

**TOWNSHIP OF HOPEWELL
BOARD OF HEALTH**

ORDINANCE BH 2003-1

“AN ORDINANCE CONCERNING TESTING AND REPORTING REQUIREMENTS FOR PUBLIC AND PRIVATE WELLS AND SEPTIC SYSTEMS AND AMENDING CHAPTER XVI, "HEALTH" OF THE GENERAL ORDINANCE OF THE TOWNSHIP OF HOPEWELL (1978).

Purpose: The purpose of this ordinance is to protect and educate the buyers, sellers or occupants of properties within Hopewell Township whenever there is a transfer of property, change in use and or change in tenancy.

The ordinance will provide the governing authority with current data and information on drinking water quality and the onsite sewage disposal systems so that decisions can be made with regards to water quality and sewer.

This will be accomplished by establishing a procedure for the submittal of onsite septic system inspection reports and well water quality laboratory reports at the time of transfer, changes in use or tenancy. A Letter of Review will be issued upon receipt of the reports to be used by the parties involved in the transfer. The ordinance procedures will utilize existing State & Federal standards and/or recommendations for water quality and guidelines for septic system inspections. When none are available, the Board of Health and its authorized representative will establish minimum standards or procedures.

Under the recently enacted Private Well Testing Act, N.J.A.C. 7:10, well water samples are required at the time of transfer and landlords will be required to test well water every five (5) years starting in February 2004. This information is provided to the New Jersey Department of Environmental Protection. Only failing tests results are sent to the local health agency, and this information must be maintained as confidential.

Under this proposed ordinance, the parties involved and prior to the transfer will submit a complete laboratory analysis based on the Safe Drinking Water Act and the Private Well Testing Act from onsite water supplies. It will be necessary to record the test results with the Hopewell Township Health Department noting that all parameters tested are in compliance or if not in compliance with State water quality standards that they will be corrected as a condition of the sales/rental contract. The well water results will give the Health Department a growing database to determine where there are areas in the Township in which certain contaminants might be widespread, and thus to help with remediation and preventative efforts.

The ordinance also requires the submittal by an independent septic system inspector whenever there is a change of ownership, use or tenancy of property on which there is an onsite septic system. The goal is to eliminate the variability of septic system testing methods and results and to protect sellers from designations that their septic systems are malfunctioning by the inspection companies using improper, inconsistent or undefined methods. It is also the intent of the

ordinance to protect buyers from having inadequate testing of septic systems by inspectors. This ordinance will give inspectors, homeowners, and buyers a minimum, uniform set of standards for evaluating septic systems which will be consistent from property to property and from inspector to inspector.

Reporting the test result from well water tests and septic system inspections according to the standards of this ordinance is mandatory. In both cases, remediation will be the responsibility of the buyers and sellers as negotiated. If a new well or septic system is needed, they must comply with existing laws and ordinance.

BE IT ORDAINED BY THE BOARD OF HEALTH OF THE TOWNSHIP OF HOPEWELL IN THE COUNTY OF MERCER as follows:

Section 1. Definitions as used in this ordinance, words and terms shall mean as follows:

“Administrative Authority” means the Hopewell Township Board of Health.

“Authorized representative” means a licensed health officer, registered environmental health specialist or professional engineer appointed by the Administrative Authority to represent it.

“Private/Non-public water system” means any Hopewell Township onsite well water system that provides water solely to a property or structure intended as a single-family residence. Herein referred to as a *private well water system*.

“Potable water” means drinking water for human consumption.

“Public water system” means any Hopewell Township onsite well water system that provides potable water to any property or structure that is not served by a private or nonpublic well and is not recorded as a single family residence. Public well as defined here is broader than N.J.A.C. 7:10-1.3 which defines a public well as having 15 service connections or regularly serves at least 25 individuals daily for at least 60 days in any calendar year.

“Subsurface sewage disposal system”, also referred to as a septic system, shall comply with the Standards for Individual Subsurface Sewage Disposal Systems (N.J.A.C. 7:9A et seq.), NJPDES Rules for septic systems over 2000 gpd and any more stringent requirements previously adopted, or which will be adopted, by the Board of Health of the Township of Hopewell.

“Transfer of property” shall mean whenever a change of ownership, change of use or tenancy of any real property within Hopewell Township occurs.

Section 2. General

The requirements of this ordinance shall pertain to all onsite public and private well water systems and to all subsurface sewage disposal systems in Hopewell Township, whether the

property served is used for residential, commercial, agricultural or industrial purposes. The requirements of this ordinance are in addition to and not in lieu of any applicable federal and state laws and regulations. In the event that any present or future federal or state law or regulation imposes standards more stringent than the requirements of this ordinance, the more stringent standards shall govern.

Section 3. Onsite well water systems

There shall be no transfer of real property, change in the use or change in tenancy of a property which utilizes an onsite public or private well water system for its potable water supply until the Administrative Authority or its authorized representative shall have issued a Letter of Review stating that the water system complies or does not comply with water quality standards specified by the NJ Safe Drinking Water Act N.J.S.A. 58:12A-1 et seq. and implementing rules N.J.A.C. 7:10 and the Private Well Testing Act Regulations N.J.A.C. 7: 9E and any other parameters as specified by the Health Officer based on known contamination in this area.

Submittal Requirements:

The property owner, purchaser, tenant or authorized agent for either party shall submit:

A completed application at least 10 business days prior to transfer of properties, occupancy or changes in use or change in tenancy which should include the name and address of all persons owning, purchasing or leasing the property upon which the well is located.

A check made payable to Hopewell Township for the fee of \$25.00.

A laboratory report provided by a NJDEP certified laboratory for testing under the Safe Drinking Water Act. A chain of custody form shall accompany all reports indicating the laboratory took the sample. All sample collection, testing and analysis shall be in accordance with the criteria and procedures established by NJDEP regulations.

All reports of testing shall include the Block & Lot numbers, street address for the property, the reason for the sample, i.e., sale or rental, the name of the Laboratory representative who physically collected the sample from the well, the date and time the water sample was collected, the specific point of collection of the water sample, the date and time the sample was analyzed by the laboratory.

The laboratory must indicate if the water exceeds any maximum contaminant level (MCL) or Action Levels for any parameters for which standards have been established by The Private Well Testing Act Regulations N.J.A.C.7:9E and The Safe Drinking Water Act Regulations or by the Administrative Authority.

For changes in tenancy, the following tests shall be conducted for each new tenant/lease signing. However, they may be conducted according to the periods specified as noted. These may be kept on file with the Health Department and resubmitted whenever there is a change in tenancy as long as the tests were conducted and are still within the time frames noted.

Annually	Total Coliform bacteria
Tri-Annually	Nitrates Volatile Organics (EPA method 524.2 or latest version) Lead Arsenic Gross Alpha Cadmium
As recommended	Other parameters as specified by the Health Officer based on known contamination in this area and for which Maximum Contamination Limits (MCL), Action Levels or Practical Quantitative Limits (PQL) are known.

Remediation:

In the event that a laboratory analysis of a water sample collected from any well reveals the presence of any contaminant exceeding the maximum contamination levels as referred to in this ordinance, the Administrative Authority and the person ordering the sample shall be notified by the laboratory within twenty-four hours of obtaining the test results in accordance with N.J.A.C. 7:18-4.6 and 5.6 and the Private Well Testing Act Regulation N.J.A.C. 7:9E-4.1.

The cost of all testing required by the Administrative Authority or by this ordinance shall be borne solely by the purchaser/owner of the property in question and not by the Administrative Authority.

Remediation may be completed after the closing as negotiated between buyer and seller.

Post treatment test results are to be provided to the Health Department.

When treatment systems are installed to remediate primary contaminants, a notice shall be placed in the deed to alert future purchasers of treatment methods and maintenance requirements.

A copy of the executed deed shall be provided to the Health Department.

Section 4. Onsite Sewage Disposal Systems

Submittal Requirements:

The property owner, purchaser, leaser or authorized agent for either party shall submit:

A completed application at least 10 business days prior to transfer of properties, occupancy or changes in use.

An application fee of \$25.00 shall accompany the application.

A report by an independent inspection company indicating that the inspection of the septic system was conducted meeting minimum standards for the inspection of subsurface sewage disposal systems as prescribed by the Administrative Authority and or the New Jersey DEP.

For the purposes of this ordinance, Appendix A “Minimum Requirements for the Inspection of Septic Systems, Needed for the Sale, Transfer or Lease of Properties in Hopewell Township” shall serve as a minimum guidance document for conducting septic inspections until such time as new rules or regulations are issued by NJDEP. This document is as adopted by reference. Revisions to Appendix A may be enacted by the Health Department as required.

The report must describe in sufficient detail the basis for the decision that the septic system is in satisfactory condition, is not operating at its design capacity, is not satisfactory and/or appears to be malfunctioning or is in need of repairs or alterations so as to be brought into conformance with the standards of N.J.A.C. 7:9A-3.4.

Additionally, the report must indicate or certify that the system as designed and or installed complies with the provisions of N.J.A.C. 7:9A-3.3 “Existing Systems,” with regards to use, expansion or change in use.

If the application cites evidence of a malfunction, a plan to correct shall be provided to the Health Department.

Upon review of the information submitted to the Administrative Authority or its authorized representative, one of the following documents will be issued within five (5) business days of receipt of the completed application:

1. A Letter of Review will be issued by the Health Department indicating that the septic system inspector certifies in their report that the results of the inspection supports the satisfactory operation of the system.
2. Notice issued that additional information or data must be supplied.
3. Notice issued that the basis of the report, or its methods or conclusions, are rejected.
4. Notice issued that the system is in need of repair or replacement and that a copy of the sales agreement needs to be provided. Specifically it should specify who is responsible for this work and when it is to be completed. Remediation does not need to occur before closing, as long as provided for in contract.

Rental Properties and changes in tenancy:

Inspections shall be conducted and submitted each time a property is leased. Changes in use or occupants must be noted in the report. Determination of wastewater generation for the proposed tenant must be provided and verified that it is within the design volume for the system. Inspection reports conducted within 6 months of the lease or sale may be used if more than one unit is included in the building and if all other design and occupancy conditions remain constant.

Section 5. Validity. All letters of review issued by the Administrative Authority or its authorized agent shall be valid for a maximum of (12) months.

The issuance of a Letter of Review *shall* not imply any municipal warranty, nor shall it infer that the reports submitted on the results of any water tests or septic inspection is accurate, nor that the contractor or agent hired by the owner, buyer or seller is qualified, nor that the Administrative Authority warrants or certifies the quality of work done by the contractor, inspector, engineer or agent.

Section 6. Certain Sources of Potable Water are Prohibited. Except for households connected to an approved public community water supplies the source of potable water for a public or private onsite water system shall be solely from wells. The use of springs, cisterns or surface waters shall not be accepted as a source of potable water. No cross-connection between a public water supply and a non-public water supply shall be permitted. All abandoned wells located must be sealed and decommissioned in accordance to NJDEP regulation.

Section 7. Hearings. If the Administrative Authority, as required by this ordinance, does not issue a Letter of Review, a hearing with the Administrative Authority shall be held within 15 days after the applicant makes a written request. The Administrative Authority shall take action accordingly within 15 days after the date of such hearing.

Section 8. Right of Entry. The Administrative Authority has this authority under the Public Health Nuisance code and other State statues and regulations with regards to occupancies, rental properties, wells and septic systems, which are not in compliance with these rules.

Section 9. Violations. Any person or persons, firm or corporation violating any of the provisions of this ordinance upon conviction thereof, pay a penalty of not less than \$200.00 for each offense and an additional penalty of \$25.00 for each day of continuance of the violation after notice of the violation shall have been given to such person or persons, firm or corporation by the Administrative Authority, to be collected and enforced by summary proceedings for the collection of penalties pursuant to the New Jersey Penalty Enforcement Law. Such notice shall be given by (1) serving a copy thereof on the property owner as shown on the current tax map or his agent in charge of the property, or (2) mailing a copy thereof by certified mail to the property owner at his address as shown on the said tax map.

Section 10. Repealer. All ordinances or parts of same inconsistent with any of the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 11. Severability. In the event that a court of competent jurisdiction shall declare any section sentence or clause of this ordinance unconstitutional, such declaration shall not in any way prejudice the enforcement of the remaining provisions.

http://www.state.nj.us/dep/dwq/pdf/inspection_guidance.pdf

Section 12. Effective Date. This ordinance shall take effect 90 days after the first publication of the ordinance in accordance with the provisions of R.S. 26:3-69.

Date Introduced: June 5, 2003
Date Advertised: June 12, 2003
Date Adopted: June 19, 2003
Date Advertised: June 26, 2003

Attest:

Kathy Prassas
Board Secretary

Vanessa Sandom, Chairperson
Board of Health

Appendix A

Minimum Requirements for the Inspection of Septic Systems, needed for the Sale, Transfer or Lease of Properties in Hopewell Township.

The following requirements are established because it has been reported by realtors and property owners and purchasers that the level of service being provided by the private inspector, local conditions, client/owner requirements, the depth of information collected, extent of testing performed and report results have varied widely.

Septic System Components:

The building sewer line carries all liquid wastes from the building's plumbing fixtures which included the kitchen and bathroom sinks, toilets, showers, tubs, clothes washer etc. All liquid wastes must be plumbed via the sewer line and connected into the septic tank or cesspool. A dry well may have been used in the past for kitchen or laundry wastes.

The septic tank in a modern system is a watertight container, usually concrete, sometimes fiberglass. Older steel tanks were used in many areas but might be considered a problem because of both small size and because eventually they rust out and fail.

The tank is normally "full" of liquid effluent and waste all the time. The tank and associated connections and risers should be watertight. Therefore, if 100 gallons of water flows into the tank from the house, then as the 100 gallons of water enters the tank it will force 100 gallons of effluent out of the tank into the soil absorption system.

Septic Systems Inspections:

Inspections should be conducted in as non-intrusive a manner as possible. However all components should be thoroughly evaluated.

Prior to any inspection, the inspector should collect any existing information from all reliable sources such as the owner, realtor, neighbors and the municipal Health Department. This should include if available: Original design and "as build" plans showing the system components, layout, type of use, design flow, water use records, service (pumping), repair records and or complaints.

Secure a signed inspection authorization form from the owner or authorized agent of the property before gathering any information or entering the property. See attached sample form.

An accurate location map of the system should be determined prior to or as part of the system inspection. This should be a part of the submitted report.

Inspector should note weather conditions prior to the inspection and note any impact this may have on the operation of the system at the time of the inspection.

Septic Systems Inspection Procedure:

1. A request for a public record/file search should be submitted to the Health Department prior to any inspections. Provide details of all information searches conducted.
2. All the waste lines within the building need to be visually traced to verify that all plumbing fixtures are connected and discharge into the sewage disposal system. Sump pump discharges should be checked. Ejector systems may be used in lower levels. This information should be indicated and any exceptions reported.
3. **DO NOT RUN WATER UNTIL STEPS 4, 5, 6 & 7 HAVE BEEN COMPLETED.**
4. The septic tank should be located and the lids over the inlet and outlet baffles and the large cleanout lid should be excavated and opened. Confirm the level of the effluent with regards to the inlet and outlet.
5. The condition of the tank, lids, access extensions and baffles should be noted. The depth to the top of the tank and tank lid should be recorded. A maximum of 18 inches of soil was allowed prior to 1990. All new and replaced tanks since 1990 in Hopewell Township require extension to grade with locking manhole over the main cleanout and extensions over the inlet and outlet baffles. Also, note in the report any encroachment by driveways, buildings, pools or insufficient distances to lot lines, structures wells etc.
6. Measure the thickness of the scum and sludge layers. Determine if routine pumping has been provided on a regular basis. The contents of the tank should not be pumped until the absorption field system has been inspected and water flow tested.
7. Locate and excavate the distribution box (d-box). Confirm the level of the effluent with regards to the inlet and outlets. Confirm that the d-box is properly balanced. The depth and condition of the d-box should be recorded. Maximum depth of 18 inches is permitted. Verify if solids, sludge or scum have entered the d-box or field. If this is a pressure distribution system the monitor ports should be inspected, however they may need to be cleared of silt and debris and or reset.
8. If the level of effluent observed within the tank and/or d-box is above the outlets, the system is already overloaded. The cause of the overload should be determined if the system is recorded as failing. Depending upon the season, the depth of the seasonally high ground water should be confirmed with a soil log.
9. If high water table and or defective or clogged pipes are ruled out as the source of the overload, then the system needs to be located and excavated or probed. The full extent of the disposal area should be located. A monitor pipe should be installed to measure changes in effluent levels within the disposal bed or trenches over a period of time.

10. Water may be run as part of a dye test and or load test. A water meter must be used when running water and dye into the system. The total amount of water used should not exceed the daily design rate if known. The rate of flow should not aggravate the contents of the tank and force solids into the field. Flow rates of no more than 2 gallons per minute are suggested.
11. With the water running verify that the sewage is directed from the dwelling via the sewer line into the tank and then into the d-box and field. All nearby streams, catch basins and sump pump discharges should be checked for dye due to an illegal connection.
12. Inspect all areas of the property for evidence of dye or effluent breakout before and after the test. Check nearby streams, storm drains and sump pumps for effluent. Dye often appears in 10-20 minutes if there is a gross system failure; however it may not appear for several days.
13. Pump tanks and other mechanical components. There may be alternative systems in operation such as an aerobic tank system, a lift ejector or pump tank and or mechanical siphon tank for dosing. The condition of the tanks, circuit breakers, electrical connections, alarms, shut off switches and moving parts should be inspected. A service contract is required by ordinance for holding tanks and aerobic systems, and should be verified.

http://www.state.nj.us/dep/dwq/pdf/inspection_guidance.pdf