



City of Vineland  
**HEALTH DEPARTMENT**



## Cumberland County Septic Management Plan

Last Revised 7/25/2018

# **Cumberland County Septic Management Plan**

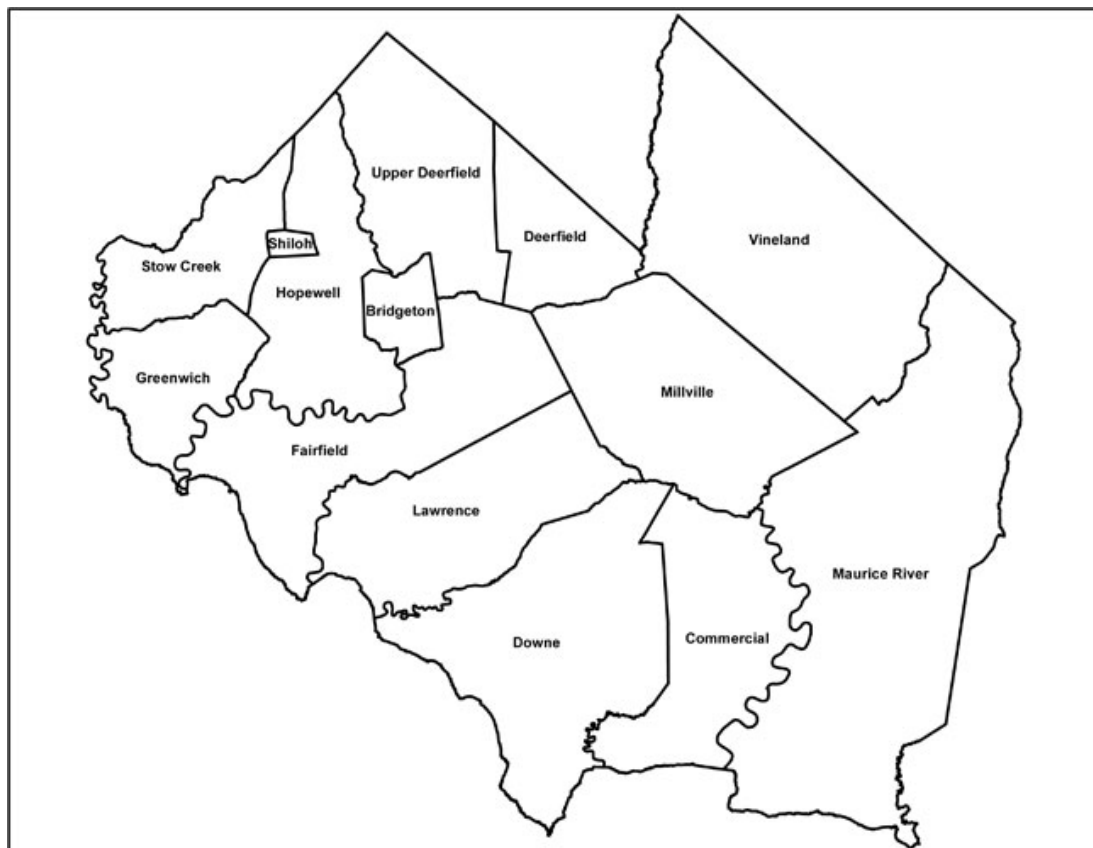
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## Intro

Cumberland County is a rurally developed jurisdiction that provides sewerage services to less than a quarter of the land available. The remaining developed land is served by private septic systems that are maintained by the property owner via pump out and septic cleaning contractors. The New Jersey Department of Environmental Protection has required that the governing authority institute a septic system management plan that will track each system and provide the homeowner / operator with guidance on how to adequately maintain the system, and ensure that the maintenance is carried out.

## Jurisdiction

The regulation of septic systems in Cumberland County is broken down into two jurisdictions; the City of Vineland Health Department which covers the systems within the City of Vineland, and the Cumberland County Health Department which covers Bridgeton City, Commercial Township, Deerfield Township, Downe Township, Fairfield Township, Greenwich Township, Hopewell Township, Lawrence Township, Maurice River Township, Millville City, Shiloh Boro, Stow Creek Township, and Upper Deerfield Township.



## 1. Current ISSDS Inventory:

### Population & Inventory Estimate

The Cumberland County Health Department and the Vineland City Health Department maintain separate inventories for Individual Subsurface Sewage Disposal Systems (ISSDS) within their respective jurisdictions. Each agency has developed its own method of tracking and gathering information about the systems however, both agencies concede that they have not yet established a complete inventory of all ISSDS.

As of 2010, Cumberland County had a population of 156,898 residents. The majority of and certainly the most densely populated areas of Vineland City (60,724 residents), Millville City (28,400 residents), and Bridgeton City (25,349 residents) are served by city sewer. If we assume that there are 3-4 people to a household then we can also assume that there are roughly 44,828 households within Cumberland County, given the population of 156,898.

The Vineland City Health Department estimates that there roughly 17,350 homes within their jurisdiction and that approximately 46 % (8,000) of the homes are not connected to municipal sewer and rely on an ISSDS as a means of disposing of waste water.

The Cumberland County Health Department estimates that there are roughly 27,478 homes within their jurisdiction and that between 51% and 58% (14,000 -16,000) of the homes are not connected to municipal sewer and rely on an ISSDS as a means of disposing of wastewater.

These estimations do not capture the number of homes where the owner's primary residence is in another jurisdiction, such as vacation homes or commercial establishments that are served by onsite septic systems. Other septic system owners must also be eventually considered in this calculation such as churches, small businesses, township buildings, and private clubs, however, at this time we do not have a reasonable way of quantifying them. At this time we are assuming that each jurisdiction should include an additional 500 ISSDS to their estimated total inventories.

The current inventory of the ISSDS within the two jurisdictions is reflected in the chart below, which is broken up by jurisdiction and township.

Jurisdiction	Municipality	ISSDS on file
Cumberland County Health Department (8,087 as of 7/2018)	Bridgeton	23
	Commercial	1375
	Deerfield	747
	Downe	554
	Fairfield	839
	Greenwich	201
	Hopewell	615
	Lawrence	755
	Maurice River	635
	Millville	741
	Shiloh	87
	Stow Creek	253
	Upper Deerfield	1263
Vineland City Health Department (as of 7/2018)	Vineland	1023



## **Records Retention and Data Tracking**

The most recent records retention schedule governing county health departments was adopted March 17<sup>th</sup>, 2011 under schedule C920000-004. Within series 0183-0000 which deals with septic system records, health departments are required to maintain files on septic system applications, plans, permits, perk test results, and inspections for the life of the structure or until it is connected to public sewer.

The Cumberland County Health Department has maintained records on all of the ISSDS that have been installed or repaired within their jurisdiction since the early 1990's. Most all of these files are currently held at the department's office with the exception of files that were destroyed in a flood event that occurred at the county's previous records retention building. All septic files that were salvageable from that event have been merged into the department's current file bank. Because of this data loss, the Cumberland County Health Department only claims to have a complete record of onsite wastewater treatment systems that were installed or repaired after 2004. Additionally, the existence of all of the onsite wastewater treatment system's records are being catalogued in the Cumberland County Health Department's internet database provided by a contracted third party that maintains the information in an offsite server. The database can be accessed from any location that has internet connectivity and by anyone who has been given permission rights by the Cumberland County Health Department Administration. The database can be found at [www.cumberlandhd.com](http://www.cumberlandhd.com). As of 7/25/2018, there are 8,087 septic records being maintained with the Cumberland County Health Department's electronic database. These records can be exported from the database into an excel spreadsheet via a quick button built into the electronic tracking system.

The Vineland City Health Department has maintained records on all of the ISSDS that have been installed or repaired within their jurisdiction since the mid-1960's. These records are composed of paper files, index cards, and data entries into three separate electronic data tracking systems. The Health Department estimates that there are over 9,000 records on file. The Health Department has recently purchased an electronic database and has begun merging the various files into the electronic system. The Vineland City Health Department currently has an electronic inventory of 1,023 records.

### **Current Regulation & Management**

Under N.J.S.A. 26:3A2-27 both the Cumberland County Board of Health and the Vineland City Health Department have the ability to adopt and enforce environmental health ordinances including standards for the construction and certification of individual subsurface sewage disposal systems which are more stringent than existing State Standards.

Cumberland County Board of Health Ordinance #10 (Appx. A)

On March 26<sup>th</sup>, 2008 ordinance #10 (Appx. A) was adopted which provides the implementation of an advanced technology, onsite wastewater operation and management program in accordance with the guidelines from the United States Environmental Protection Agency and is cooperation with the New Jersey Department of Environmental Protection in the area of Cumberland County under the jurisdiction of the Cumberland County Board of Health.

Under Ordinance #10 (Appx. A), the owner and/or occupant of any realty improvement serviced by an advanced technology onsite wastewater treatment system located in the Management District shall be allowed to operate a residential or non-residential advanced technology onsite wastewater treatment system unless such construction, installation, alteration, maintenance or operation is in accordance with all applicable sanitary regulations of the ordinance.

Specifically, no owner or occupant of a property in the Management District upon which an individual or non-individual advanced technology onsite wastewater treatment system is located shall operate or otherwise use a system unless a currently valid license to operate the system has been issued by the Cumberland County Health Department in accordance with the schedule herein to the owner of the property on which the system is located. Additional details regarding licensing can be found in Ordinance #10 (Appx. A).

The license issued by the Cumberland County Health Department requires that the owner(s) of a property served by an advanced wastewater treatment system shall provide the Health Department with a copy of a notarized, recorded Septic System Deed Restriction within 30 days of the installation of an alternative wastewater treatment system. Also, alternative wastewater treatment technologies shall be covered by a minimum three-year initial warranty and service contract that cannot be cancelable, and is fully transferable, which includes provisions for the manufacturer or its agent to inspect the system at least once every six months to ensure the system was properly installed and is functioning properly. The warranty shall also include provisions that include all costs of repairing any problems associated with the inadequate function of the disposal system.

The license also requires that following the initial 3 year license, warranty and service agreement, the owner/operator of any property served by an onsite wastewater treatment system, which utilizes advanced wastewater treatment and/or disposal technology, shall submit with the appropriate fee, on an annual basis, proof that the renewable warranty has been renewed for the proper inspection and maintenance of the advanced technology along with all inspection and maintenance reports. It then requires that the property owner provide notification to a purchaser of the property, prior to entering into any contract for real estate transfer, of the presence of and requirements of the advanced technology that exists on the property. This notification shall include a copy of the manufacturer's owner's manual for the technology and a copy of the requirements for the system owner listed in this ordinance.

The initial license for advanced technology onsite wastewater treatment systems approved by the Cumberland County Health Department shall be included as part of the permit application review and approval process. When the permit review and approval was issued by the NJDEP an initial license fee of \$100 shall accompany each initial application to the Cumberland County Health Department for system licensure.

Upon renewal of each license, a Renewal License fee of \$75 shall accompany the application for license renewal. In cases of discrepancies concerning function of a system, if Cumberland County Health Department inspection is requested/required to verify compliance with this ordinance, an additional fee of \$100 shall be due at time of license renewal. Any fee which is submitted late shall be assessed a \$5 late fee for every work day after the fee is due.

Cumberland County Board of Health Ordinance #13 (Appx. B)

On March 26<sup>th</sup>, 2014 Ordinance #13 (Appx. B) was adopted which provides further guidance on the location, construction, alteration, inspection, testing, maintenance, and use of subsurface sewage disposal systems within the jurisdiction of the Cumberland County Board of Health. Within this ordinance existing systems are required to receive an inspection that is completed in accordance 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, under the following circumstances; **a.** The system is not operating properly (i.e., overflow, back-up into the house, need of frequent pumping), **b.** 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, or **d.** the real property served by the system has been vacant for more than 365 days and re-occupancy is proposed.

Once completed, all inspection reports are to be turned in to the Cumberland County Health Department for an Existing Use Determination which is completed in accordance with N.J.A.C. 7:9a. This process is not unique in New Jersey however the four criteria triggering this review account for a wide array of scenarios that allow for the evaluation of numerous wastewater treatment systems within the Department's jurisdiction. During 2015, approximately 290 of these evaluations were completed.

This ordinance was amended on September 27, 2017. The amendment removed section **d** (365 days requirement) and added a waiver option to section **c**. The waiver allows some real estate transactions to occur without getting a septic inspection, however, it still allows the property to be added to our ISSDS inventory.

## **Vineland City Code 585-6**

This code was adopted in 1953 but later integrated into Vineland's 1990 code. Article one of the code deals specifically with cesspool cleaning vendors. Section six of article one calls for the cesspool cleaning vendors who are operating within the city limits to submit a monthly report to the Vineland City Health Department that indicates the location and ownership of the properties that the cesspool cleaning vendors serviced during the preceding month. The Vineland City Health Department has been documenting these pump out records on index cards that are maintained in their office. While these records have not utilized in the past, the Health Department now sees an opportunity to merge these files into their electronic data system as an accompanying means of building their ISSDS inventory.

### **Continuing Development of ISSDS Inventory**

The Cumberland County Health Department database will continue to grow with each real-estate transaction, septic repair/alteration permit, or septic complaint that happens within their jurisdiction. Since the adoption of Ordinance #13 (Appx. B), the ISSDS inventory has increased by roughly 300 records each year. There are no additional enforcement ordinances planned for the jurisdiction of the Cumberland County Health Department at this time.

The Vineland City Health Department has begun compiling their existing information into one searchable electronic system that can be exported into Microsoft Excel. Once the ISSDS inventory has been established, it will continue to grow with each real-estate transaction, septic repair/alteration permit, or septic complaint that happens within their jurisdiction. The ISSDS inventory will also grow with each septic pump out record that is provided via City Code 585-6. There are no additional enforcement ordinances planned for the jurisdiction of the Vineland City Health Department at this time.

## 2. Current Septic Management Practices:

### **Current State of Inventory**

The Cumberland County inventory of ISSDS contains a wide array of septic technologies that have been used throughout the past fifty years. As previously discussed, the City of Vineland maintains a separate inventory from the Cumberland County Health Department however, both jurisdictions report similar material usage and system failure rates. The inventory available suggests the following rates of system component usage through the county

Cesspool	15%
Seepage Pit	35%
Bed or Trench system	25%
Dosing System	10%
Advance Treatment System	5%
Holding Tank	2%
Illegal Installed or Malfunctioning system	8%

Both jurisdictions struggle with similar issues surrounding the septic program;

- Poor homeowner knowledge about septic system usage. (Discharging grease, fats, & oils directly into the septic system)
- Historic zoning that created extremely small lot sizes. Small lot sizes make installing an ISSDS that meets the standards of N.J.A.C. 7:9A very difficult.
- High water tables. Constructing septic systems that are capable of accommodating higher water tables can become an overwhelming cost for many families in an economically depressed area.
- Rural homeownership. The remoteness of some home locations lends itself to contractors as justification for engaging in illegally installing septic systems.

### **Problematic Areas**

Cumberland County Board of Health Ordinance #13 (Appx. B) has been a catalyst for correcting many of the issues that are known to be happening within the Cumberland County Health Department's jurisdiction. As homes are transferred through real estate transactions the accompanying ISSDS are being corrected and brought up to current standards when applicable. The City of Vineland is experiencing a similar transformation to their ISSDS inventory without having a similar ordinance.

Despite the progress, there are specific areas of Cumberland County that are problematic within each jurisdiction.

#### *Cumberland County Health Department*

**Laurel Lake** – Includes a portion of Commercial Township and Millville City and surrounds the Laurel Lake. This area is economically depressed and contains a large portion of rental units. The historic lot sizes are very small (40'x80') and the homes are placed closely together leaving minimal room for the installation of new septic systems.

**East Point & Matts Landing** – These areas are located in Maurice River Township along the shorelines of the Delaware Bay & Maurice River. The soil in the area provides little to no disposal area for ISSDS before reaching ground or tidal water.

**Shell Pile** – This area is located in Commercial Township along the shorelines of the Maurice River. The soil in the area provides little to no disposal area for ISSDS before reaching ground or tidal water.

**Port Norris** - This area is located in Commercial Township, just off the marshland of the Maurice River. The soil in the area provides little to no disposal area for ISSDS before reaching ground or tidal water. Additionally, the historic lot sizes are small and the homes are placed closely together leaving minimal room for the installation of new septic systems.

**Dividing Creek & Newport** - These areas are located in Downe Township, just off the marshland of the Delaware Bay. The soil in the area provides little to no disposal area for ISSDS before reaching ground or tidal water. Additionally, the

historic lot sizes are small and the homes are placed closely together leaving minimal room for the installation of new septic systems.

**Fortescue, Dyers Cove, Gandy's Beach, & Money Island** - These areas are located in Downe Township on the shoreline of the Delaware Bay. The soil in the area provides little to no disposal area for ISSDS before reaching ground or tidal water. Additionally, the historic lot sizes are small and the homes are placed closely together leaving minimal room for the installation of new septic systems.

**Bay Point** – This area is located in Lawrence Township on the shoreline of the Delaware Bay. The soil in the area provides little to no disposal area for ISSDS before reaching ground or tidal water. Additionally, the historic lot sizes are small and the homes are placed closely together leaving minimal room for the installation of new septic systems.

**Seabreeze** - This area is located in Fairfield Township on the shoreline of the Delaware Bay. The soil in the area provides little to no disposal area for ISSDS before reaching ground or tidal water. Additionally, the historic lot sizes are small and the homes are placed closely together leaving minimal room for the installation of new septic systems.

**Fairton** - This area is located in Fairfield Township, just off the marshland of the Cohansey River. The historic lot sizes are small and the homes are placed closely together leaving minimal room for the installation of new septic systems.

**Shiloh** - This area is located in Shiloh Boro. The historic lot sizes are small and the homes are placed closely together leaving minimal room for the installation of new septic systems.

**Greenwich** - This area is located in Greenwich Township, just off the marshland of the Cohansey River. Historic lot sizes are small and the homes are placed closely together leaving minimal room for the installation of new septic systems. Certain areas of Greenwich have limited distance to ground water.

The Cumberland County Health Department has a unique situation in which the Health Department does not routinely have correspondence with municipal construction officials regarding the impact home improvements have on septic systems. Through the requirements of Ordinance #13 (Appx. B) the Health Department discovered that many homes added bedrooms, garbage grinders, ejector pumps or finished expansion attics after they received their initial approval.

#### *Vineland Health Department*

The Vineland Health Department has not identified any areas that are problematic for ISSDS however, they plan to identify areas with repetitive failures/unsatisfactory systems from complaints, real estate transfer records and pump out records. Once this information is compiled the Health Department will plot them on a GIS map. This activity will be started in 2018 and continually updated until 2028.

#### **Permitting & Enforcement Process**

Despite being separate agencies, the permitting processes for Cumberland County Health Department & Vineland City Health Department are very similar.

- Engineers are hired by homeowners to prepare septic plans.
- Engineers contact the Health Department to schedule soil pit evaluations. Pits are either waived or attended by Health Department representative. A record of a septic related action is created within the Health Department's electronic Database.
- Engineer completes septic plan design and provides a minimum of four copies to the homeowner to sign and submit to the Health Department.
- The Health Department reviews the plan for compliance with N.J.A.C. 7:9A and applicable local ordinances. The plans are either approved or denied and this decision is communicated to the homeowner and engineer

via phone and mailer. All special component approvals, deed notices, and property encroachment waivers must be submitted at this time.

- If plans have been denied, the previous two steps are repeated until approval is granted. Once approval is granted, all of the submitted plans are signed by the Health Department. One copy is retained by the Health Department and remainder of the plans are returned to the applicant. The Vineland City Health Department provides the applicant with septic maintenance information at this time. The Cumberland County Health Department also seals each set of plans.
- Contractors contact the Health Department at least 24 hours in advance to schedule an excavation inspection.
- The Health Department conducts the excavation inspection to ensure that the dimensions of the dig out are correct and that the placing of the bed matches what has been indicated on the approved septic design. Once the excavation has been approved, the Health Department gives the contractor a verbal approval to continue working.
- Contractors contact the Health Department at least 24 hours in advance to schedule a final inspection. The City of Vineland Health Department requires that all outstanding paperwork such as hydrostatic tank certification, soil certification, and as-built designs be submitted before the final inspection is scheduled.
- The Health Department conducts the final inspection to ensure that the septic system has been installed in accordance with the approved septic design. Once the septic system has been approved, the Health Department gives the contractor a verbal approval to cover the system.
- Within the Cumberland County Health Department's Jurisdiction, the applicant must then submit all outstanding paperwork to the Health Department at this point. Submittals may include hydrostatic tank certification, soil certification, and as-built designs. The Vineland City Health Department has already received all of this information however, they also require that a final grade certification be provided to them from the engineer.
- Upon receiving all required paperwork, the Health Department will issue the applicant a final approval document along with information regarding septic system maintenance. Within the Cumberland County Health Department's jurisdiction, a copy of this approval will be mailed to the hosting townships construction office. The Health Department's electronic database is updated to reflect the approval status as well as all of the previously documented inspections.
- This record along with the approved plans will then remain on file with the Health Department indefinitely or until the home is connected to a municipal sewer.
- Cumberland County Board of Health Ordinance #10 (Appx. A) provides the permitting and maintenance structure for advanced technology waste water treatment units.

Complaint investigation and enforcement of noncompliant systems is also carried out similarly between the Cumberland County Health Department & the Vineland City Health Department.

- Complaints about malfunctioning septic systems are received by clerical staff.
- Clerical staff search the Health Department's electronic database to see if there are any previous records for this site. Records are either created or updated to reflect the new complaint.
- If a file about this site exists, the record is pulled and given to the inspector along with the complaint write-up.
- The inspector responds out to the complaint within twenty four hours and attempts to verify the described conditions.
- If the described conditions do not exist and there is no evidence of them previously existing, the property owner is notified of the complaint and the investigation is closed.
- If the described conditions are witnessed, the inspector verbally instructs the property owner to employ immediate controls (such as pump out) to alleviate the observed condition until required corrective action can be taken.

- The Health Department inspector will also draft a Notice of Violation document that will formally address the violation. The Notice of Violation provides the property owner with a code reference, a period of time in which the malfunction must be corrected, and recommended remedial measures.
- If the property owner has not taken adequate steps to correct the problem within the delegated period of time, a complaint will be signed in the municipal court where the violation has occurred. If compliance has been achieved or the property owner has taken adequate steps toward achieving compliance, the Health Department may elect to delay or eliminate any court action.
- The Cumberland County Health Department may take action against property owners responsible for malfunctioning septic systems in either municipal court (via CCBOH Ordinance #13 (Appx. B) that adopts the provisions of NJAC 7:9A) or superior court (via N.J.A.C. 7:9A or N.J.A.C 7:14A-1) .

Both agencies have an open line of communication with the New Jersey Department of Environmental Protection's Bureau of Nonpoint Pollution Control. There are currently no formal reporting requirements with this office however, the New Jersey Department of Health requests an annual Local Health Report that includes ISSDS information. The following information gets documented annually and is specific for each municipality:

- |  |  |
|--|--|
| • Total ISSDS inventory                      | • Realty Transfer Reports              |
| • Permits issued for new systems             | • Noncompliant systems from RE reports |
| • Permits issued for repair to systems       | • Unduplicated, non-complaint systems  |
| • Permits issued for alteration no expansion | • Existing Use Applications            |
| • Permits issued - alteration w/ expansion   | • Septic management program reports    |
| • Permits for advanced treatment             | • System investigations conducted      |
| • Permits for commercial facilities          | • Enforcement actions/NOVs             |
| • Field inspections                          | • Court summonses issued               |

## **Education & Community Resources**

Since the re-adoption of N.J.A.C. 7:9A in 2012, the Cumberland County Health Department has been holding classes for contractors and informational sessions for affected groups as a method of educating the public about septic systems. In April of 2016 we held a training for all of the septic contractors who perform work in Cumberland County to give them a better understanding of the state regulations and our local ordinances. This training was open to all realtors and government officials who wanted more information about how septic inspections are performed and handled by our office. In 2016 we have also launched an online video tutorial series entitled "Septic Essentials". This series can be found on our website [www.ccdoh.org](http://www.ccdoh.org) or on our YouTube channel. The series consists of 15 minute or less video segments that teach homeowners the basics of septic systems. The first few episodes focus on commonly used industry terminology which is then used in the later episodes to explain processes like going through a septic inspection or performing routine maintenance.

In 2016 the Cumberland County Health Department established a Residential Drinking Water and Wastewater Advisory Committee (R-DWWAC) to supplement the County Health Advisory Board (CHAB). The R-DWWAC provides industry insight to the CHAB regarding the arising needs of the community. While the CHAB meets six times per year, the R-DWWAC will only meet twice per year.

In 2017 the Cumberland County Board of Chosen Freeholders and the Cumberland County Board of Health signed resolutions that designated the month of September as Environmental Home Utilities month. During September the Health Department engages in various public speaking events, health fairs, and other promotional opportunities to discuss the importance of maintaining residential septic systems, water treatment systems, and heating oil tanks. As part of the awareness campaign, the Health Department gave away home inspection notebooks with instructions on how frequently to service, inspect, & test their home utility systems. Refrigerator magnets were also created and given out to the public as reminders for when these services should be provided. Additionally, throughout the month of September the Health Department carried out an awareness campaign on their Facebook account promoting the environmental and financial benefits of septic system maintenance. The Health Department plans to continue utilizing the month of September as a platform to deliver septic system maintenance information.





### **3. Proposed Improvements to Current Septic Management Practices and Plan to Complete Inventory:**

As mentioned in section #1, both agencies have established a starting point for their ISSDS inventories and acknowledge that the inventories for their jurisdictions are incomplete.

#### **ISSDS Inventory Tracking System**

The Cumberland County Health Department has an established electronic tracking system that has been in use since 2010. The system has room for improvement in terms of reliability in records searching and report generation. These issue can be resolved through the vendor but will require recompense that the Cumberland County Health Department will need to budget for.

The Cumberland County Health Department also acknowledges that their existing ISSDS inventory is flawed in that the current owner of the property is not documented with the site records. The record on file for the ownership of the property is limited to the owner of the property during the last interaction with the Health Department (permit application, complaint, etc.). Current ownership records are easily obtained from the township offices or online records searches however, this is another step in the process that may need to be improved in the future.

The Vineland City Health Department has begun using an electronic data tracking system to compile their ISSDS. The electronic system is comprehensive but it will require the department to commit a substantial amount of time in order for all of their records to be compiled into the system. In addition to the new records that are being added to the database, Vineland Health Department has established a goal of inputting 500 old records per year into their system.

#### **ISSDS Inventory**

The current ISSDS for the Cumberland County Health Department has been built through many years of records retention. The current mechanisms for gathering information about new locations are through the real estate report review system that is organized under Ordinance #13 (Appx. B), repair and alteration applications, and through the complaint tracking system. The Health Department estimates that information about approximately 300 new systems is added to the ISSDS inventory each year. If that figure remains constant, over a ten year span we can estimate that we will gather information about approximately 3,000 new systems. Using our established ISSDS inventory of 8,087 records, the addition of 3,000 records will place us more than halfway to our estimated total inventory of 12,500 records.

The Vineland City Health Department believes their current mechanisms for gathering information about new locations is through the real estate report reviews, repair and alteration applications, and through their complaint tracking system. However, the Health Department also pulls information from septic pump out records that are provided to them from septic pump contractors in accordance with Vineland City Code 585-6. While the Health Department is currently working to establish their ISSDS inventory, they are already looking for ways to expand and complete their inventory by 2028. They have paper files that date back to the 1960's which will need to be reviewed and entered into their electronic data tracking system. They are also proposing to review the existing city tax records in comparison with the billing records for the city sewerage department as a means of determining which homes have ISSDS.

#### **ISSDS Education & Outreach**

The Cumberland County Health Department's ISSDS outreach & education program is very comprehensive but done on a much smaller scale then what is needed to reach even the current ISSDS inventory. Due to postage costs, the mailing outreach has been significantly reduced over the past ten years and the Health Department has been reliant on email & social media postings as means of communicating with the public. Recent

campaigns were well received but will need to be drastically expanded in order to have a substantial impact in the community. Additionally, more publicity must be given to established mediums such as the “Septic Essentials” that has been created by the Health Department and posted on YouTube.

The Vineland City Health Department’s outreach & education program is somewhat passive in that they provide informational brochures to new septic applicants at the time the application is approved, but they currently do not perform outreach to their residents in any other form. Residents must visit the Health Department’s website in order to find the link to the EPA’s septic guidance page. The Health Department has developed the following concepts for expanding their ISSDS education & outreach in the future;

- Create educational material to be handed out specifically to areas with historical issues. They will also work on condensing the 5 handouts into one. (Goal: To be completed by June of 2019.)
- Routinely visit these problem areas to identify overflowing/malfunctioning systems. Issue Notices of Violation when found for abatement. (Goal: To be started in 2019.) Refer those in financial need to CDP for assistance.
- Utilize YouTube to create video public service announcements which will be placed on the website regarding maintaining your septic system. (Goal: To be completed by 2025)
- Consider requiring DEP-style inspection with reporting to be completed by authorized personnel when a system is not operating properly (overflow, backing up into the house, in need of frequent pumping).

One area of outreach & education where the Cumberland County Health Department has excelled in is communicating with the contactors, engineers, and realtors who are involved in the ISSDS planning and maintenance. As previously mentioned the Health Department has established a Residential Drinking Water and Wastewater Advisory Committee that meets twice a year. We have also held an engineering summit with the local engineering professionals to discuss State rule changes, three septic inspector courses to review the State inspection process, and two special trainings with the local Board of Realtors to discuss how the septic inspection process is affecting their industry. These activities will need to continue and possibly be increased over the course of the next ten years. The Cumberland County Health Department plans to partner with the Vineland City Health Department for these meetings and presentations in the future.

## **Appendix A - Cumberland County Board of Health Ordinance #10**

1

CUMBERLAND COUNTY BOARD OF HEALTH ORDINANCE NO. 10

AN ORDINANCE OF THE BOARD OF HEALTH OF CUMBERLAND COUNTY TO ESTABLISH REQUIREMENTS FOR THE OPERATION AND MANAGEMENT OF ADVANCED TECHNOLOGY ONSITE WASTEWATER TREATMENT SYSTEMS.

WHEREAS the Board of Health of the Cumberland County desires to implement an advanced technology, onsite wastewater operation and management program in accordance with the guidelines from the United States Environmental Protection Agency (USEPA) and in cooperation with the New Jersey Department of Environmental Protection (NJDEP) in the area of Cumberland County under the jurisdiction of the Cumberland County Board of Health.

BE IT ORDAINED by the Board of Health of Cumberland County and State of New Jersey as follows:

### **SECTION ONE**

#### **A. FINDINGS**

It is found and declared that:

1. Residential and non-residential onsite wastewater treatment systems are in use within the County of Cumberland.
2. Some of these systems were designed and installed prior to 1967 without the benefit of Health Department oversight and/or regulatory guidelines.
3. Onsite wastewater treatment systems may malfunction due to age, design, lack of maintenance or other reasons. These malfunctions have been shown to adversely affect public health and welfare and the environment. Such systems constitute a potential source of pollution of ground and surface waters, contamination of potable water supplies, foul odors, nuisance problems and other hazards to public health and therefore must be corrected.
4. Not all system malfunctions can be corrected in a manner which meets current environmental standards. This may be due to lot size, soil and groundwater conditions, wetlands, CAFRA or other site constraints. Additionally, some of these systems are insufficient for additions to, or re-construction of, the current realty improvement.
5. Onsite wastewater treatment systems determined to be malfunctioning or insufficient for additions and re-construction may need to be altered or replaced with advanced technology treatment systems in order to overcome environmental or site constraints while still providing for adequate treatment and disposal of effluent, thus eliminating pollution of ground and surface waters, contamination of potable water supplies, foul odors, nuisance problems and other hazards to public health.
6. It is determined to be in the interest of public health and the environment, safety and welfare to establish provisions to regulate the operation and management of such advanced technology systems to protect the public and environment against system failures and resultant pollution.

7. The licensing provisions contained in this Ordinance are necessary to protect the public health safety and welfare because advanced technology systems are active systems and require vigilant maintenance. It is therefore necessary to exceed the provisions contained in N.J.A.C. 7:9A-1 et seq. This is hereby declared to be a "special ordinance" in accordance with N.J.A.C. 7:9A-3.1(b) and shall be forwarded to the New Jersey Department of Environmental Protection within 10 days of adoption.

8. The licensing provisions contained in this Ordinance are additionally necessary in order to enable the use of onsite system technology that enhances treatment of wastewater, to ensure their proper management and maintenance.

## **B. PURPOSE**

In addition to the purposes set forth in N.J.A.C. 7:9A-1.1 which are incorporated herein, it is the purpose of this ordinance:

1. To establish a management program for residential and non-residential advanced technology onsite wastewater treatment systems in the County of Cumberland in order to ensure the proper operation and maintenance of such systems. This ordinance requires all advanced technology onsite wastewater treatment systems subject to local regulation to be satisfactorily operated, inspected and maintained on a regular basis in order to minimize future malfunctions of such systems.
2. To regulate advanced technology onsite wastewater treatment systems in Cumberland County to protect public health and welfare and the environment. This includes a means of educating advanced technology onsite wastewater treatment system owners/operators, as defined herein, in the characteristics of such systems and the proper procedures for altering, operating and maintaining them.
3. To develop a management program to maintain records regarding advanced technology onsite wastewater treatment systems in the program area.
4. To promote and assure the proper use and maintenance of residential and non-residential advanced technology onsite wastewater treatment systems.

## **SECTION TWO**

### **TITLE.**

This Ordinance shall be known as the Advanced Technology Onsite Wastewater Treatment and Disposal System Management Ordinance of the County of Cumberland.

## **SECTION THREE**

### **DEFINITIONS.**

All definitions given in Subchapter 2 (N.J.A.C. 7:9A-2.1 ) of the New Jersey Department of Environmental Protection (NJDEP) Standards for the Construction of Individual Onsite wastewater treatment Systems, N.J.A.C. 7:9A-1.1 et seq., and any amendments thereto ("NJDEP Regulations") are hereby incorporated into this article, with the following additions:

**ADVANCED WASTEWATER TREATMENT OR DISPOSAL TECHNOLOGY (ADVANCED TECHNOLOGY ONSITE SEWAGE DISPOSAL SYSTEM)** - Any component or system, which is a part of an individual subsurface sewage disposal system, that is employed to reduce levels of pollution or convey pollutants to the subsurface environment that is not addressed or is not designed in strict conformance with the requirements of N.J.A.C. 7:9A.

**BOARD OF HEALTH**- The Board of Health of the County of Cumberland

**BOARD OF HEALTH DESIGNEE** – The Cumberland County Health Department shall act as the designated authority for the Cumberland County Board of Health

**EDUCATION PROGRAM**- An educational program prepared and administered by the Cumberland County Health Department regarding the function of advanced technology onsite wastewater treatment systems and the proper procedures for the operation and maintenance of such systems. The educational program shall be performed in accordance with the minimum requirements of N.J.A.C. 7:9A-3.14.

**ENFORCING OFFICIAL**- The Cumberland County Health Department

**MANAGEMENT DISTRICT**- The requirements of this ordinance shall apply to all municipalities within Cumberland County governed by the Cumberland County Board of Health.

**NON-RESIDENTIAL** - Any realty improvement other than a single family home. Such systems include but are not limited to those systems defined in N.J.A.C. 7:9A-1.8(C)2. Typical examples include but are not limited to: commercial buildings, restaurants, food establishments, commercial/residential mixed uses, and systems servicing multiple units.

**ONSITE WASTEWATER TREATMENT SYSTEM**- An individual subsurface sewage disposal system as referred to in N.J.A.C. 7:9A. A septic system is one example. Advanced technology wastewater treatment and disposal systems is another example.

**OPERATOR'S LICENSE**- A license issued to an applicant pursuant to this ordinance for the operation of an advanced technology onsite wastewater treatment system.

**OWNER/OPERATOR**- The person who owns or leases the realty improvement which is served by a residential or non-residential onsite wastewater treatment system and/or the person who uses or operates said system. The owner of the realty improvement and the operator of the system, if different, are jointly and severally liable for the obligations imposed by this ordinance.

**PLOT PLAN** – An engineered drawing showing the type and location of the onsite wastewater treatment system servicing the property, as well as the location and type of any on-site water supply. All plots plans shall be drawn to scale and list the dimensions used.

**RETAIL FOOD ESTABLISHMENT**- Any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial feeding establishment; private, public, or nonprofit organization, institution, or group preparing, storing or serving food; catering kitchen; commissary; box lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market, or any similar place in which food or drink is prepared for retail sale or service on the premises or elsewhere, and any

other retail eating or drinking establishment or operation where food is served, handled or provided for the public with or without charge.

SYSTEM- An individual or non-individual onsite wastewater treatment system, including all of the component parts thereof.

## **SECTION FOUR**

### ***SCOPE, APPLICABILITY AND EXEMPTIONS***

SCOPE. The owner and/or occupant of any realty improvement serviced by an advanced technology onsite wastewater treatment system located in the Management District shall be subject to all of the requirements of this chapter.

APPLICABILITY. No person within the Management District shall operate a residential or non-residential advanced technology onsite wastewater treatment system unless such construction, installation, alteration, maintenance or operation is in accordance with all applicable sanitary regulations and this ordinance.

EXEMPTIONS. Any system not in operation for a period of six (6) months or longer shall be exempted from the licensing and maintenance requirements of this Ordinance. The Board of Health shall require an owner or operator of a system seeking exemption under this section to submit proof in the form acceptable to the Board to qualify for this exemption. Systems placed back into operation after having obtained an exemption must comply with all requirements of this ordinance at the time operation commences.

## **SECTION FIVE**

### ***LICENSE TO OPERATE***

A. REQUIREMENT FOR LICENSE: On and after June 1, 2008 no owner or occupant of a property in the Management District upon which an individual or non-individual advanced technology onsite wastewater treatment system is located shall operate or otherwise use a system unless a currently valid license to operate the system has been issued by the Board of Health, or its designee, in accordance with the schedule herein to the owner of the property on which the system is located.

1. The Cumberland County Health Department may issue a license to operate and distribute educational information relative to the proper operation and maintenance practices to the owner and occupant of a property upon one or more of the following events:

- a. Issuance of a certificate of compliance for any system using advanced wastewater treatment or disposal technology(ies);
- b. Upon the sale or transfer of a premise using advanced technology wastewater treatment or disposal;
- c. Upon the renewal of a license to operate required under this Ordinance.

2. All licenses issued pursuant to this section shall be on a form provided by the Cumberland County Health Department. Once issued, a license shall be transferable upon change of ownership or occupancy of the premises for which the license has been issued. A fee, as provided in Section Ten of this ordinance, shall accompany each application for a license or renewal. The initial application for a license shall include a plot plan showing the location of the septic system (both the tank and the disposal area and any advanced technology components) and of any private water source on the property. The plot plan shall also include the general location, if known, of any wells, and septic systems on adjoining properties. The plot plan used for the permit to construct the advanced technology onsite sewage disposal system is the acceptable format.

B. EXPIRATION/RENEWAL. The initial license to operate shall expire three (3) years after issuance and annually thereafter. The Cumberland County Health Department shall notify the licensee or its designee at least 90 days before the license expires and shall direct the licensee to apply for a renewal of the license. However, if notice is not provided for any reason to the licensee, the licensee shall still apply for a license renewal. The renewal notice shall include educational materials relative to the proper operation and maintenance practice for such systems in accordance with N.J.A.C. 7:9A-3.14. and any technical guidelines from the manufacturer of the system components.

1. Requirements for Renewal: The Cumberland County Health Department shall not renew the license unless the licensee has submitted the following:

a) Submission of all system inspection and maintenance reports completed as part of the required maintenance contract. The inspection report(s) shall indicate

- that the system has been maintained,
- the system is not in need of pumping,
- the system is functioning as specified by the manufacturer
- the system is in conformance with the system permit.

Inspection reports shall follow the NJDEP technical guidelines for inspection and incorporate specific checks on the advanced technology as outlined by the manufacturer. The form shall be prepared, completed and certified by:

- A licensed professional engineer;

or

- A person certified and/or qualified to perform sewage disposal maintenance on the type of technology used in the system. This

person must appear on a current list from the specific technology manufacturer;

2. If the inspection report indicates that pumping of the treatment tank or other maintenance, alteration, or repair of the system is necessary, the Cumberland County Health Department shall issue a notice of violation requiring pumping, maintenance, or a permit to alter or repair. Following pumping, maintenance, or permitted alteration or repair of the system, the owner /operator shall submit to the Cumberland County Health Department a completed pumping / maintenance report prepared and signed by the person performing the required work or the Health Department Certificate of Compliance for an alteration / repair.

3. Renewal Term: Any license shall be renewed for a period of one year.

As a condition precedent to a license renewal, the owner/operator shall pay the fee required by Section Ten herein.

C. SUSPENSION OF LICENSE: The Cumberland County Health Department may suspend or revoke the license to operate in the following circumstances:

1. It has been determined that the system is malfunctioning based upon criteria provided for in N.J.A.C. 7:9A-3.4(a) or the system requires maintenance and the licensee fails to take immediate steps to correct said malfunction or maintenance requirements as directed by the Cumberland County Health Department;
2. The owner or occupant of the premises served by the system violates any provision of this chapter with respect to operation and maintenance of the system;
3. The owner or occupant of the premises served by the system denies the right of entry to the Cumberland County Health Department or to the New Jersey Department of Environmental Protection (NJDEP), as required in N.J.A.C. 7:9A-3.19, or in any way interferes with the administration or enforcement of this ordinance.
4. Maintenance contracts are not current and all required maintenance is not performed.
5. Operation of an onsite system under a suspended license shall be subject to penalties under Section Eleven of this ordinance.

D. MODIFIED TERM OF LICENSE: The Cumberland County Health Department may on its own motion, upon notice and opportunity to the property owner or operator for a hearing, or upon application of a property owner or system operator, alter the time period of a license to operate.

The Cumberland County Health Department may consider the following factors in determining that a more frequent licensing renewal or pumping/inspection schedule may be necessary:

1. Inadequate size of the septic tank or disposal field;
2. The age of the system;
3. Past history of malfunction or other non-compliance;



5. Location of the existing system in a flood hazard, wetland area, wetland transition zone or CAFRA zone

6. Proximity of the system to a well or water body.

**E. SPECIAL LICENSING PROVISIONS FOR RETAIL FOOD HANDLING ESTABLISHMENTS:**

The license to operate for a retail food-handling establishment shall expire one year after initial issuance or one year from the date of the documented inspection, whichever comes first. The owner of said establishment shall have the right to apply to the Cumberland County Health Department for a longer license renewal period, but in no case shall the license renewal period exceed three years. In considering any such application the Board of Health may consider the establishment's demonstrated compliance history of with management of the system.

## **SECTION SIX**

### ***STANDARDS ON THE USE OF ADVANCED TECHNOLOGY ONSITE WASTEWATER TREATMENT SYSTEMS***

**A. ADVANCED TECHNOLOGY COUNTY APPROVAL**

Advanced wastewater technology, which is alternative to the standard technology allowed by N.J.A.C. 7:9A-1 et seq., may be allowed by the Cumberland County Health Department to repair/alter an existing, malfunctioning septic systems in cases where site constraints do not allow for a repaired/alterd system that is fully compliant with the requirements of N.J.A.C. 7:9A-1 et seq.

**B. ADVANCED TECHNOLOGY STATE APPROVAL**

Advanced wastewater technology, which is alternative to the standard technology allowed by N.J.A.C. 7:9A-1 et seq., may be considered for the reconstruction of existing homes where the existing septic systems are substandard and in cases where site constraints do not allow for an altered system that is fully compliant with the requirements of N.J.A.C. 7:9A-1 et seq. This approval is granted by NJDEP through a Treatment Works Approval issued pursuant to N.J.A.C. 7:9A-3.9. Reconstruction projects shall be designed to maximize the onsite system's compliance with current regulations and shall not expand beyond the existing structure's footprint. This provision is limited to reconstruction as defined in the Rehabilitation subcode at N.J.A.C. 5:26-6.3 and shall not include any addition (or change in use?) as defined therein. All efforts shall be made to maximize available space for a system to effectively treat and dispose of sewage.

**C. HOLDING TANK STATE APPROVAL**

An existing home served by a malfunctioning sewage disposal system or the reconstruction of an existing home where there is not adequate space for a fully compliant system or an advanced technology disposal system may require the installation

of a Holding Tank. The applicant shall apply to NJDEP for approval for the use of a Holding Tank pursuant to N.J.A.C. 7:9A-3.12. Permitted Holding Tanks within the Management District will become subject to the inspection, maintenance, licensing, and deed restriction requirements of this ordinance.

#### D. ADVANCED TECHNOLOGY CONDITIONS

Each system which incorporates advanced technology shall incorporate the following conditions:

1. The owner(s) of a property served by an advanced wastewater treatment system shall provide the Cumberland County Health Department with a copy of an approved, executed, notarized and recorded Septic System Deed Restriction (see Appendix A) within 30 days of the installation of an alternative wastewater treatment system. The Septic System Deed Restriction is to be recorded with the Cumberland County Clerk.
2. Alternative wastewater treatment technologies shall be covered by a minimum three-year initial warranty and service contract that can not be cancelable, and is fully transferable, which includes provisions for the manufacturer or its agent to inspect the system at least once every six months to ensure the system was properly installed and is functioning properly. The warranty shall also include provisions that include all costs of repairing any problems associated with the inadequate function of the disposal system. This agreement shall be submitted to the Cumberland County Health Department prior to the issuance of a Certificate of Compliance and the License to Operate.
3. Following the initial 3 year license, warranty and service agreement, the owner/operator of any property served by an onsite wastewater treatment system, which utilizes advanced wastewater treatment and/or disposal technology, shall submit with the appropriate fee, on an annual basis, proof that the renewable warranty has been renewed for the proper inspection and maintenance of the advanced technology along with all inspection and maintenance reports. Any system that does not renew its warranty and/or License to Operate shall be deemed a nuisance pursuant to this ordinance, subject to a separate violation for every [day] the maintenance contract is not renewed.
4. The property owner shall provide notification to a purchaser of the property, prior to entering into any contract for real estate transfer, of the presence of and requirements of the advanced technology that exists on the property. This notification shall include a copy of the manufacturer's owner's manual for the technology and a copy of the requirements for the system owner listed in this ordinance.
5. Subsequent to the adoption of this Ordinance, any specific guidance documents concerning advanced wastewater treatment systems issued by NJDEP shall supercede this Ordinance and shall be followed.

#### D. GENERAL USE

1. The advanced technology onsite wastewater treatment system shall be used only for the disposal of sanitary wastes of the type and origin provided for in the approved engineering design. No permanent or temporary connection shall be made to any source of wastes, waste water or clean water other than those plumbing fixtures which are normally present within the type of facility indicated in the approved engineering design.
2. Drainage from basement floors, footings or roofs shall not enter the sewage disposal system and shall be diverted away from the area of the disposal field.
3. As set forth in N.J.S.A. 58:10A-17, no person shall use or introduce or cause any other person to use or introduce into any sewage water disposal system any sewage system cleaner containing any restricted chemical material.
4. Disposal of materials containing toxic substances into an advanced technology onsite wastewater treatment system is prohibited. Materials containing toxic substances include, but are not limited to, waste oil (other than cooking oil), oil based or acrylic paints, varnishes, photographic solutions, pesticides, insecticides, paint thinners, organic solvents or degreasers and drain openers.
5. Inert or non-biodegradable substances should not be disposed of in the advanced technology onsite wastewater treatment system. Such substances include, but are not limited to, disposable diapers containing plastic, cat box litter, coffee grounds, cigarette filters, sanitary napkins, facial tissues and wet-strength paper towels.
6. Large quantities of cooking greases or fats shall not be discharged into systems not equipped with a grease trap designed and constructed as prescribed in N.J.A.C.7:9A-8.1.
7. Major plumbing leaks shall be repaired promptly to prevent hydraulic overloading of the system.
8. Vehicle traffic and vehicular parking shall be kept away from the aspects of the system, unless the system has been specifically designed to support vehicular traffic.
9. Swimming pools and additional building structures shall be setback from the system according to the requirements of N.J.A.C. 7:9A-4.3.
10. Although water softener backwash may be disposed into the advanced technology onsite system in accordance with N.J.A.C. 7:9A-12.1, to reduce hydraulic loading to the system and preserve the serviceability of the system, this ordinance requires HVAC condensate and water softener backwash to be discharged to a separate seepage pit designed in accordance with N.J.A.C. 7:9A-11 or other means as approved by the administrative authority.

#### E. DISPOSAL FIELD MAINTENANCE.

1. The area of the disposal field shall be kept free of encroachments from decks, pools, sprinkler systems, driveways, patios, accessory buildings, additions to the main building and trees or shrubbery whose roots may disrupt the system
2. Grading shall be maintained in a condition that will promote run-off of rainwater away from the system and prevent ponding.
3. All drainage from roofs, footing drains, ditches or swales shall be diverted away from the system.
4. Vegetation shall be maintained to prevent soil erosion.

#### F. ABANDONED SYSTEMS.

1. When it becomes necessary to abandon any part of the advanced technology subsurface sewage disposal system, abandonment shall follow the requirements of N.J.A.C. 7:9A-12.8.
2. In addition all advanced technology mechanical systems shall be removed and properly disposed of.

### **SECTION SEVEN**

#### ***APPEAL TO BOARD OF HEALTH***

Any person aggrieved by any decision of a designee of the Board of Health made pursuant to this chapter shall have the right to appeal that decision to the Board of Health. Any aggrieved person seeking a hearing under this section shall make application to the Board in writing within 30 days of the decision to be appealed. The Board of Health appeal forms shall be used, to which additional information may be attached. The Board of Health shall schedule the matter for a hearing within 45 days thereafter. The hearing shall be conducted at a meeting held pursuant to the Open Public Meetings Act.

### **SECTION EIGHT**

#### ***ENFORCEMENT***

#### A. NUISANCES TO BE CORRECTED.

1. Any advanced technology onsite sewage disposal system or component thereof that is found to be malfunctioning (as defined in N.J.A.C. 7:9A-2.1 and 3.4) or in need of maintenance shall constitute a public health nuisance and shall be repaired, modified, replaced or maintained pursuant to an order of the Cumberland County Health Department to correct the condition caused by the malfunction. Alterations shall be performed in accordance with N.J.A.C. as adopted and implemented by the Cumberland County Health Department by virtue of this Code and any amendments thereto.

2. Any advanced technology onsite wastewater treatment system which has not been operated or maintained in accordance with the provisions required by this ordinance is hereby declared a nuisance.
3. Any advanced technology onsite wastewater treatment system which is constructed, installed, altered, operated or maintained in violation of this section, N.J.A.C. 7:9A-1 et seq., any rule or regulation promulgated pursuant to this ordinance or any approval, permit, certificate or license issued pursuant to this ordinance is hereby declared to be a nuisance.
4. In addition the powers provided for in N.J.A.C. 7:9A-1.1 et seq., the Board of Health retains its authority to abate any nuisance in accordance with the provisions of N.J.S.A. 26:3-45 et seq.

**B. MALFUNCTIONING ONSITE WASTEWATER TREATMENT SYSTEM:  
INSPECTIONS OF SYSTEM; REVOCATION OF LICENSE**

1. The Cumberland County Health Department shall have the right to inspect any system that shows evidence of any malfunction. Such evidence may include, but not be limited to, foul odors, leakage to ground surface, or saturated soil/lush vegetation over system. Water and/or soil samples may be taken to confirm the existence of a malfunctioning system.
2. The Cumberland County Health Department may require that any malfunctioning system be corrected by servicing, replacement or alteration of the system.
3. Until any necessary replacement or alteration of a system has been accomplished, the Cumberland County Health Department may require pumping and the removal of the entire contents of the septic tank for the system (both liquids and solids) at intervals specified by the Health Department.
4. No provision to this Ordinance shall be interpreted as precluding the Cumberland County Health Department from revoking a license issued by same for the operation of a system in the event that the Board shall determine that such action is necessary and appropriate for the enforcement of this Ordinance. Any such revocation shall be upon Notice to the owner/operator, with an opportunity to comment or appeal.

## **SECTION NINE**

### ***RIGHT OF ENTRY.***

In furtherance of the rights granted to the Board of Health in N.J.S.A. 26:3-45 et seq. and N.J.A.C. 7:9-3.19, the Cumberland County Health Department, upon presentation of identification, shall have the right to enter upon property where an individual or non-individual onsite wastewater treatment system is located for the purpose of observation, inspection, monitoring and/or sampling of the on-site sewage disposal system. This authority is exercised by virtue of N.J.S.A. 26:3-31 as a necessary and reasonable method

of furthering the duties of the Cumberland County Health Department as enumerated therein.

## **SECTION TEN**

### ***FEES***

- A. An initial license for advanced technology onsite wastewater treatment systems approved by the local administrative authority shall be included as part of the permit application review and approval process in accordance with Cumberland County Board of Health Ordinance #8 (as amended).
- B. An initial license fee of \$100 shall accompany each initial application for system licensure which permit review and approval was issued by the NJDEP.
- C. Upon renewal of each license, a Renewal License fee of \$75 shall accompany the application for license renewal.
- D. In cases of discrepancies concerning function of a system, if a Cumberland County Health Department inspection is requested/required to verify compliance with this ordinance, an additional fee of \$100 shall be due at time of license renewal.
- E. Any fee which is submitted late shall be assessed a \$5 late fee for every work day after the fee is due.

## **SECTION ELEVEN**

### ***VIOLATIONS AND PENALTIES***

- A. A person who violates any provision of this article, or any term or condition of any certificate or license issued hereunder, shall be liable for one or more of the following penalties [N.J.S.A. 40:69A-29(b)].
  - 1. A fine of not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000).
- B. Each separate day and each violation of any provision of this article, any term or condition of any certificate or license or any notice or order issued by the Cumberland County Health Department shall constitute a separate and distinct violation under this ordinance.
- C. Nothing in this section shall be construed as limiting the remedies of the Board of Health or its designee for violation of this article. The Cumberland County Health Department may proceed under any other remedy available by law or in equity for any violation of this article or any term or condition of any certificate or license issued by the Cumberland County Health Department or for any failure to comply with any notice or order issued by the Cumberland County Health Department under this ordinance.

## **SECTION TWELVE**

### ***REPEAL OF INCONSISTENT ORDINANCES.***

All ordinances, codes or parts of same inconsistent with any of the provisions of this ordinance are hereby repealed to the extent of such inconsistency

## **SECTION THIRTEEN**

### ***EFFECTIVE DATE.***

This ordinance shall take effect June 1, 2008.

## **SECTION FOURTEEN**

### ***SEVERABILITY.***

In the event that any provision of this Ordinance or its application to any person is held invalid for any reason, such invalidity shall not affect any other provision of this Ordinance and to this end, the provisions of this Ordinance are severable.

### Septic System Deed Restriction

This septic system deed restriction is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by:

\_\_\_\_\_  
(Print Owner's Name(s) and Address Here)

being the owner(s) of the land described in the attached Schedule A which is made a part hereof  
and commonly known as \_\_\_\_\_  
(Address of Property)

Said property being conveyed by Deed Record \_\_\_\_\_, page \_\_\_\_\_ in  
the Office of the Clerk, Cumberland County, New Jersey, do hereby make the following  
declarations and restrictions;

#### Witnesses:

1. The property described above is served by an onsite septic system with advanced/alternative wastewater treatment technology.
2. The equipment that provides advanced wastewater treatment and disposal may require continual telemetry monitoring and operation via a non-dedicated telephone line and control panel and/or occasional inspection and maintenance on a bi-annual basis, at minimum, per the manufacturer's operation and maintenance manual.
3. The current owner(s) of this property, their successors or assigns in title are required to keep and maintain, at all times, a monitoring, operation and maintenance contract with a service provider approved and trained by the equipment manufacturer. And said service provider is to be in good standing with the New Jersey DEP, Cumberland County Board of Health and the Administrative Authority.
4. The requirement to maintain this monitoring, operation and maintenance contract shall be perpetual; extinguishing only if or when the building(s) situated on this property becomes served by a Public Sewer Utility or the current advanced/alternative wastewater treatment system is replaced by a conventional septic system approved by the New Jersey DEP, County Board of Health or the Administrative Authority.

In witness whereof, the owner(s) of this real estate have executed this Restriction effective the date and year first above written.

By:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name Here)

\_\_\_\_\_  
(Print Name Here)



**Acknowledgement**

State of \_\_\_\_\_

County of \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ did

personally appear \_\_\_\_\_ and

\_\_\_\_\_, and acknowledge the execution of the foregoing

Septic System Deed Restriction

In witness thereof, I have hereunto set my official seal the date above written.

My commission expires:

\_\_\_\_\_  
Notary Public Signature

Seal or Stamp

\_\_\_\_\_  
Printed Name

A Notary Public of \_\_\_\_\_ County, \_\_\_\_\_

CUMBERLAND COUNTY BOARD OF HEALTH

ORDINANCE CERTIFICATION

ORDINANCE NO. 10

I, STEVEN ERRICKSON, Secretary of the Cumberland County Board of Health, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 10 adopted by the Cumberland County Board of Health at its regular meeting held in the Cumberland County Administrative Office Building, 790 East Commerce Street, Bridgeton, New Jersey on March 26, 2008 at 5:30 p.m.



STEVEN ERRICKSON, Secretary

INTRODUCED: February 27, 2008

PUBLISHED: March 6, 2008

ADOPTED: March 26, 2008

EFFECTIVE: June 1, 2008

CUMBERLAND COUNTY BOARD OF HEALTH

PUBLIC NOTICE

ORDINANCE NO. 10

The following Ordinance was introduced at a meeting of the Cumberland County Board of Health held on February 27, 2008 and will be further considered for final passage after a public hearing at a meeting of the said Board to be held in the conference room of the Cumberland County Administration Building, 790 East Commerce Street, Bridgeton, New Jersey on March 26, 2008 at 5:30 p.m., prevailing time. You may appear at the public hearing and comment about the proposed Ordinance or ask questions regarding the same.



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STEVEN ERRICKSON, Secretary  
Cumberland County Board of Health

## **Appendix B – Cumberland County Board of Health Ordinance #13**

### 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:
  - 1. The system is not operating properly (i.e., overflow, back-up into the house, need of frequent pumping)
  - 2. A sale of the real property if required by the purchaser at the time of a real estate transaction. If the purchaser chooses not to have an inspection done they shall come to the Cumberland County Board of Health to obtain a waiver which can be presented to the Township in conjunction with obtaining a Certificate of Occupancy
  - 3. An expansion, alteration or change of use of the real property served by the system 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. Cesspools – Restatement of 7:9A-3.16 Other sanitary sewage disposal units

(a) Cesspools, privies, outhouses, latrines, pit toilets or similar sanitary sewage disposal units are not systems. When an administrative authority discovers a privy, outhouse, latrine, pit toilet or similar sanitary sewage disposal unit, or any cesspool that serves a structure and that is in need of repair or alteration, it must order these units be abandoned and a conforming system installed except:

1. If it is not possible to bring the system into conformance with this chapter, the system shall be brought as close to conformance with the requirements of this chapter as the administrative authority determines is possible, provided the system as improved results in a discharge that is protective of human health and the environment; or

2. If the administrative authority is not able to approve a system under (a)1 above, application shall be made for approval to utilize a holding tank in accordance with N.J.A.C. 7:9A-3.12(c).

(b) Effective June 2, 2012, except as provided at (c) below, all cesspools, privies, outhouses, latrines and pit toilets that are part of a real property transfer shall be abandoned and replaced with a system in accordance with (a) above.

(c) A cesspool that is not malfunctioning may continue to serve the structure after a real property transfer only in the following circumstances:

1. A conveyance for a consideration of less than \$100.00;
2. A conveyance by or to the United States of America, the State of New Jersey, or any instrumentality, agency or subdivision thereof;
3. A conveyance encumbering realty, or providing for the modification, release or discharge of a debt, obligation or encumbrance, or the foreclosure of a mortgage or lien, or sheriff and execution sales;
4. A deed which confirms or corrects a deed previously recorded;
5. A sale for delinquent taxes or assessments and the foreclosure of same;
6. Judicial proceedings affecting interests in real estate, and documents filed in connection thereto;
7. A conveyance by a receiver, trustee in bankruptcy or liquidation, or assignee for the benefit of creditors;
8. A deed eligible to be recorded as an "ancient deed" pursuant to N.J.S.A. 46:16-7;



9. A deed or map that memorializes subdivisions of land, or which creates or affects easements or restrictions or other burdens upon title;
10. A conveyance between family members or former spouses;
11. Execution of a lease or license;
12. In specific performance of final judgment;
13. A deed releasing a right of reversion;
14. A deed by a executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's property in accordance with the provisions of the decedent's will or the intestacy laws of New Jersey, or the passage of title by intestacy or descent; or
15. A deed to effectuate a boundary line agreement.

(d) A person claiming to qualify for an exemption under (c) above shall document the exemption that applies by providing to the administrative authority applicable State of New Jersey Affidavit of Consideration of Use forms available through the New Jersey Department of Treasury and all supporting documentation.

#### Section 6. 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 annually with the Cumberland County Health Department, having completed the following requirements:
  - a. Attended a continuing education seminar presented by the Cumberland County Board of Health within the past twelve months.
  - b. Alternately provided proof of attendance at a similar seminar including a syllabus of the materials covered.
  - c. Certified that they have watched a video presentation of the most recent continuing education seminar presented by the Cumberland County Board of Health.
- B. The Cumberland County Health Department may supply a list of the registered inspection personnel upon request to any person requesting same. Acceptance and publication of a person's information on the list is not an endorsement but an acknowledgement that they have met the minimum requirements.
- 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. Severability and Preemption:

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

#### Section 13. 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 14. 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 15. Effective Date:

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


DATE OF INITIAL ADOPTION: February 26, 2014

DATE OF AMENDMENT ADOPTION: September 27, 2017

CERTIFICATION

Passed and adopted at the meeting of the Cumberland County Board of Health held on  
September 27, 2017 at 5:30 p.m.

  
CHARLOTTA BIRDSALL, Chairperson

  
STEVEN ERRICKSON, Secretary

## **Appendix C – Vineland City Code, Chapter 585**

### **Chapter 585 Sewers and Sewage Disposal**

## **Article I: Cesspools**

[Adopted by the Board of Health 4-7-1953 by Ord. No. 9 (Ch. 392, Art. I, of the 1990 Code)]

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### **§ 585-6 Monthly reports.**

[Added 9-25-1973 by Ord. No. 904]

All licensed cesspool cleaners shall submit monthly reports to the Department of Health on forms provided by the Department. Said reports shall contain such information as the Director of the Department of Health deems necessary for the proper regulation of cesspool cleaning in the City, including but not limited to the names of the property owners serviced, the locations where effluent was pumped out and the locations where effluent was deposited. Said monthly reports shall be submitted on or before the 10th day of the month for all activities for the immediately preceding month.

