CUMBERLAND COUNTY BOARD OF HEALTH

ORDINANCE NO. 13

AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF HEALTH REGULATING THE LOCATION, CONSTRUCTION, ALTERATION, INSPECTION, TESTING, MAINTENANCE, AND USE OF SUBSURFACE SEWAGE DISPOSAL SYSTEMS WITHIN THE JURISDICTION OF THE CUMBERLAND COUNTY BOARD OF HEALTH

WHEREAS, the Cumberland County Board of Health deems it absolutely necessary to protect the public health and to prevent the pollution and contamination of water resources; and

WHEREAS, N.J.S.A. 26:3A2-5(c) provides that a County Board of Health shall exercise within the area of its jurisdiction all of the powers granted to a local board of health; and

WHEREAS, in N.J.S.A. 26:3A2-22, the Legislature has declared it the policy of the State to provide for the administration of environmental health services by County Departments of Health throughout the State, which services shall include the enactment, monitoring and enforcement of environmental health ordinances on a countywide basis; and

WHEREAS, N.J.S.A. 26:3A2-27 further empowers the Cumberland County Board of Health to adopt and enforce environmental health ordinances for the territory in the County of Cumberland under the jurisdiction of the Cumberland County Board of Health, including ordinances controlling water pollution; and

WHEREAS, the State Legislature has provided in N.J.S.A.26:3A2-27 that a County Board of Health may adopt standards for the construction and certification of individual subsurface sewage disposal systems which are more stringent than existing State Standards provided that the State Standard allows for the adoption of more stringent ordinances; and

WHEREAS, the Cumberland County Board of Health believes it is in the best interest of the residents of Cumberland County to regulate the location, construction, inspection, alteration, testing, maintenance and use of individual subsurface sewage disposal systems; and

WHEREAS, N.J.A.C. 7:9A-3.1 and N.J.S.A. 26:3-69 to 69.6 empower the Cumberland County Board of Health, as the Administrative Authority, to adopt N.J.A.C. 7:9A, The STANDARDS FOR INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS, by reference and to also include additional, requirements, if needed within the jurisdiction of the Cumberland County Board of Health, through the adoption of a “special ordinance”;

NOW THEREFORE, BE IT ORDAINED BY THE CUMBERLAND COUNTY BOARD OF HEALTH OF THE COUNTY OF CUMBERLAND AND STATE OF NEW JERSEY FOLLOWS:

Section 1. Short Title:

This Ordinance shall be known as the "Cumberland County Board of Health and Cumberland County Health Department Individual Subsurface Sewage Disposal System Special Ordinance"

Section 2. Adoption of Standards by Reference:

A. The regulations promulgated by the State Commissioner of the Department of Environmental Protection pursuant to the Realty Improvement Sewerage and Facilities Act (1954) and subsequent amendments thereto also known as N.J.A.C. 7:9A "Standards for Individual Subsurface Sewage Disposal Systems", last amended March 7, 2012, and all subsequent amendments thereto, which provide standards for the proper location, design, construction, installation, alteration, operation and maintenance of individual subsurface sewage disposal systems are hereby adopted and are of full force and effect in the County of Cumberland, except for the regulations and higher standards prescribed by this Ordinance.

B. Three copies of said Standards for Individual Subsurface Sewage Disposal Systems (2012) have been placed on file in the office of the Secretary of this Board of Health upon the introduction of this Ordinance and will remain in said office for the use and examination of the public.

Section 3. Definitions:

This Ordinance incorporates the definitions contained in the Definition Subchapter of the New Jersey Administrative Code 7:9A as if specifically set forth herein. In addition to the definitions contained in N.J.A.C. 7:9A, the following additional definitions are adopted as part of this ordinance:

Existing Use Determination – A decision by the Cumberland County Health Department, following review of related reports and information, to allow or disallow the use of an existing subsurface sewage disposal system when a sale, change of use, expansion or alteration of an existing realty improvement served by a subsurface sewage disposal system is proposed.

Owners Agent – Any individual, business, or other entity who performs a service in relationship to this Ordinance, regardless of whether there is a charge associated with the service, for, or on the behalf of, a property owner or their designee.

Real Property - property that includes land and buildings, and anything affixed to the land. Real property would include, but not be limited to, residential homes, barns, garages, warehouses, factories, offices, and other buildings permanently affixed to the land.

Septic Hauler – An individual or business licensed by the New Jersey Department of Environmental Protection to pump sewage disposal systems and to haul the waste to a licensed disposal facility.

Septic Inspection – As used in this Ordinance, an inspection performed on an existing system and done in accordance with the New Jersey Department of Environmental Protection, Technical Guidance for the Inspections of Onsite Wastewater Treatment and Disposal Systems

Septic Inspector – inspection personnel conducting inspections of existing subsurface sewage disposal systems in accordance with the New Jersey Department of Environmental Protection, Technical Guidance for the Inspections of Onsite Wastewater Treatment and Disposal Systems and as required by this Ordinance.

System – as used in this ordinance, the sewage disposal system serving, or proposed to serve, a realty improvement

Section 4. Inspection Required for existing systems

A. Existing systems will require an inspection for the following reasons:
    a. The system is not operating properly (i.e., overflow, back-up into the house, need of frequent pumping)
    b. A sale of the real property served by the system is proposed
    c. An expansion, alteration or change of use of the real property served by the system is proposed
    d. The real property served by the system has been vacant for more than 365 days and re-occupancy is proposed
B. Any inspection performed as required by Section 4 – A of this Ordinance shall be performed in compliance with the New Jersey Department of Environmental Protection, Technical Guidance for the Inspections of Onsite Wastewater Treatment and Disposal Systems and documented on the forms provided in Appendix A of N.J.A.C. 7:9A for such purpose; or shall comply with N.J.A.C. 7:9A-3.3(b), (c), or (d).
C. All inspection reports shall be reviewed by the Cumberland County Health Department for an Existing Use Determination.
D. Inspection report forms shall be submitted to the Cumberland County Health Department in hard copy format with the appropriate fee established in Ordinance #11.
E. It shall be a violation of this Ordinance to use a system prior to receiving a Cumberland County Health Department Final Septic Certification or obtaining compliance as required in the Cumberland County Health Department System Inspection Report Review.

Section 5. Registration of Inspection Personnel

A. Personnel conducting septic inspections as required in Section 4 of this ordinance, shall register their name, business name, and contact information with the Cumberland County Health Department.

B. The Cumberland County Health Department may supply a list of the registered inspection personnel upon request to any person requesting same.
C. The Cumberland County Health Department reserves the right to remove registered inspectors from the list should it be determined that the information submitted in their report is found to be fraudulent, inaccurate or deceptive in nature.
D. Prior to removal from the registration list, the Cumberland County Health Department shall notify the registered inspector and allow for a hearing of the incidents giving rise to the proposed removal.
E. Removal from the registration list shall be in effect for a period of one year, after which time the inspection personnel may request reinstatement to the registration list. Upon reinstatement to the list, the Cumberland County Health Department requires the witnessing of no less than 1 inspection per quarter performed by the reinstated inspector within the next year. Failure to have inspections witnessed will result in removal from the list.

Section 6. Tank Tightness Testing

A. Tank Tightness Testing required by N.J.A.C. 7:9A-8.2(m) shall be performed by an individual with adequate equipment and training for the purpose of performing the test.
B. The Tank Tightness Test shall not be performed by the homeowner or any individual having a financial or legal interest in the property.
C. Tank Tightness Test results shall be submitted to the Cumberland County Health Department as part of the inspection forms required for the system. The test result report shall include the following information:
    a. Property Information: owner, address, township, block and lot
    b. Date of the test
    c. Test method used
    d. Name of who performed the test (Business or Individual)
    e. Signature and Date of the person performing the test

Section 7. Grease Traps

A. In accordance with N.J.A.C. 7:9A-8.1(a) Restaurants, cafeterias, institutional kitchens and other facilities discharging large quantities of grease shall use a grease trap and a high strength wastewater pretreatment component.
B. Applications for new retail food facilities served by subsurface sewage disposal systems will have their retail food application and sewage disposal system application reviewed jointly. The determination concerning the requirement for grease trap pre-treatment will be based on menu, food preparation equipment, grease waste disposal contracts and other factors affecting the amount of grease that will be discharged through the drains and into the sewage disposal systems.
C. Applications for existing retail food facilities with a proposed expansion, change of menu, or change of operation which are served by a subsurface sewage disposal systems may require an inspection of the existing sewage disposal system if it is determined that the proposed changes will increase the volume of sewage or the amount of grease discharged to the system. If an inspection report is required, the inspection report and the retail food

application will be reviewed jointly. The determination concerning the requirement for grease trap pre-treatment will be based on menu, food preparation equipment, grease waste disposal contracts, condition of the existing system and other factors affecting the amount of grease that will be discharged through the drains and into the sewage disposal systems.

Section 8. Tank Label Material and Placement

A. In accordance with N.J.A.C. 7:9A-8.2(l)2, a permanent, non-corrosive marker a minimum of six square inches in size containing the following information shall be attached to the manhole cover or riser immediately below the cover:

   i. The administrative authority name and permit number under which the system was installed;
   ii. The date of installation;
   iii. The type of system; and
   iv. The total design criteria in gallons per day.

B. The non-corrosive material shall consist of aluminum, tin, or other non-corrosive metal or plastic. Labels shall not be paper or paper product that will decompose over time.
C. Labels shall be permanently affixed to the outside of the riser or manhole cover in an area which can be easily visible during homeowner or contractor inspection.

Section 9. Permit Expiration Date and Renewal of Expired Permits

A. An approved application for the construction, installation, repair and/or alteration of a subsurface sewage disposal system shall be considered to be a permit.
B. Permits shall be valid one year from the date of approval providing no Permit Extension Acts are in affect.
C. Requirements for the renewal of a permit:
   a. Submission of a certification form signed and sealed by the design engineer and stating compliance with N.J.A.C. 7:9A is maintained, there are no changes in site conditions that will require a change to the original design; and,
   b. The permit renewal fee established in Ordinance 11 has been paid
D. Determination that site conditions have changed will require the applicant to submit a revised application for the system.

Section 10. Existing Holding Tanks and Advanced Treatment Systems

A. Whenever the CCHD has knowledge through report or direct observation of the existence of a holding tank or advanced treatment system, it shall investigate and take all steps necessary to determine whether the system is compliant.
B. When a system has been determined to be non-compliant or unpermitted, the owner shall take immediate steps to correct the non-compliance. The owner shall apply for a permit and shall

comply with Board of Health Ordinance 10 and this Ordinance as applicable. Only the CCHD or the DEP shall determine that a system is non-compliant.

Section 11. Severability:

In the event that any section, sentence or clause of this Ordinance shall be deemed unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not in any matter render void or prejudice the enforcement of the remaining sections of this Ordinance.

Section 12. Violation and Penalties:

A. Violation of any provision of N.J.A.C. 7:9A et seq shall be a violation of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the violator shall be subject to assessment of civil administrative penalties pursuant to the provisions of N.J.A.C. 7:14-8. The matrix of Civil Administrative Penalties begins at a minimum of one thousand dollars ($1,000) to a maximum of fifty thousand dollars ($50,000) in accordance with the regulations.
B. In addition to any other liability or penalty imposed by law, any person violating any additional provision of this Special Ordinance shall be subject to a penalty of not less than Fifty ($50.00) Dollars nor more than One Thousand ($1000.00) Dollars for each offence.
C. Each and every day in which a violation of any of the provisions of the Ordinance exists shall constitute a separate offense.

Section 13. Inconsistent Ordinances Repealed:

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. Pursuant to N.J.S.A. 26:3A2-27, this Ordinance supersedes all inconsistent Municipal and Local Board of Health Ordinances regulating the same subject matter.

Section 14. Effective Date:

This ordinance shall take effect after public hearing and 30 days after final adoption by the Cumberland County Board of Health unless disapproved by the Commissioner of the Department of Environmental Protection within said period pursuant to N.J.S.A. 26:3A2-27.

A. A public hearing on this ordinance shall be held at the Cumberland County Board of Health Meeting on January 15, 2014 and February 26, 2014.

B. The Secretary of the Board is hereby directed to publish and distribute this ordinance in accordance with law.

C. Copies of this ordinance upon adoption shall be forwarded to:

1. New Jersey Department of Environmental Protection

   Bureau of Local Environmental Management

2. All Municipalities within the Jurisdiction of the CCHD