

**SENATE, No. 2914**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

INTRODUCED JANUARY 23, 2017

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Precludes DEP from imposing certain certification requirements on installers of individual subsurface sewage disposal systems.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning certain certification requirements of installers  
2 of individual subsurface sewage disposal systems, and  
3 supplementing P.L.1954, c.199 (C.58:11-23 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
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8 1. Notwithstanding the provisions of the "Water Pollution  
9 Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), the "Water  
10 Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), or any  
11 other law, or any rule or regulation adopted pursuant thereto, to the  
12 contrary, the Department of Environmental Protection shall not  
13 require an installer of an individual subsurface sewage disposal  
14 system, using products approved by the department in lieu of  
15 laterals or filter material, to be in possession of a valid Certified  
16 Installer of Onsite Wastewater Treatment Systems (CIOWTS)  
17 Advanced Level certification from the National Environmental  
18 Health Association (NEHA).  
19

20 2. This act shall take effect immediately.  
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23 STATEMENT  
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25 This bill would prohibit the Department of Environmental  
26 Protection (DEP) from imposing certain certification requirements  
27 on installers of individual subsurface sewage disposal systems using  
28 products approved by the DEP in lieu of laterals or filter material  
29 and designed in accordance with certain State regulations and  
30 applicable Permits to Construct and Operate Treatment Works.

31 The DEP, by regulation, currently defines "authorized installer"  
32 as "an individual who has completed all training requirements of a  
33 manufacturer of a product that is listed by the DEP in accordance  
34 with N.J.A.C.7:9A-8.3 or 9.8 and/or a listed system integrator of a  
35 drip dispersal system designed and installed in accordance with  
36 N.J.A.C.7:9A-10.8, and who installs those advanced wastewater  
37 pretreatment devices, products used in lieu of laterals/filter material  
38 and/or drip dispersal systems, as applicable."

39 By regulation adopted in 2012 (N.J.A.C.7:9A-3.17), the DEP  
40 requires that the installation of individual subsurface sewage  
41 disposal systems using products approved by the DEP in lieu of  
42 laterals or filter material be completed by an authorized installer.  
43 The regulation also requires that the installer have obtained  
44 "Certified Installer of Onsite Wastewater Treatment Systems  
45 (CIOWTS) Advanced Level" certification from the National  
46 Environmental Health Association (NEHA). The additional  
47 credentials required of authorized installers by the DEP are  
48 intended to ensure that installation of advanced treatment systems,

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1 which include complex components and require regular  
2 maintenance, are completed safely and competently. However, for  
3 traditional subsurface sewage disposal systems not utilizing these  
4 complex components, the additional credential requirements for  
5 installation are inappropriate and burdensome for small businesses.