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BULLETIN 96-3

Issued: December 1996
Subject: Prior Approval for Septic Systems
Reference: N.J.A.C. 5:23-1.4 and 2.15

The Department of Community Affairs has been approached by the New Jersey Department of Environmental Protection (DEP), Division of Water Quality concerning prior approvals. Specifically, it asked that more direction be given to code officials with respect to septic system prior approvals for existing buildings undergoing additions or changes of use. In a significant number of cases, building owners have undertaken additions and have found, in the course of the project, that they will have to incur additional expenses to replace or upgrade their septic systems.

It is important to remember that buildings that are added to or undergo a change of use often require a prior approval from the appropriate health department. One of the significant differences between the regulations under the Uniform Construction Code (UCC) and the Standards for Individual Subsurface Sewage Disposal Systems is the way septic system demands are calculated compared to the way plumbing system demands are calculated. The Plumbing Subcode attributes demand by -- and hence bases its sizing requirements on -- the number of fixtures installed. The DEP bases its demand on parameters that equate to the number of users and is not concerned with the number of fixtures installed when sizing the septic system.

Additions to Residential Buildings

For residential uses, the DEP correlates the number of users to the number of bedrooms. Therefore, when additions that include bedrooms are proposed to existing dwellings, under the DEP's rules, there is a potential increase in demand on the septic system and the adequacy of the existing system needs to be assessed. Even though no additional plumbing fixtures are being installed, a review of the septic system needs to be performed by the local health inspector. This review is a prior approval. Before issuing any building permit to construct an addition that involves an increase in the number of bedrooms, the applicant must provide the construction official with either a proof of certification of an approval of the septic system plan, or a letter from the local health department stating that the existing system is appropriate for the addition. In cases where the existing septic system is not adequate because of the increased demand that the addition will create, the owner may be required to connect to a public sewer system if it is available, or replace or upgrade the existing system.

Additions to Commercial, Institutional, and Other Facilities

For commercial facilities, the DEP correlates the demand on the septic system to the building's square footage, number of patrons, and/or number of employees. For institutional facilities, the DEP correlates the demand on the septic system to the number of occupants and/or the number of employees. Again, there may be cases where an addition is made that does not involve new toilet facilities. While under the UCC there is no increase in demand, there is under the DEP's rules. As noted above, the construction official should require the appropriate prior approval from the health department before issuing a building permit.

Finally, when a building served by a septic system undergoes a change of use, this will also require a review by the local or county health department. The DEP uses different flow rates per square foot for sizing the septic system based on the use of the building. Therefore, the health department needs to see if the new use will increase the demand on the septic system. Again, this is regardless of whether any new toilet fixtures are being installed.