

“Commercial unit” means one or more buildings, or one or more rooms within a building, which will be occupied by a single individual, corporation, company, association, society, firm, partnership or joint stock company, and used for non-residential purposes. Within a commercial building, each room or suite of rooms having its own separate sanitary facilities as well as a separate entrance to the outside, or to a

hallway, lobby, foyer or other common area, shall be considered to be a separate realty improvement, as defined in this section.

“Construct” means to build, install, fabricate or put together on-site one or more components of an individual subsurface sewage disposal system.

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“Infiltrative surface” means the interface or contact between the filter material and the soil or fill at the bottom and sidewalls of the disposal bed or each individual disposal trench.

“Install” means to assemble, put in place or connect components of an individual subsurface sewage disposal system in a manner that will permit their use by the occupants of the realty improvement served.

“Interceptor drain” means a subsurface drain designed and constructed to intercept laterally moving perched ground water.

“Invert” means the floor, bottom or lowest portion of the internal cross-section of a closed conduit, used with reference to pipes or fittings conveying sanitary sewage.

“Level of infiltration” means the elevation of the horizontal interface or contact between the filter material and the soil or fill material at the bottom of the filter material.

“Limiting zone” means any horizon or combination of horizons within the soil profile, or any substratum or combination of substrata below the soil profile, which limits the ability of the soil to provide treatment and/or disposal of septic tank effluent. Limiting zones include rock substrata, hydraulically restrictive horizons and substrata, excessively coarse horizons and substrata, perched and regional zones of saturation. Criteria for recognition of limiting zones are given in N.J.A.C. 7:9A-5.5 through 5.9.

“Loamy sand” means a soil textural class, as shown in Figure 3 of Appendix A, that has a maximum of 85 to 90 percent sand with a percentage of silt plus 1.5 times the percentage of clay not in excess of 15; or a minimum of 70 to 85 percent sand with a percentage of silt plus 1.5 times the percentage of clay not in excess of 30.

“Lower plastic limit” means the moisture content corresponding to the transition between the plastic and semi-solid states of soil consistency. This corresponds to the lowest soil moisture content at which the soil can be molded in the fingers to form a rod or wire, one-eighth of an inch in thickness, without crumbling.

“Malfunctioning system” means an individual sewage disposal system which pollutes ground or surface waters or which creates a nuisance or hazard to public health or safety or the environment and includes, but is not limited to, the situations described in N.J.A.C. 7:9A-3.4.

“Massive rock substratum” means a rock substratum which does not contain an adequate number of open and inter-connected fractures to allow unimpeded absorption of applied wastewater and transmission of this wastewater away from the disposal area.

“Massive structure” means one of the soil structural classes which is described in N.J.A.C. 7:9A-5.3(h).

“Mottling” means a color pattern observed in soil consisting of blotches or spots of contrasting color. The term “mottle” refers to an individual blotch or spot. Mottling is an indication of seasonal or periodic and recurrent saturation.

“Mounded disposal field installation” means a type of disposal field installation which is described at N.J.A.C. 7:9A-10.1(b)4.

“Mounded soil replacement disposal field installation” means a type of disposal field installation which is described at N.J.A.C. 7:9A-10.1(b)5.

“Munsell system” means a system of classifying soil color consisting of an alpha-numeric designation for hue, value and chroma, such as “7.5 YR 6/2”, together with a descriptive color name, such as “strong brown”.

“NJPDES permit” means a permit issued by the Department pursuant to the authority of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and N.J.A.C. 7:14A for a discharge of pollutants.

“NJPDES” means the New Jersey Pollutant Discharge Elimination System as set forth in N.J.S.A. 58:10A-1 et seq. and in N.J.A.C. 7:14A.

“O-horizon” means a surface horizon, occurring above the A-horizon in some soils, which is composed primarily of undecomposed or partially decomposed plant remains which have not been incorporated into the mineral soil.

“One hundred year flood plain” means the area inundated by the 100-year flood. A 100-year flood is estimated to have a one percent chance, or one chance in 100, of being equalled or exceeded in any one year. See also N.J.A.C. 7:13.

“Operate” means to use or convey a building or facility served by an individual subsurface sewage disposal system or to own a building or facility where such use or occupation exists.

“Perched zone of saturation” means a zone of saturation which occurs immediately above a hydraulically restrictive horizon and which is underlain by permeable horizons or substrata which are not permanently or seasonally saturated.

“Percolation rate” means the rate of fall of water measured in a test hole as prescribed in N.J.A.C. 7:9A-6.4

“Permeability” means the rate at which water moves through a unit area of soil or rock material at hydraulic gradient of one, determined as prescribed in N.J.A.C. 7:9A-6.2, 6.3, 6.5 or 6.6.

“Permeable” means having a permeability of 0.2 inches per hour or faster or a percolation rate of 60 minutes per

inch or faster. The terms "permeable soil", "permeable rock" and "permeable fill" shall be construed accordingly.

"Permit" means a written approval issued by the administrative authority or the Department for the construction, installation, alteration or operation of an individual subsurface sewage disposal system.

"Person" means an individual, corporation, company, association, society, firm, partnership and joint stock company as well as the State and any political subdivision thereof.

"Piezometer" means a device consisting of a length of metal or plastic pipe, open at the bottom or perforated within a specified interval, and used for the determination of depth to water, permeability or hydraulic head within a specific soil horizon or substratum.

"Platy structure" means one of the soil structural classes described in N.J.A.C. 7:9A-5.3(g).

"Practice of engineering" means any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design or general supervision of construction or operation for the purpose of assuring compliance with plans, specification and design in connection with any public or private engineering or industrial project.

"Pre-existing natural ground surface" means the former level of the ground surface in an area of disturbed ground prior to the disturbance.

"Pressure dosing" means a type of effluent distribution which is described in N.J.A.C. 7:9A-9.1.

"Pre-treatment unit" means a septic tank or a grease trap.

"Professional engineer" means a person licensed to practice professional engineering in this State pursuant to N.J.S.A. 48:8-27 et seq.

"Realty improvement" means any proposed new residence, commercial building or other premises (including, but not limited to, condominiums, garden apartments, town houses, mobile homes, stores, office buildings, restaurants, hotels and so forth) not served by an approved water supply and approved sewerage system, the useful occupancy of which will require the installation or erection of a water supply system or sewerage facilities. Each dwelling unit in a proposed multiple-family dwelling or each commercial unit in a commercial building shall be construed to be a separate realty improvement.

"Regional zone of saturation" means a zone of saturation which extends vertically without interruption below the depth of soil borings and profile pits.

"Registered Environmental Health Specialist" means an individual licensed as such pursuant to N.J.S.A. 26:1A-41.

"Re-grading" means modification of a land slope by cutting and filling with the native soil or re-distribution of the native soil which is present at the site.

"Repair" means to fix, refurbish or replace one or more components of an individual subsurface sewage disposal system in a manner that will restore, preserve and not change the original location, design, construction and installation, size, capacity, type, or number of the components of the system.

"Replicate" means one of two or more soil samples or tests taken at the same location (within five feet of each other), and depth, within the same soil horizon or substratum. In the case of fill material, replicate tests are tests performed on sub-samples of the same bulk sample packed to the same bulk density.

"Reservoir" means a surface water body used to store a public drinking water supply or any portion of a tributary water course within one mile upstream of such a surface water body.

"Restricted chemical material" means any chemical material which contains concentrations in excess of one part per hundred, by weight of any halogenated hydrocarbon chemical, aliphatic or aromatic, including, but not limited to, trichloroethane, trichloroethylene, tetrachloroethylene, methylene chloride, halogenated benzenes and carbon tetrachloride; any aromatic hydrocarbon chemical, including, but not limited to, benzene, toluene and naphthalene; any phenol derivative in which a hydroxy group and two or more halogen atoms are bonded directly to a six-carbon aromatic ring, including, but not limited to, trichlorophenol or pentachlorophenol; or acrolein, acrylonitrile, or benzidine. Restricted chemical material does not, however, include any chemical material which is biodegradable and not a significant source of contamination of the ground waters of the State.

"Rock substratum" means a solid and continuous body of rock, with or without fractures, or a weathered or broken body of rock fragments overlying a solid body of rock, where more than 50 percent by volume of the rock fragments are greater than two millimeters in diameter or large enough to be retained on a two millimeter sieve.

"Sand" means a particle size category consisting of mineral particles which are between 0.05 and 2.0 millimeters in equivalent spherical diameter. Also, a soil textural class having 85 percent or more of sand and a content of silt and clay such that the percentage of silt plus 1.5 times the percentage of clay does not exceed 15, as shown in Figure 3 of Appendix A.

“Value” means the relative lightness or intensity of a color, one of the three variables of soil color defined within the Munsell system of classification.

“Very firm consistence” means a type of soil consistence which is described in N.J.A.C. 7:9A-5.3(h).

“Very hard consistence” means a type of soil consistence which is described in N.J.A.C. 7:9A-5.3(h).

“Volume of sanitary sewage” means the maximum volume of sanitary sewage which may reasonably be expected to be discharged from a residential, commercial or institutional facility on any day of operation, determined as prescribed in N.J.A.C. 7:9A-7.4 and expressed in gallons per day. The volume of sanitary sewage shall not be considered as an average daily flow, but shall incorporate a factor of safety over and above the average daily flow which is adequate to accommodate peak sewage flows or facilities which discharge greater than the average volumes of sanitary sewage either occasionally or on a regular basis. The use of water saving devices shall not be used as a basis for reducing estimates of the volume of sanitary sewage.

“Water course” means any stream or surface water body, or any ditch or subsurface drain that will permit drainage into a surface water body. This term does not include swales or roadside ditches which convey only direct runoff from storms or snow melting, and storm sewers designed and constructed in a manner that will prevent infiltration of ground water into the pipe or lateral movement of ground water through the excavation in which the pipe has been laid.

“Water table” means the upper surface of a zone of saturation.

“Waters of the State” means the ocean and its estuaries, all springs, streams and bodies of surface and ground water, whether natural or artificial, within the boundaries of this State or subject to its jurisdiction.

“Well” means a bored, drilled or driven shaft, or a dug hole, which extends below the seasonally high water table and which has a depth which is greater than its largest surface dimension.

“Wetland” means any area inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and which under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.

“U.S.D.A. system of classification” means the system of classifying soil texture used by the United States Department of Agriculture which defines 12 soil textural classes based upon the weight percentages of sand, silt and clay in

that portion of the soil which passes through a sieve with two millimeter openings. The soil textural classes are shown graphically on the soil textural triangle, Figure 3 of Appendix A.

“Zone of disposal” means the permeable layers of soil or rock material below the zone of treatment which permit downward movement of the septic tank effluent and lateral movement of this effluent away from the area of the disposal field.

“Zone of treatment” means the upper four feet of suitable soil or fill material, below the level of infiltration, which remove pollutants from the septic tank effluent by processes which include physical filtration of bacteria, adsorption of viruses and bacteria by clay and organic matter, biological destruction of pathogens by soil microorganisms, chemical fixation or precipitation of phosphorous, bio-chemical transformations of nitrogen compounds and biological assimilation of phosphorous and nitrogen.

“Zone of saturation” means a layer within or below the soil profile which is saturated with ground water either seasonally or throughout the year.

Amended by R.1993 d.294, effective June 21, 1993.

See: 24 N.J.R. 1987(a), 25 N.J.R. 2704(b).

Amended by R.1994 d.469, effective September 19, 1994.

See: 26 N.J.R. 2715(a), 26 N.J.R. 3829(a).

Amended by R.1999 d.314, effective September 20, 1999.

See: 31 N.J.R. 1416(a), 31 N.J.R. 2741(a).

Inserted “Registered Environmental Health Specialist”; and deleted “Sanitarian First Grade”.

SUBCHAPTER 3. ADMINISTRATION

7:9A-3.1 Ordinances

(a) The administrative authority may adopt this chapter by reference as allowed by N.J.S.A. 26:3-69 to 69.6.

(b) For the purpose of this chapter, the term “special ordinance” means any ordinance which differs in any detail from this chapter. Within 10 days after adoption of a special ordinance, the administrative authority shall forward to the Department a copy of the ordinance together with a written statement in which all provisions which differ from this chapter are identified, the reasons for the differences are explained and all supporting facts and data are provided. Where requirements differing from the requirements of this chapter are proposed in order to conform with the requirements of the Pinelands Comprehensive Management Plan, the appropriate section(s) of the Plan shall be cited.

(c) The administrative authority shall not adopt an ordinance which is less stringent than this chapter.

7:9A-3.2 New system design approvals

All aspects of the location, design, construction, installation, operation, alteration and repair of individual subsurface sewage disposal systems shall comply with the requirements of these standards.

Amended by R.1992 d.187, effective April 20, 1992.

See: 24 N.J.R. 202(a), 24 N.J.R. 1491(a).

Outlined the circumstances under which septic system designs which the board of health having jurisdiction or its authorized agent (administrative authority) approved before January 1, 1990, in accordance with the rules which were repealed July 28, may be constructed, installed and certified.

Amended by R.1999 d.314, effective September 20, 1999.

See: 31 N.J.R. 1416(a), 31 N.J.R. 2741(a).

Rewrote the section.

7:9A-3.3 Existing systems

(a) The use of systems in existence prior to the effective date of this chapter may be continued without change provided that these systems were located, designed, constructed and installed in conformance with the standards in effect at the time when they were installed and provided that such systems are not malfunctioning.

(b) When an expansion or a change in use of a commercial building or facility served by an existing individual subsurface sewage disposal system is proposed and such expansion or change will result in an increase in the volume of sanitary sewage (determined as prescribed at N.J.A.C. 7:9A-7.4) or a change in the type of wastes discharged (see N.J.A.C. 7:9A-7.3), the administrative authority shall not approve such an expansion or change unless all of the following conditions are satisfied:

1. All aspects of the location, design, construction, installation and operation of the existing system are in conformance with the requirements of this chapter or are altered so that they will be in conformance with the requirements of this chapter;

2. The expansion or change of use of the building or facility served will not exceed the design capacity of the existing system; and

3. It is demonstrated to the satisfaction of the administrative authority that the existing system is not malfunctioning.

(c) When an expansion or a change in use of a residential dwelling served by an existing individual subsurface sewage disposal system is proposed and such an expansion or change will exceed 100 square feet of habitable living space (as defined in the New Jersey Uniform Construction Code, N.J.A.C. 5:23) and such expansion or change will result in an increase in the volume of sanitary sewage (determined as prescribed at N.J.A.C. 7:9A-7.4) or will result in a change in the type of wastes discharged (see N.J.A.C. 7:9A-7.3), the administrative authority shall not approve such an expansion or change unless all of the following conditions are satisfied:

1. All aspects of the location, design, construction, installation and operation of the existing system are in conformance with the requirements of this chapter or are altered so that they will be in conformance with the requirements of this chapter;

2. The expansion or change of use of the dwelling served does not increase the design flow of the dwelling beyond the design capacity of the existing system; and

3. It is demonstrated to the satisfaction of the administrative authority that the existing system is not malfunctioning.

(d) Alterations made to a system for reasons other than a change of use or expansion as described in (b) and (c) above may be approved by the administrative authority provided that both of the following conditions are met:

1. If the scope of the alteration is such that it constitutes the practice of professional engineering according to N.J.S.A. 45:8 and the rules adopted pursuant to same, then such alterations shall be made in conformance with plans and specifications signed and sealed by a licensed professional engineer; and

2. Alterations are made in such a way that those components of the system altered are in conformance with the requirements of this chapter or are closer to being in conformance with this chapter than the original components prior to the alteration.

(e) When alterations are made to correct a malfunctioning system, the alterations shall be made in conformance with (d) above and in a manner that will eliminate the cause of the malfunction and which, with proper operation and maintenance, will not result in future malfunctions.

(f) Alterations to existing malfunctioning subsurface sewage disposal systems, which are regulated under N.J.A.C. 7:14A-7, may be approved by the administrative authority, provided the design flow of the system is less than or equal to 2,000 gpd. A treatment works approval shall be obtained from the Department for the alteration to any existing malfunctioning subsurface sewage disposal system with a design flow greater than 2,000 gpd.

(g) Repairs may be made in the same manner as in the original system, with the exception of cesspools which shall be corrected as prescribed at N.J.A.C. 7:9A-1.6(g), provided that all repairs are approved by the administrative authority.

(h) A person who discharges industrial wastes by means of an existing subsurface sewage disposal system and who has not already applied to the Department for a NJPDES permit shall apply immediately.