

RULE ADOPTIONS

BANKING

(a)

DEPARTMENT OF BANKING AND INSURANCE

DIVISION OF BANKING

Notice of Readoption

Banking Development Districts

Readoption: N.J.A.C. 3:36

Authority: N.J.S.A. 17:1-8, 8.1, and 15 and 17:16Z-1 et seq.

Authorized By: Justin Zimmerman, Acting Commissioner,
Department of Banking and Insurance.

Effective Date: October 3, 2019.

New Expiration Date: October 3, 2026.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 3:36 were scheduled to expire on November 5, 2019. The rules promote the establishment of bank, savings bank, savings and loan association, and credit union branches in areas where there is a demonstrated need for banking services and provide for the designation of such areas as banking development districts.

N.J.A.C. 3:36-1.1 sets forth the purpose and scope of the chapter.

N.J.A.C. 3:36-1.2 sets forth definitions of certain terms used in the chapter, including "bank," "banking services," and "district."

N.J.A.C. 3:36-2 sets forth the application process for establishing banking development districts. N.J.A.C. 3:36-2.1 specifies the content of applications for banking development districts submitted by a municipality in conjunction with a bank. N.J.A.C. 3:36-2.2 specifies the content of applications for banking development districts submitted solely by a municipality.

N.J.A.C. 3:36-3 sets forth the approval criteria and prescribes the time for the Commissioner to issue a decision on a complete application for a banking development district.

N.J.A.C. 3:36-4 prescribes reporting requirements to the Department of Banking and Insurance by municipalities with banking development districts.

The Department of Banking and Insurance has reviewed these rules and has determined that the rules should be readopted without amendment. 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.

ENVIRONMENTAL PROTECTION

(b)

AIR QUALITY, ENERGY, AND SUSTAINABILITY

DIVISION OF AIR QUALITY

Notice of Administrative Changes

Consumer Price Index Percentage Adjustments to Air Contaminant Emission Fees and Base and Supplementary Fee Schedules and Fiscal Year 2020 Threshold Dollar Amounts for Reconstruction

N.J.A.C. 7:27-8.6 and 22.31

Take notice that, in accordance with N.J.A.C. 7:27-22.31(j), the New Jersey Department of Environmental Protection (Department) is publishing notice of the annual percentage increase in the Consumer Price Index (CPI) relative to the 1989 CPI and the resultant per-ton emission fee for fiscal year (FY) 2020. The Department is also providing notice, in

accordance with N.J.A.C. 7:27-8.6(l), of the increase in the base and supplementary fees for a preconstruction permit and certificate, and a general permit. Pursuant to N.J.A.C. 7:27-22.31(u), the Department is providing notice of the increase in base and supplementary fees for a significant modification to an operating permit, and the fee for a general operating permit. These fee increases are based on the CPI percentage change over the preceding five-year period. Finally, pursuant to N.J.A.C. 7:27-8.23(a)2, the Department is publishing notice of the threshold dollar amount for FY 2019 for reconstruction of a significant source operation.

CPI Percentage Increase for Annual Emission Fee

The CPI percentage increase is used to calculate the annual emission fee for major facilities. The CPI percentage increase is calculated each year using the procedure at N.J.A.C. 7:27-22.31(i). For FY 2020 (July 1, 2019 through June 30, 2020), N.J.A.C. 7:27-22.31(i) specifies using the average monthly CPI (CPI-U) for the 12-month period beginning September 2018 through August 2019. Monthly CPI-U data is published by the U.S. Department of Labor. Following the procedures at N.J.A.C. 7:27-22.31(i), the CPI percentage increase for FY 2020 is 1.90 percent, and the CPI has been calculated as 207.95 percent relative to the 1989 CPI.

An annual emission fee must be paid by each major facility pursuant to N.J.A.C. 7:27-22. The annual emission fee is calculated each year according to N.J.A.C. 7:27-22.31(b), which applies the CPI adjustment to the base amount per ton of emissions. This base amount is \$60.00 per ton (N.J.S.A. 26:2C-9.5.d(1)(a)). Applying the CPI adjustment since 1989 to the base amount of \$60.00 per ton results in an annual emission fee for FY 2020 of \$124.77. Therefore, a facility subject to this fee must multiply \$124.77 times the quantity of regulated air contaminant emissions emitted in tons during calendar year 2018 (January 1, 2018 through December 31, 2018). The result is the fee the facility must submit to the Department by January 31, 2020, for FY 2020.

Invoices will be mailed to major facilities based on emissions reported in the Emission Statement submitted for calendar year 2018. Even if a major facility has not submitted an Emission Statement or received an invoice, it is obligated to pay emission fees by the due date.

CPI Adjusted Fees for Preconstruction Permits and Certificates, Operating Permit Significant Modifications, General Permits, and General Operating Permits

The Department charges base and applicable supplementary fees for preconstruction permits and certificates, and a registration fee for general permits, as set forth in N.J.A.C. 7:27-8.6(l). Similarly, the Department charges base and applicable supplementary fees for significant modifications to an operating permit, as set forth at N.J.A.C. 7:27-22.31(y) and (z), and a general operating permit fee as set forth at N.J.A.C. 7:27-22.31(aa).

The fees are calculated every five years pursuant to N.J.A.C. 7:27-8.6(l) and 22.31(u), which apply an inflation factor based on the percentage change over the preceding five-year period for the CPI-U. Following the procedures at N.J.A.C. 7:27-8.6(l) and 22.31(u), the CPI percentage increase is calculated as 7.9 percent, rounded to one decimal place. The fees are multiplied by the rounded percentage increase to preliminarily determine the fee increase. Each fee increase is then added to the fee to determine the preliminary adjusted fee. The final adjusted fee is determined by rounding up the preliminary adjusted fee to the next five dollars. The administrative changes at N.J.A.C. 7:27-8.6(l) and 22.31(y) and (z) below provide adjusted fees for the next five-year period, January 1, 2020 through December 31, 2024.

CPI Percentage Increase for Threshold Dollar Amount for Reconstruction

A reconstruction is a replacement of part(s) of a significant source included in a process unit, or the replacement of part(s) of a control apparatus, if the fixed capital cost of replacing the part(s) exceeds amounts specified in N.J.A.C. 7:27-8.23 and 22.1.

The CPI percentage increase for reconstruction of a significant source operation is calculated each year consistent with N.J.A.C. 7:27-8.23(a)2.