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Notice to all Septic System Inspectors conducting inspections for Real Property Transfers

As of April 2, 2012, the state septic regulations under N.J.A.C. 7:9A changed substantially. A protocol for how septic system inspections should be evaluated during a real property transfer (real estate transaction), is now written into the code. This notice is to educate septic system inspectors on the health department's role in reviewing the onsite system inspection form and the septic system inspector's responsibilities and role in the process. The code does not mandate its use nor does it require an upgrade to the system as a result of that inspection. However, because there is a standard now written into the septic code, septic system inspectors who choose not to follow the state protocol and not use the state onsite system inspection form, are solely liable for any misrepresentations of the status of the septic system during the real property transfer inspection.

As defined in the code, "A septic system inspector" means any person who performs inspections of systems in accordance with N.J.A.C. 7:9A-12.6 for inspections during real property transfers. This definition does NOT pertain to inspectors from the Salem County Department of Health. The Health Department DOES NOT inspect septic systems for real property transfers AND does not inspect or evaluate systems if there is a dispute between the buyer and seller in reference to the condition of the septic system. The code does not specify who is responsible for necessary upgrades during a real property transfer (seller or buyer); this should be negotiated during the real property transfer process.

To be a Department recognized method of inspection, a septic system inspector shall conduct all system inspections for a transfer of real property in accordance with section 12.6 and the protocol described in N.J.A.C. 7:9A. Any system that is observed to indicate a malfunction as per N.J.A.C. 7:9A-3.4 shall be reported to the administrative authority within 24 hours of the observation. Regardless of the observations made, a copy of this report MUST be provided to the Salem County Health Department within 10 days of the issuance of this report. The Health Department will evaluate all systems that indicate a malfunction on the State Onsite System Inspection form and systems that are creating a Public Health Nuisance, (i.e. – raw sewage ponding on the ground), will be issued a Notice of Violation by this Department. The Health Department has the ultimate authority on interpreting the code and whether a septic system inspector has followed the protocol and met the requirements under N.J.A.C. 7:9A. If it has been determined that a septic system inspection does not meet the requirements, that inspection will not be identified as a Department recognized inspection and both the septic system inspector and homeowner will be notified in this regard.