

CHAPTER 1H

**COUNTY ENVIRONMENTAL HEALTH STANDARDS
OF ADMINISTRATIVE PROCEDURE AND
PERFORMANCE**

Authority

N.J.S.A. 26:3A2-21 et seq.

Source and Effective Date

R.2006 d.38, effective December 21, 2005.
See: 37 N.J.R. 2758(a), 38 N.J.R. 497(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 1H, County Environmental Health Standards of Administrative Procedure and Performance, expires on December 21, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 1H, County Environmental Health Standards of Administrative Procedure and Performance, was adopted as R.1980 d.362, effective September 1, 1980. See: 11 N.J.R. 616(a), 12 N.J.R. 514(a).

Pursuant to Executive Order No. 66(1978), Chapter 1H, County Environmental Health Standards of Administrative Procedure and Performance, was 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, County Environmental Health Standards of Administrative Procedure and Performance, was readopted as R.1990 d.385, effective July 13, 1990. See: 22 N.J.R. 732(a), 22 N.J.R. 2284(b).

Pursuant to Executive Order No. 66(1978), Chapter 1H, County Environmental Health Standards of Administrative Procedure and Performance, was readopted as R.1995 d.426, effective July 13, 1995. See: 27 N.J.R. 1720(a), 27 N.J.R. 2887(a).

Pursuant to Executive Order No. 66(1978), Chapter 1H, County Environmental Health Standards of Administrative Procedure and Performance, was readopted as R.2000 d.317, effective July 12, 2000. See: 32 N.J.R. 1670(a), 32 N.J.R. 2864(d).

Chapter 1H, County Environmental Health Standards of Administrative Procedure and Performance, was readopted as R.2006 d.38, effective December 21, 2005. See: Source and Effective Date.

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 1H, County Environmental Health Standards of Administrative Procedure and Performance, was extended by gubernatorial directive from December 21, 2010 to December 21, 2011. See: 43 N.J.R. 186(b).

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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.

“Certified local health agency” means a local health agency that the Department certifies has satisfied the environmental health standards of administrative procedure and all applicable environmental health performance standards of this chapter, whose certification has not been suspended, terminated or revoked.

“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.

“Environmental indicators” means direct or indirect measures of environmental quality that are used to assess the status and trends of environmental conditions.

“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.

“Interlocal services agreement” means a written contract that is executed between two local units for the joint provision of a service within their area of jurisdiction, pursuant to the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq.

“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.

“National Environmental Performance Partnership System (NEPPS) Performance Partnership Agreement (PPA)” means the document which describes the joint United States Environmental Protection Agency and Department system that emphasizes results-based management through the development of long-term environmental goals, milestones and use of environmental indicators as measures of progress. These goals, milestones and indicators are articulated in a plan called a “Performance Partnership Agreement.” A copy of this document may be obtained from the Department’s Web Page on the Internet at www.state.nj.us/dep/dsr or by contacting the Department’s Division of Science, Research and Technology at (609) 984-6071.

“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.

“Strategic Plan 1998-2001” means the Department plan which expresses its vision, mission, six broad environmental goals, selected milestones and new or enhanced strategies upon which the Department will focus to achieve these objectives. A copy of this document may be obtained from the Department’s Web Page on the Internet at www.state.nj.us/dep or by contacting the Department’s Office of Communications at (609) 292-3225.

“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.

Amended by R.2000 d.317, effective August 7, 2000.
See: 32 N.J.R. 1670(a), 32 N.J.R. 2864(d).

Inserted "Certified local health agency", "Environmental indicators", "Interlocal services agreement", "National Environmental Performance Partnership System (NEPPS) Performance Partnership Agreement (PPA)" and "Strategic Plan 1998-2001".

SUBCHAPTER 2. ENVIRONMENTAL HEALTH STANDARDS OF ADMINISTRATIVE PROCEDURE

7:1H-2.1 Provision of environmental health services

(a) The 19 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.

(b) A certified local health agency shall submit a county-wide environmental health assessment and improvement plan to the Department by November 1 of each year. The plan shall include, but not be limited to, the following elements:

1. A description of the environmental problems or issues in the county, including environmental indicators, if available, and socio-demographic characteristics;
2. An evaluation of existing resources, including personnel, equipment and funding sources to carry out delegated responsibilities;
3. A review of environmental health partnerships between the certified local health agency and other local units, a description of the respective roles of each unit and whether interlocal services agreements have been executed;
4. Recommendations for environmental health activities to be undertaken during the upcoming grant cycle that are aligned with the Department's priorities as set forth in the Strategic Plan and NEPPS performance partnership agreement; and
5. Identification of any environmental health service gaps between the Department's priorities and the certified local health agency's priorities and/or emerging environmental issues at the county level and recommendations on how to address such issues.

(c) The Department shall review the county-wide environmental health assessment and improvement plan to identify delegated environmental activities to be undertaken by the certified local health agency in the upcoming grant cycle,

and shall use this plan as a guide in apportioning grant monies to the certified local health agencies in accordance with (e) below.

(d) The Department shall conduct a grant conference each calendar year to discuss the Department's environmental priorities, as specified in the Strategic Plan and the NEPPS performance partnership agreement as well as emerging critical priorities established by the Department, which are relevant to the provision of environmental health services by certified local health agencies. Each certified local health agency shall have a representative attend this grant conference. Notice of the grant conference shall be made by means of a public notice published in the New Jersey Register.

(e) The Department shall apportion the monies available for grants among the certified local health agencies and establish delegated activities and output numbers based upon the following factors:

1. The extent to which the Department determines that the environmental activities to be funded are aligned with the Strategic Plan and the NEPPS performance partnership agreement and further the Department's goals and priorities as set forth therein;
2. The extent to which the Department determines that each county's recommendations regarding delegated activities to be undertaken, as identified in its county-wide environmental health assessment and improvement plan, are appropriate and serve to further the Department's goals and priorities as set forth in the Strategic Plan and NEPPS Performance Partnership Agreement;
3. The certified local health agency's record of satisfying its obligations as specified in the annual CEHA grant agreements executed with the Department; and
4. The certified local health agency's funding needs to undertake delegated environmental activities.

Amended by R.2000 d.317, effective August 7, 2000.
See: 32 N.J.R. 1670(a), 32 N.J.R. 2864(d).
Rewrote the section.

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.