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## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

#### **OFFICE OF LEGAL AFFAIRS**

#### **Notice of Receipt of Petition for Rulemaking**

#### **Water Resource Management**

#### **Petition to Adopt a Rule Allowing the Department to Accept Certification from Additional Organizations for Advanced Wastewater Pretreatment Components**

#### **N.J.A.C. 7:9A**

Petitioners: AquaKlear, Inc., AquaKlear of New Jersey, Gulf Coast Testing

**Take notice** that on August 3, 2023, the Department of Environmental Protection (Department) received a petition for rulemaking from Frances B. Stella, on behalf of AquaKlear, Inc., AquaKlear of New Jersey, and Gulf Coast Testing (petitioners). The petitioners state that the Department’s rules do not allow any organization outside of the National Sanitation Foundation International (NSF) to certify advanced wastewater pretreatment components. The petitioners request that the Department amend its Standards for Individual Subsurface Sewage Disposal Systems rules at N.J.A.C. 7:9A-8.3(a) to accept certifications of advanced wastewater pretreatment components that meet the NSF/ANSI Standard 40 and/or Standard 245 requirements from other American National Standards Institute (ANSI) accredited organizations, in addition to NSF.

In support of the petition, the petitioners state that by accepting NSF certification only, the Department’s rules at N.J.A.C. 7:9A-8.3(a) cause a “negative economic impact,” leading to less

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competition and higher costs. The petitioners assert that other ANSI-accredited organizations are capable of certifying advanced wastewater pretreatment components in the same manner and to the same standards as NSF. The petitioners additionally note that only one other state in the country “limit[s] the certification of advanced treatment units to only one vendor,” and that other adjacent states, such as New York, Pennsylvania, and Delaware, “allow other ANSI accredited companies to certify the wastewater systems.” The proposed amendment would, according to the petitioners, have a positive economic impact by increasing competition and driving down costs and benefiting human health and the environment.

This notice and the full text of the petition filed in this matter are available on the Department’s website at [www.nj.gov/dep/rules/petition.html](http://www.nj.gov/dep/rules/petition.html).

In accordance with N.J.A.C. 1:30-4.2, the Department will subsequently mail to the petitioners, and file with the Office of Administrative Law, a notice of action on the petition.