

# LONGWOOD LAKE CABIN OWNERS ASSOCIATION, INC.

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## SEPTIC REPORT

*Submitted by  
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Jefferson Township is taking a more active role in the way all of the township residents treat household waste water. As a result of changes in laws and enforcement priorities, there is now more interest in enforcement regarding waste water treatment, including the use of out-houses.

Most LLCOA cabins remain serviced by an outhouse for its private use. The Township Board of Health has advised that an outhouse is not a “system” because there is no running water entering and no treatment occurring. Therefore, they are allowed to continue in use until such time as they malfunction. Pursuant to NJAC 7:9A-2.1, cesspools, privies, latrines, pit toilets, outhouses, composting or waterless toilets, direct discharges to the ground surface of water courses, and illegally constructed or altered treatment or disposal mechanisms are not “systems”.

Pursuant to NJAC 7:9A-2.1 and 3-16, Privies, outhouses, latrines, and pit toilets are similar structures which generally allow discharge of untreated liquids to the environment, and are not considered “systems”.

Pursuant to NJAC 7:9A-3-16 when an administrative authority discovers a privy, outhouse, latrine, pit toilet or similar sanitary sewage disposal unit, or any cesspool that serves a structure that is need of repair or alteration, it must order these units be abandoned and a conforming system installed. If a system may not be installed, an engineer may recommend a system which achieves close conformance or, as a last resort, may recommend a holding tank.

Of particularly concern, effective June of 2012, properties serviced by a cesspool, privy, outhouse, latrine, or pit toilet may not be transferred without upgrading to a septic system. (NJAC 7:9A 3.1(b)). The regulations allow limited exceptions to this rule, such as a conveyance between family members or formed spouses (NJAC 7:9A 3.1(c)). In addition, construction, installation, alteration or repair of cesspools, privies, outhouses, latrines, or pit toilets are no longer allowed NJAC 7:9A-1.6(g).

Jefferson Township Ord. (Ord 384-4) incorporates into local code all requirements of New Jersey’s requirements for subsurface sewage disposal systems, including NJAC 7:9A 2.1 et seq. failure to comply allows the Township to issue violations and penalty not to exceed \$2,000 per offense, and per day that offense continues (Ord 384-6A). Interference with a Health Department Inspection also subject a person to fines and penalties in Municipal Court (Ord. 384-6B).

If the local Board of Health discovers that such a system is in need of repair, the system must be abandoned and replaced with a properly engineered and approved septic system.

Selling, expanding, or rebuilding a cabin will also trigger the need to install an approved sanitary disposal system. In addition Section 3(B) of the LLCOA Master Deed requires that the removal or replacement of any structure comply with applicable law.

For currently constructed cabins, a composting toilet may be considered. Composting toilets which do not receive grey water and do not involve running water do not appear to fall within the definition of a “system” nor do they appear to fall within the current list of disposal methods requiring upgrade to a system upon transfer of the property. Composting toilets are self-contained, do not discharge to the environment, and are merely considered part of the structure’s plumbing, and may be installed upon issuance of a local plumbing permit. However, if a cabin has a well and is disposing of greywater, a variance is required to separate the disposal of greywater from the disposal of black water via a waterless toilet (NJAC 7:9a7-5). Regarding new construction, the Board of Health has advised that running water and a sanitary disposal system are required and that composting toilets are not allowed.

The regulations only continue to become more complex as deviations from a standard system are pursued. Many variables affect which solution is appropriate for any particular cabin owner, including without limitation: site constraints, availability of water and electricity, financial resources, existing construction, permitted and unpermitted modifications, zoning and environmental setback requirements and so on.

For this reason, each cabin owner must review his or her individual circumstances with the authorities to understand the range of options which are available and legal. Your LLCOA Board is not equipped to offer specific legal advice to individual cabin owners on a method of compliance, and this Septic Report, including the within summary of applicable laws and regulations, is offered to alert cabin owners of these concerns, and is not a substitute for obtaining individualized legal advice.

Due to increased oversight from the township regarding household waste water treatment, it is imperative that all LLCOA members are again informed that flush toilets and washing machines are not allowed within our community.

This was determined at the June 9<sup>th</sup>, 2002 annual meeting where the following resolution passed by a vote of 57 for and 2 against:

“Over the past year, your Board of Directors has received a number of complaints from members stating there are cabin owners with flush toilets operating within our community. The use of flush toilets will not only detract from the health of our lake, it may jeopardize our discussions with Jefferson Township regarding their enforcement of the new waste water regulations, impacting every member of the LLCOA.”