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CHAPTER 1H

COUNTY ENVIRONMENTAL HEALTH STANDARDS
OF ADMINISTRATIVE PROCEDURE AND
PERFORMANCE

Authority

N.J.S.A. 26:3A2-21 et seq., and 13:1D-1 et seq.

Source and Effective Date

R.1995 d.426, effective July 13, 1995.
See: 27 N.J.R. 1720(a), 27 N.J.R. 2887(a).

Executive Order No. 66(1978) Expiration Date

Chapter 1H, County Environmental Health Standards of Administrative Procedure and Performance, expires on July 13, 2000.

Chapter Historical Note

Chapter 1H, County Environmental Health Standards of Administrative Procedure and Performance, became effective September 1, 1980 as R.1980 d.362. See: 11 N.J.R. 616(a), 12 N.J.R. 514(a). Subchapter 3, Environmental Health Performance Standards, was amended by R.1983 d.50, effective March 7, 1983. See: 14 N.J.R. 1328(a), 15 N.J.R. 330(d). The provisions of chapter 1H were readopted as R.1985 d.420, effective July 24, 1985. See: 17 N.J.R. 1463(b), 17 N.J.R. 2020(b). Pursuant to Executive Order No. 66(1978), Chapter 1H was readopted as R.1990 d.385, effective July 13, 1990. See: 22 N.J.R. 732(a), 22 N.J.R. 2284(6). Chapter 1H was readopted as R.1995 d.426, effective July 13, 1995. See: Source and Effective Date.

See subchapter and section annotations for specific rulemaking activity.

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SUBCHAPTER 1. GENERAL PROVISIONS

7:1H-1.1 Scope

Unless otherwise provided by rule or statute, the following shall constitute the rules of the Department of Environmental Protection concerning administrative procedures and environmental health standards pursuant to the County Environmental Health Act, N.J.S.A. 26:3A-21 et seq.

7:1H-1.2 Construction

These rules shall be liberally construed to permit the department and its component divisions to effectuate the purposes of the law.

7:1H-1.3 Purpose

(a) These rules are promulgated for the following purposes:

1. To set forth standards for the administration of environmental health programs by county health departments and certified municipal or regional health agencies;
2. To establish environmental health performance standards for the control of air pollution, solid waste, noise, and water pollution.

7:1H-1.4 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise. Where words and terms are used in standards which contain a citation to rules promulgated by the department, the definitions of those words and terms will be the same as the definitions found in those department rules.

“Air pollution” means the presence in the atmosphere of one or more air contaminants of any composition whatsoever, in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property within any portion of this State.

“Commissioner” means the Commissioner of Environmental Protection.

“County department” means a county department of health established pursuant to P.L. 1975, c.329 (N.J.S.A. 26:3A2-1 et seq.) as amended and supplemented, with the

purpose of providing environmental health programs throughout the county.

“Department” means the Department of Environmental Protection.

“Environmental health” means those health and environmental programs relating to the control of air pollution, solid waste, noise and water pollution.

“Hazardous substances” means such elements and compounds, including petroleum products, which are defined as such by the department, after public hearing, and which shall be consistent to the maximum degree possible with, and which shall include, the list of hazardous substances adopted by the Federal Environmental Protection Agency pursuant to Section 311 of the Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977, 33 U.S.C. 1251 et seq., and the list of toxic pollutants designated by Congress or EPA pursuant to Section 307 of that act; provided however, that sewage and sewage sludge shall not be considered as hazardous substances for the purposes of these rules.

“Leachate” means a liquid that has been in contact with solid waste and contains dissolved or suspended materials from that solid waste.

“Local health agency” means any regional or municipal governmental agency organized for the purpose of providing health services and certified pursuant to these regulations.

“Major stationary source” means any stationary facility or source of air pollutants which directly emits, or has the potential to emit, 100 tons per year or more of any air pollutant.

“Monitor” means check, test, observe, survey or inspect to determine compliance with environmental health standards.

“Noise” means any sounds of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the State or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.

“Solid waste” means garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids except for liquids which are treated in public sewage treatment plants and except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

“Toxic substances” means those pollutants, or combinations of pollutants including disease causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly by ingestion through food chains, will, on the basis of information available to the commissioner, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organisms or their offspring.

“Water pollution” means the presence in or upon the surface or ground waters of this State of one or more contaminants, including any form of solid or liquid waste of any composition whatsoever, in such quantities and duration as are, or tend to be, injurious to the human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property within any portion of the State.

SUBCHAPTER 2. ENVIRONMENTAL HEALTH STANDARDS OF ADMINISTRATIVE PROCEDURE

7:1H-2.1 Provision of environmental health services

The 14 existing county departments of health and any local health agency certified by the Commissioner of Environmental Protection pursuant to the procedures contained herein shall provide or arrange for the provision of, environmental health services which meet the performance and administrative standards authorized herein. Every county health department and every certified local health agency is eligible for the receipt of such grants in aid for the provision of environmental health services as may become available to the commissioner for distribution.

7:1H-2.2 Duties and powers

(a) The county department and local health agency shall investigate citizen complaints and provide public information and citizen education services in all matters concerning environmental health. The county department and local health agency shall monitor the various State statutes, rules and regulations concerning environmental health; shall report any violations of said statutes, rules and regulations to the department for enforcement; shall gather evidence of said violations as required; and shall provide witnesses for any resultant court action as needed. The county department and local health agency may maintain an action in a court of competent jurisdiction against any other person to enforce, or to restrain the violation of, any statute, regulation or ordinance which is designed to prevent or minimize pollution, impairment or destruction of the environment as provided in the Environmental Rights Act, N.J.S.A. 2A:35A-1 et seq.