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RWH/JA

P.L.2017, CHAPTER 112, *approved July 13, 2017*  
Assembly, No. 4350 (*First Reprint*)

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:  
7

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

18 <sup>1</sup>b. The provisions of subsection a. of this section shall become  
19 inoperative upon the adoption, pursuant to the "Administrative  
20 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), of rules and  
21 regulations by the department instituting credential requirements for  
22 all installers of individual subsurface sewage disposal systems.<sup>1</sup>  
23

24 2. This act shall take effect immediately.  
25  
26  
27

28  
29 \_\_\_\_\_  
30 Precludes DEP from imposing certain certification requirements  
on installers of individual subsurface sewage disposal systems.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AEN committee amendments adopted February 13, 2017.

**ASSEMBLY, No. 4350**

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

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INTRODUCED DECEMBER 5, 2016

**Sponsored by:**  
**Assemblyman TIM EUSTACE**  
**District 38 (Bergen and Passaic)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



A4350 EUSTACE

2

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.).  
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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.  
21  
22

23 STATEMENT  
24

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,

**A4350 EUSTACE**

3

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.

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 4350**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 13, 2017

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 4350.

This bill would prohibit the Department of Environmental Protection (DEP) from imposing certain certification requirements on installers of individual subsurface sewage disposal systems using products approved by the DEP in lieu of laterals or filter material and designed in accordance with certain State regulations and applicable permits to construct and operate treatment works. The bill, as amended by the committee, provides that this prohibition on this specific certification requirement would no longer be in effect upon adoption by the DEP of rules and regulations instituting credential requirements for all installers of individual subsurface sewage disposal systems.

The DEP, by regulation, currently defines “authorized installer” as “an individual who has completed all training requirements of a manufacturer of a product that is listed by the DEP in accordance with N.J.A.C.7:9A-8.3 or 9.8 and/or a listed system integrator of a drip dispersal system designed and installed in accordance with N.J.A.C.7:9A-10.8, and who installs those advanced wastewater pretreatment devices, products used in lieu of laterals/filter material and/or drip dispersal systems, as applicable.” By regulation adopted in 2012 (N.J.A.C.7:9A-3.17), the DEP requires that the installation of individual subsurface sewage disposal systems using products approved by the DEP in lieu of laterals or filter material be completed by an authorized installer. The regulation also requires that the installer have obtained “Certified Installer of Onsite Wastewater Treatment Systems (CIOWTS) Advanced Level” certification from the National Environmental Health Association (NEHA). This bill would prohibit the DEP from requiring installers of individual subsurface sewage disposal systems using products approved by the DEP in lieu of laterals or filter material to have this additional certification.

COMMITTEE AMENDMENTS

The committee amendment to the bill provides that the prohibition in the bill would become inoperative upon adoption by the DEP of rules and regulations instituting credential requirements for all installers of individual subsurface sewage disposal systems.

**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.





S2914 GREENSTEIN

2

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).  
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20 2. This act shall take effect immediately.  
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23 STATEMENT  
24

25 This bill would prohibit the Department of Environmental  
26 Protection (DEP) from imposing certain certification requirements  
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29 and designed in accordance with certain State regulations and  
30 applicable Permits to Construct and Operate Treatment Works.

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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  
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41 disposal systems using products approved by the DEP in lieu of  
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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  
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48 intended to ensure that installation of advanced treatment systems,

**S2914 GREENSTEIN**

3

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.

# SENATE ENVIRONMENT AND ENERGY COMMITTEE

## STATEMENT TO

### **SENATE, No. 2914**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 13, 2017

The Senate Environment and Energy Committee favorably reports Senate Bill No. 2914 with committee amendments.

This bill would prohibit the Department of Environmental Protection (DEP) from imposing certain certification requirements on installers of individual subsurface sewage disposal systems using products approved by the DEP in lieu of laterals or filter material and designed in accordance with certain State regulations and applicable Permits to Construct and Operate Treatment Works.

The DEP, by regulation, currently defines “authorized installer” as “an individual who has completed all training requirements of a manufacturer of a product that is listed by the DEP in accordance with N.J.A.C.7:9A-8.3 or 9.8 and/or a listed system integrator of a drip dispersal system designed and installed in accordance with N.J.A.C.7:9A-10.8, and who installs those advanced wastewater pretreatment devices, products used in lieu of laterals/filter material and/or drip dispersal systems, as applicable.” By regulation adopted in 2012 (N.J.A.C.7:9A-3.17), the DEP requires that the installation of individual subsurface sewage disposal systems using products approved by the DEP in lieu of laterals or filter material be completed by an authorized installer. The regulation also requires that the installer have obtained “Certified Installer of Onsite Wastewater Treatment Systems (CIOWTS) Advanced Level” certification from the National Environmental Health Association (NEHA). This bill would prohibit the DEP from requiring installers of individual subsurface sewage disposal systems using products approved by the DEP in lieu of laterals or filter material to have this additional certification.

The committee amendments would provide that the prohibition in the bill would become inoperative upon adoption by the DEP of rules and regulations instituting credential requirements for all installers of individual subsurface sewage disposal systems.

The committee amendments make this bill identical to Assembly Bill No. 4350 (1R) of 2016.

## Governor Christie Takes Action On Pending Legislation

Thursday, July 13, 2017

Tags: [Bill Action](#)

Trenton, NJ - Governor Chris Christie today announced that he has taken action on the following pending legislation:

### **BILL SIGNINGS:**

**S-1451/A-3856 (Ruiz, Allen/Holley, McKnight, Singleton)** - Directs DOE to make database of special education decisions available on website

**S-2059/A-3769 (Weinberg/Vainieri Huttle, Mukherji)** - Requires DOH to ensure that fetal death certification and reporting requirements are consistent with current federal standards

**S-2348/A-3799 (Ruiz, Diegnan/Lampitt, Vainieri Huttle, Muoio, Oliver, Mosquera, DiMaio, McKnight, Mukherji)** - Includes students who participate in school intramural sports programs in the student-athlete head injury safety program

**S-2492/A-4091 (Gordon, O'Toole/Eustace, Chiaravalloti, Mukherji, Benson, Jasey)** - Enhances resident voting participation rights in common interest communities

**S-2878/A-4523 (Vitale, Codey/Schaer, Singleton, Vainieri Huttle, Pinkin)** - Requires DOH to permit certain health care facilities to use shared clinical space when providing primary health care and behavioral health care for mild to moderate behavioral health conditions

**SJR-50/AJR-69 (Weinberg, Gordon/DiMaio, Pinkin, Quijano)** - Designates April as "Genocide Awareness Month"

**SJR-62/AJR-96 (Codey/Eustace, Lampitt, Pinkin, Mukherji, Jones, Downey, Rooney)** - Designates month of May of each year as "Mental Health Awareness Month"

**A-374/S-2462 (Auth, Prieto, Schepisi, Jimenez, Mukherji/Sacco, Cruz-Perez)** - Prohibits MVC from imposing duplicate license or identification card fee and digitized picture fee if duplicate is requested to reflect change in organ donor status

**A-2181/S-2809 (Caride, Schaer/Sarlo)** - Prohibits NJTA from requiring county guarantee to provide maintenance of pedestrian bridge under certain circumstances when determining approval for construction of pedestrian bridge

**A-2690/S-1944 (Johnson, Rible, Dancer, O'Scanlon, Space, Phoebus/Cardinale, Van Drew)** - Expands list of retired law enforcement officers eligible to carry handgun

**A-4334/S-2724 (Conaway, Pinkin/Codey, Vitale)** - Requires alternative payment models to register with DOH; permits health care practitioners to refer patients to health care service in which the practitioner has beneficial interest when related to alternative payment model

**A-4350/S-2914 (Eustace, Karabinchak/Greenstein)** - Precludes DEP from imposing certain certification requirements on installers of individual subsurface sewage disposal systems

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### More Information

[Senate Bill 587](#)

[Senate Bill 677](#)

[Senate Bill 806](#)

[Senate Bill 3006](#)

[ASSEMBLY BILL NO. 1855](#)

[ASSEMBLY BILL NO. 4701](#)

**A-4583/S-2991 (Zwicker, Conaway, Land, Downey, Houghtaling/Turner, T. Kean)** - Appropriates \$2,988,859 from 2009 Historic Preservation Fund and constitutionally dedicated CBT revenues to provide capital preservation grants for certain historic preservation projects

**AJR-27/SJR-59 (Muio, Gusciora, Benson, Eustace, Pinkin, Sumter, Mukherji/Turner)** - Designates May of each year as "Asthma Awareness Month"

**BILLS VETOED:**

**S-587/A-2937 (Cunningham/Sumter, Mukherji, Quijano) – ABSOLUTE** - Requires incarcerated individual from State to be counted at residential address for legislative redistricting purposes

**S-677/A-3677 (Rice, Turner/Wimberly, Singleton, Holley, Tucker, Sumter, Quijano) – CONDITIONAL** - Requires racial and ethnic impact statement for certain bills and regulations affecting sentencing

**S-806/A-2463 (Weinberg, Gordon/Eustace, Vainieri Huttie, Caride, Muio, Lagana, Lampitt, Mukherji) – CONDITIONAL** - Requires owner or operator of certain trains to have discharge response, cleanup, and contingency plans to transport certain hazardous materials by rail; requires NJ DOT to request bridge inspection reports from US DOT

**S-3006/A-4589 (Weinberg, Gordon/Vainieri Huttie, Quijano, Wisniewski, Johnson, Mukherji) – ABSOLUTE** - Prohibits PANYNJ from providing assistance for enforcement of March 6, 2017 US Executive Order banning entry into US of individuals from certain countries

**A-1855/S-3123 (Wimberly, Prieto, Oliver, Sumter/Cruz-Perez, Cunningham) – CONDITIONAL** - Concerns outreach and training for minorities and women in the construction industry

**A-4701/S-3059 (Eustace, Zwicker, Vainieri Huttie, Gusciora, Kennedy, Benson, Jasey/Sweeney, Smith) – ABSOLUTE** - Requires State full participation in Regional Greenhouse Gas Initiative

Press Contact:  
Brian Murray  
609-777-2600



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