

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

NEW JERSEY PINELANDS COMMISSION

Notice of Agency Action

**Increase in Minimum Lot Size Required for Use of the Bio-Microbics FAST
System in the Pinelands Area**

Take notice that effective September 15, 2014, the Pinelands Commission has increased the minimum lot size required when a Bio-Microbics FAST wastewater treatment system is proposed for residential use in the Pinelands Area. The FAST wastewater treatment technology was 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 the FAST system requires a minimum 1.5-acre lot to meet the Commission's nitrogen-based water quality standard. Accordingly, new FAST systems shall be located on parcels containing at least 1.5 acres for each dwelling unit that will be served by the system.

This action does not affect existing FAST systems that were installed on lots that are smaller than 1.5 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 FAST system on a lot smaller than 1.5 acres does not raise a public health concern. The Commission's action relates only to the system's inability to meet the Commission's ecologically-based groundwater quality standard, as determined by the Pinelands Septic Dilution Model, when used on less than 1.5 acres.

The Commission will permit new FAST systems on lots that are smaller than 1.5 acres only in instances in which contracts for the purchase or design of the system were entered into prior to September 15, 2014. All municipal and county approvals of the FAST technology on lots smaller than 1.5 acres that are submitted to the Commission after September 15, 2014, 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 FAST technology was made prior to September 15, 2014.

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