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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

NEW JERSEY PINELANDS COMMISSION

Notice of Agency Action

Increase in Minimum Lot Size Required for Use of the BioBarrier and SeptiTech Systems in the Pinelands Area

Take notice that effective October 3, 2016, the Pinelands Commission has increased the minimum lot size required when a BioBarrier or SeptiTech wastewater treatment system is proposed for residential use in the Pinelands Area. The BioBarrier and SeptiTech wastewater treatment technologies were originally authorized through the Commission's Alternate Design Treatment Systems Pilot Program for use on minimum 1.0-acre lots. Analysis of effluent data collected to date has led to a determination that both systems require a minimum 1.7-acre lot to meet the Commission's nitrogen-based water quality standard. Accordingly, new BioBarrier and SeptiTech systems shall be located on parcels containing at least 1.7 acres for each dwelling unit that will be served by the system.

This action does not affect existing BioBarrier or SeptiTech systems that were installed on lots that are smaller than 1.7 acres. N.J.A.C. 7:50-10.22(b) provides that owners of alternate design systems that fail to meet original nitrogen removal expectations shall not be held liable for the system's nitrogen removal efficiency, provided the system is properly operated and maintained.

Operating a BioBarrier or SeptiTech system on a lot smaller than 1.7 acres does not raise a public health concern. The Commission's action relates only to the inability of the systems to meet the

Commission's ecologically-based groundwater quality standard, as determined by the Pinelands Septic Dilution Model, when used on less than 1.7 acres.

The Commission will permit new BioBarrier and SeptiTech systems on lots that are smaller than 1.7 acres only in instances in which contracts for the purchase or design of the system were entered into prior to October 3, 2016. All municipal and county approvals of the BioBarrier or SeptiTech technologies on lots smaller than 1.7 acres that are submitted to the Commission after October 3, 2016, will be called up for Commission review pursuant to N.J.A.C. 7:50-10.22(a)5i. The Commission will consider releasing these approvals if the applicant provides the Commission with evidence to support that a financial commitment toward the BioBarrier or SeptiTech technology was made prior to October 3, 2016.

Questions pertaining to the Commission's Alternate Design Treatment Systems Pilot Program should be directed to the Commission's Land Use and Technology Programs staff at (609) 894-7300 or to wastewater@njpines.state.nj.u