

ASSEMBLY, No. 3410

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

SYNOPSIS

Prohibits DEP from requiring installers of individual subsurface sewage disposal systems to possess certain certification.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/19/2020)

1 AN ACT concerning certification requirements for certain installers
2 of individual subsurface sewage disposal systems, and amending
3 P.L.2017, c.112.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. Section 1 of P.L.2017, c.112 (C.58:11-36.1) is amended to
9 read as follows:

10 1. a. Notwithstanding the provisions of the “Water Pollution
11 Control Act,” P.L.1977, c.74 (C.58:10A-1 et seq.), the “Water
12 Quality Planning Act,” P.L.1977, c.75 (C.58:11A-1 et seq.), or any
13 other law, or any rule or regulation adopted pursuant thereto, to the
14 contrary, the Department of Environmental Protection shall not
15 require an installer of an individual subsurface sewage disposal
16 system, using (1) products approved by the department in lieu of
17 laterals or filter material, (2) an advanced wastewater pretreatment
18 device, or (3) a drip dispersal system, to be in possession of a valid
19 Certified Installer of Onsite Wastewater Treatment Systems
20 (CIOWTS) Advanced Level certification from the National
21 Environmental Health Association (NEHA).

22 b. The provisions of subsection a. of this section shall become
23 inoperative upon the adoption, pursuant to the "Administrative
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), of rules and
25 regulations by the department instituting credential requirements for
26 all installers of individual subsurface sewage disposal systems.
27 (cf: P.L.2017, c.112, s.1)

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29 2. This act shall take effect immediately.

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STATEMENT

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34 This bill would amend current law to prohibit the Department of
35 Environmental Protection (DEP) from requiring certain installers of
36 individual subsurface sewage disposal systems to possess a valid
37 Certified Installer of Onsite Wastewater Treatment Systems
38 (CIOWTS) Advanced Level certification from the National
39 Environmental Health Association (NEHA).

40 Current law (P.L.2017, c.112, C.58:11-36.1) prohibits the DEP
41 from requiring installers of individual subsurface sewage disposal
42 systems, using products approved by the DEP in lieu of laterals or
43 filter material, from having this certification. However, DEP, by
44 regulation (N.J.A.C.7:9A-3.17), requires authorized installers of
45 “advanced wastewater pretreatment devices” (N.J.A.C.7:9A-8.3)

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 and “drip dispersal systems” (N.J.A.C.9A-10) to possess this
2 certification from NEHA. These installers are not covered by the
3 prohibition in current law. This bill would prohibit the DEP from
4 requiring installers of “advanced wastewater pretreatment devices”
5 or “drip dispersal systems” to have NEHA certification, as NEHA is
6 no longer offering CIOWTS certification.