

CHAPTER 9A

STANDARDS FOR INDIVIDUAL SUBSURFACE
SEWAGE DISPOSAL SYSTEMS

Authority

N.J.S.A. 13:1D-1 et seq.; 26:3A2-21 et seq.; 58:10A-1 et seq.,
including 58:10A-16; and 58:11-23 et seq.

Source and Effective Date

R.2005 d.79, effective January 26, 2005.
See: 36 N.J.R. 4224(a), 37 N.J.R. 589(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 9A, Standards for Individual Subsurface Sewage Disposal Systems, expires on July 25, 2011. See: 43 N.J.R. 478(a).

Chapter Historical Note

Chapter 9A, Standards for Individual Subsurface Sewage Disposal Systems, was adopted as R.1989 d.450, effective August 21, 1989 (operative January 1, 1990). See: 20 N.J.R. 1790(a), 21 N.J.R. 2534(a).

Petition for Rulemaking. See: 23 N.J.R. 622(a).

Pursuant to Executive Order No. 66(1978), Chapter 9A, Standards for Individual Subsurface Sewage Disposal Systems, was readopted as R.1994 d.469, effective August 18, 1994. See: 26 N.J.R. 2715(a), 26 N.J.R. 3829(a).

Pursuant to Executive Order No. 66(1978), Chapter 9A, Standards for Individual Subsurface Sewage Disposal Systems, was readopted as R.1999 d.314, effective August 18, 1999. See: 31 N.J.R. 1416(a), 31 N.J.R. 2741(a).

Chapter 9A, Standards for Individual Subsurface Sewage Disposal Systems, was readopted as R.2005 d.79, effective January 26, 2005. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 9A, Standards for Individual Subsurface Sewage Disposal Systems, was extended by gubernatorial directive from January 26, 2010 to January 26, 2011. See: 42 N.J.R. 468(a).

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SUBCHAPTER 1. GENERAL PROVISIONS

7:9A-1.1 Purpose

(a) The purpose of this chapter is to:

1. Prevent pollution of the waters of the State that results from improper location, design, construction, installation, alteration, operation or maintenance of individual subsurface sewage disposal systems;
2. Provide standards for the proper location, design, construction, installation, alteration, repair and operation of individual subsurface sewage disposal systems;
3. Protect the public health and safety and the environment;
4. Protect potable water supplies; and
5. Safeguard fish and aquatic life and ecological values.

Amended by R.1993 d.294, effective June 21, 1993.
See: 24 N.J.R. 1987(a), 25 N.J.R. 2704(b).

7:9A-1.2 Scope

(a) This chapter prescribes standards for the location, design, construction, installation, alteration, repair and operation of individual subsurface sewage disposal systems.

(b) Except as otherwise provided by N.J.S.A. 58:11-25, the following shall constitute the rules of the New Jersey Department of Environmental Protection and shall be regarded as uniform standards, in force throughout the State, governing individual subsurface sewage disposal systems.

Amended by R.1993 d.294, effective June 21, 1993.
See: 24 N.J.R. 1987(a), 25 N.J.R. 2704(b).

7:9A-1.3 Construction of rules

(a) This chapter shall be liberally construed to permit the Department to discharge its statutory functions.

(b) All appendices attached to this chapter are incorporated into this chapter and are made a part hereof.

7:9A-1.4 Practice where rules do not govern

The Commissioner, or any other appropriate management employee within the Department, shall exercise his or her discretion in respect to any matters not governed by this chapter.

Amended by R.1994 d.469, effective September 19, 1994.
See: 26 N.J.R. 2715(a), 26 N.J.R. 3829(a).

7:9A-1.5 Severability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this chapter, and to this end, the provisions of this chapter are declared to be severable.

7:9A-1.6 General prohibitions

(a) A person shall not install, construct, alter or repair an individual subsurface sewage disposal system without first obtaining the necessary permits, approvals or certifications as required by this chapter.

(b) An administrative authority shall not issue an approval, permit or certification for installation, construction, alteration, or repair of an individual subsurface sewage disposal system where such installation, construction, alteration or repair will violate or otherwise not be in compliance with the requirements of this chapter.

(c) The use of a subsurface sewage disposal system for more than one property is prohibited unless a treatment works approval or a NJPDES permit has been issued by the Department.

(d) Individual subsurface sewage disposal systems shall not be located, designed, constructed, installed, altered, repaired or operated in a manner that will allow the discharge of an effluent onto the surface of the ground or into any water course.