which they were promulgated and is therefore proposing that they be readopted.

The Liquefied Petroleum Gas rules are intended to protect public health, safety and welfare by providing minimum standards for the design, construction, location, installation and operation of liquefied petroleum gas (LPG) systems, as well as requirements regarding licensing of LPG marketers, audits and quality control and consumer protection. The rules do not apply to transportation of LPG over highways, LPG vapor piping inside of buildings or portable cylinders of not more than 40 pounds when used as intended for outdoor cooking purposes.

The rules consist of 11 subchapters, which are as follows: general provisions; definitions; NFPA No. 58 systems; NFPA No. 59 systems; API 2510 installations; release of plans or submittal of notice of LP-gas installations and approval of new LP-gas systems; violations, administrative penalties and hearings; annual assessments and inspection fees for facilities using non-odorized LP gas; quality control and maintenance audits; licensing; and customer information. There are also appendices concerning availability of standards and publications referred to in the rules, Bureau of Code Services forms used in connection with the administration of these rules and disclosure of customer rights and company policies.

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

Social Impact

These rules are necessary in order to protect persons who use LPG, or who are present at premises where it is used or stored, from unsafe practices that can endanger lives and property.

Economic Impact

The rules provide for an assessment in the amount of 7/15 of one cent per gallon of LPG that is either odorized in this State or imported from another jurisdiction is imposed upon the person owing the LPG immediately prior to odorization. This revenue is used to support the LPG safety enforcement program in the Bureau of Code Services.

The safety practices set forth in the rules are consistent with standard practice in the LPG industry and therefore do not impose any costs that would not otherwise be incurred by a responsible installer or operator of an LPG facility. Failure to enforce the rules might allow persons who not otherwise comply with industry safety standards to create hazards that would endanger life and property, thereby having a significant negative economic impact.