

## Appendix A

### Onsite Wastewater Treatment Systems Model Management Ordinance

Since 1990 the Department has maintained the regulations which govern the Standards for Individual Subsurface Sewage Disposal Systems at N.J.A.C. 7:9A. Although these Standards generally guide the regulated community through the process of locating, designing and constructing septic systems, the Standards do address the need for the proper operation and maintenance of those systems. However, it is difficult to ensure that these systems are properly operated or maintained without a mechanism to oversee systems after the certification of compliance is issued. This is where management of systems becomes important. The purpose of this Model Management Ordinance is to provide an example to Boards of Health of what could be incorporated into local ordinance to allow them to begin managing systems within their borders.

The model ordinance is comprehensive and should not discourage anyone from taking a step back and ask “What level of management is appropriate for my area?” It is not the intention of the Department to suggest that every town needs to adopt every facet of the model ordinance. This is a dynamic document which can be adopted in whole, in part or in some variation to suit the needs of the jurisdiction.

Some areas have already begun septic management and could use ideas within the model ordinance to expand their program a little or a lot. Areas without a model ordinance could adopt some basic requirements to allow for the use of technology to fix malfunctioning systems in problematic areas. Others still could want to incorporate septic management of all their systems to begin assessing the local situation and allow for access to low interest loan programs to help their citizens repair malfunctioning systems. The point is that there are many, many levels and methods of septic management and by providing this model document, the Department hopes to inform communities in New Jersey and promote the possibilities and benefits associated with septic management.

The model ordinance incorporates ideas, format and structure from existing model ordinance documents such as the Pinelands Commission pilot program for nitrate reducing technologies and the Association of New Jersey Environmental Commissions model ordinance for septic maintenance and USEPA’s voluntary guidelines for decentralized system management. The Department has expanded on those documents and developed this model ordinance to provide a model document which shows many of the conventional thoughts on septic management.

After reading this document, you should feel free to contact the Department to discuss the possibilities for your area. Please contact us at (609) 633-7021 or at [CH199@dep.state.nj.us](mailto:CH199@dep.state.nj.us) and we will be happy to address your concerns and questions.

## Appendix A

(INSERT NAME OF JURISDICTION) BOARD OF HEALTH

AN ORDINANCE TO AMEND THE CODE OF THE BOARD OF HEALTH OF THE (INSERT NAME OF JURISDICTION) TO CREATE ESTABLISH REQUIREMENTS FOR THE MANAGEMENT OF ONSITE WASTEWATER TREATMENT SYSTEMS.

WHEREAS the Board of Health of the (Name of jurisdiction) desires to implement an onsite wastewater management program in accordance with the guidelines from the United States Environmental Protection Agency and in cooperation with the New Jersey Department of Environmental Protection.

BE IT ORDAINED by the Board of Health of the (INSERT NAME OF JURISDICTION) in the County of (Insert Name of County) and State of New Jersey as follows:

### **SECTION ONE**

#### **A. FINDINGS**

It is found and declared that:

1. Residential and non-residential onsite wastewater treatment systems are in use within the (insert name of jurisdiction).
2. Onsite wastewater treatment systems, similar to any other physical structure, require ongoing maintenance and proper operation to ensure proper functionality.
3. When existing onsite wastewater treatment systems have malfunctioned even when the systems have been designed, constructed, and sited in accordance with applicable standards, largely due to lack of proper operation and maintenance. These malfunctions have been shown to adversely affect public health and welfare and the environment. Such systems constitute a potential source of pollution of ground and surface waters, contamination of potable water supplies, foul odors, nuisance problems and other hazards to public health.
4. It is determined to be in the interest of public health and the environment, safety and welfare to establish provisions to regulate the management of such systems to protect the public and environment against system failures and resultant pollution.
5. The licensing provisions contained in this Ordinance are necessary to protect the public health safety and welfare and it is therefore necessary to exceed the provisions contained in N.J.A.C. 7:9A-1 et seq. This is hereby declared to be a "special ordinance" in accordance with N.J.A.C. 7:9A-3.1(b) and shall be forwarded to the New Jersey Department of Environmental Protection within 10 days of adoption.
6. In order to enable the use of onsite system technology that enhances treatment of wastewater, management and maintenance are a necessity.
7. Economic benefits to all onsite system owners by improving the quality of wastewater management, will extend the serviceable life of onsite systems, preventing or postponing the need for costly repairs or replacements.

#### **B. PURPOSE**

In addition to the purposes set forth in N.J.A.C. 7:9A-1.1, it is the purpose of this ordinance:

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1. To establish a management program for residential and non-residential onsite wastewater treatment systems in the (insert name of jurisdiction) in order to ensure the proper operation and maintenance of such systems. This ordinance requires all onsite wastewater treatment systems subject to local regulation to be satisfactorily operated, inspected and maintained on a regular basis in order to minimize future malfunctions of such systems.
2. To regulate onsite wastewater treatment systems in (insert name of jurisdiction) to protect public health and welfare and the environment. This includes a means of educating onsite wastewater treatment system owners/operators, as defined herein, in the characteristics of such systems and the proper procedures for altering, operating and maintaining them.
3. To develop a management program to maintain records regarding onsite wastewater treatment systems in the program area.
4. To promote and assure the proper use and maintenance of residential and non-residential onsite wastewater treatment systems.

## **SECTION TWO**

### **TITLE.**

This Ordinance shall be known as the Onsite Wastewater Treatment System Management Ordinance of the (insert name of jurisdiction.)

## **SECTION THREE**

### **DEFINITIONS.**

All definitions given in Subchapter 2 (N.J.A.C. 7:9A-2.1 ) of the New Jersey Department of Environmental Protection (NJDEP) Standards for the Construction of Individual Onsite wastewater treatment Systems, N.J.A.C, 7:9A-1.1 et seq., and any amendments thereto ("NJDEP Regulations") are hereby incorporated into this article, with the following additions:

**ADVANCED WASTEWATER TREATMENT OR DISPOSAL TECHNOLOGY-** Any component or system, which is a part of an individual subsurface sewage disposal system, that is employed to reduce levels of pollution or convey pollutants to the subsurface environment that is not addressed or is not designed in strict conformance with the requirements of N.J.A.C. 7:9A.

**BOARD OF HEALTH-** The Board of Health of the (insert name of jurisdiction)

**EDUCATION PROGRAM-** An educational program prepared and administered by the Board of Health regarding the function of onsite wastewater treatment systems and the proper procedures for the operation and maintenance of such systems. The educational program shall be performed in accordance with the minimum requirements of N.J.A.C. 7:9A-3.14.)

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**ENFORCING OFFICIAL-** The (Insert name of officer) of the (insert jurisdiction) or his designee.

**LICENSED SEPTIC SLUDGE REMOVAL OPERATOR-** Any person, firm or corporation which has been duly examined by the enforcing official and found qualified to pump onsite wastewater treatment systems, and who has been properly registered with all appropriate local, county and state authorities.

**MANAGEMENT DISTRICT-** (This definition is necessary if the ordinance is to be applied only to a portion of a jurisdiction. The definition must be developed locally and specifically describe the geographic area to be subject to the ordinance. )

**NON-RESIDENTIAL-** Any realty improvement other than a single family home. Such systems include but are not limited to those systems defined in N.J.A.C. 7:9A-1.8(C)2. Typical examples include but are not limited to: commercial buildings, restaurants, food establishments, commercial/residential mixed uses, and systems servicing multiple units.

**ONSITE WASTEWATER TREATMENT SYSTEM-** An individual subsurface sewage disposal system as referred to in N.J.A.C. 7:9A. A septic system is one example.

**OPERATOR'S LICENSE-** A license issued to an applicant pursuant to this ordinance for the operation of an onsite wastewater treatment system.

**OWNER/OPERATOR-** The person who owns or leases the realty improvement which is served by a residential or non-residential onsite wastewater treatment system and/or the person who uses or operates said system. The owner of the realty and the operator of the system, if different, are jointly and severally liable for the obligations imposed by this ordinance.

**PLOT PLAN -** A sketch showing the type (if known) and location of the onsite wastewater treatment system servicing the property, as well as the location and type of any on-site water supply. All plots plans shall be drawn to scale and list the dimensions used.

**RETAIL FOOD ESTABLISHMENT-** Any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial feeding establishment; private, public, or nonprofit organization, institution, or group preparing, storing or serving food; catering kitchen; commissary; box lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market, or any similar place in which food or drink is prepared for retail sale or service on the premises or elsewhere, and any other retail eating or drinking establishment or operation where food is served, handled or provided for the public with or without charge.

**SYSTEM-** An individual or non-individual onsite wastewater treatment system, including all of the component parts thereof.

## **SECTION FOUR**

### **SCOPE, APPLICABILITY AND EXEMPTIONS**

**SCOPE.** The owner and/or occupant of any realty improvement serviced by an onsite wastewater treatment system located in the Management District shall be subject to all of the requirements of this chapter.

**APPLICABILITY.** No person within the (insert name of jurisdiction) area shall operate a residential or non-residential onsite wastewater treatment system unless such construction, installation, alteration, maintenance or operation is in accordance with all applicable sanitary regulations and this ordinance.

**EXEMPTIONS.** Any system not in operation for a period of six (6) months or longer shall be exempted from this Ordinance. The Board of Health shall require an owner or operator of a system seeking exemption under this section to submit proof in the form acceptable to the Board to qualify for this exemption.

## **SECTION FIVE**

### **LICENSE TO OPERATE**

**A. REQUIREMENT FOR LICENSE:** On and after (insert effective date) no owner or occupant of a property in the (insert name of jurisdiction) upon which an individual or non-individual onsite wastewater treatment system is located shall operate or otherwise use a system unless a currently valid license to operate the system has been issued by the Board of Health in accordance with the schedule herein to the owner of the property on which the system is located.

1. The Board of Health or its designee may issue a license to operate and distribute educational information relative to the proper operation and maintenance practices to the owner and occupant of a property upon one or more of the following events:

- a. Issuance of a certificate of compliance for any system using advanced wastewater treatment or disposal technology(ies);
- b. Issuance of a certificate of compliance for a new system;
- c. Issuance of a certificate of compliance for the alteration of a system;
- d. Upon the sale or transfer of a premises;
- e. For all existing individual and non-individual sewerage disposal systems in accordance with the following schedule:

Option 1- Immediate effective date for all/some systems  
(i.e., within 90 days of the effective date of this ordinance)

Option 2- Deferred effective date for all/some systems  
(i.e., within 2 years of the effective date of this ordinance)

Option 3- Phased in date for existing systems  
(i.e., Systems constructed prior to 1990 within 1 year)

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Systems constructed prior to 2000 but after 1990 within 2 years  
Systems constructed since 2000 within 3 years)

2. All licenses issued pursuant to this section shall be on a form provided by the Board of Health. Once issued, a license shall be transferable upon change of ownership or occupancy of the premises for which the license has been issued. A fee, as provided in section eleven of this ordinance, shall accompany each application for a license or renewal. The initial application for a license shall include a plot plan showing the location of the septic system (both the tank and the disposal area) and of any private water source on the property. The plot plan shall also include the general location, if known, of any wells, and septic systems on adjoining properties.

B. EXPIRATION/RENEWAL. The license to operate shall expire three (3) years after issuance. The Board of Health shall notify the licensee or its designee at least (INSERT REASONABLE TIME) before the license expires and shall be directed to apply for a renewal of the license. The renewal notice shall include educational materials relative to the proper operation and maintenance practice for such systems in accordance with N.J.A.C. 7:9A-3.14.

1. Requirements for Renewal: The Board of Health or its designee shall not renew the license unless the licensee has submitted the following to the Board of Health or its designee:

Submission of a Septic System Inspection Report on a form approved by the Board of Health indicating that the system has been maintained, is not in need of pumping, and is functioning in conformance with the requirements of this chapter. Said form shall be prepared, completed and certified by:

- A staff member of the Board of Health;
- A licensed professional engineer;
- A licensed health officer or sanitarian;
- (Insert local option if, any); or
- Other person acceptable to the Board of Health.

Any such inspection under this section, shall include but not be limited to the following:

- A complete walkover of the septic field;
- Measurement of the effluent in inspection ports, (if any);
- Pumping of the septic tank(s); and
- An inspection of baffles and internal integrity of the tank.

Any such inspection shall be conducted in accordance with any NJDEP approved protocol, guidance or regulations.

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Any system which incorporates advanced wastewater treatment technology must submit verification annually, following the initially required warranty period, that a valid maintenance contract is currently in effect for the subject system.

If the inspection indicates that pumping of the treatment tank or other maintenance, alteration, or repair of the system is necessary, the Board of Health shall issue a notice of pumping, alteration or repair. Following pumping or other maintenance, alteration or repair of the system, the owner /operator shall submit to the Board of Health a completed alteration/pumping report prepared and signed by the person performing the required work.

No person shall test an onsite wastewater treatment system in a manner that will adversely affect the functioning of the system. Hydraulic loading shall not be applied in excess of the design flow capacity. All solids shall have been removed from the septic tank and/or grease trap prior to testing unless the hydraulic loading is applied at a point that will bypass the septic tank and/or grease trap.

2. Renewal Term: Any license shall be renewed for a period of three years.

As a condition precedent to a license renewal, the owner/operator shall pay the fee required by section eleven herein.

C. SUSPENSION OF LICENSE: The Board of Health or its designee may suspend or revoke the license to operate in the following circumstances:

1. It has been determined that the system is malfunctioning based upon criteria provided for in N.J.A.C. 7:9A-3.4(a) and the licensee fails to take immediate steps to correct said malfunction as directed by the Board of Health or its designee;
2. The owner or occupant of the premises served by the system violates any provision of this chapter with respect to operation and maintenance of the system; or
3. The owner or occupant of the premises served by the system denies the right of entry to the Board of Health or its designee, or to the New Jersey Department of Environmental Protection (NJDEP), as required in N.J.A.C. 7:9A-3.19, or in any way interferes with the administration or enforcement of this ordinance.
4. Operation of an onsite system under a suspended license shall be subject to penalties under Section 12 of this ordinance.

D. MODIFIED TERM OF LICENSE: The Board of Health may on its own motion, upon notice and opportunity to the property owner or operator for a hearing, or upon application of a property owner or system operator, alter the time period of a license to operate.

The Board of Health may consider the following factors in determining that a more frequent licensing renewal or pumping/inspection schedule may be necessary:

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1. Inadequate size of the septic tank or disposal field;
2. The fact that the existing system may be a cesspool;
3. The age of the system;
4. Past history of malfunction or other non-compliance;
5. Location of the existing system in a flood hazard, wetland area, wetland transition zone or other environmentally sensitive area as defined in (insert reference);
6. Proximity of the system to a well or water body.

### **SPECIAL LICENSING PROVISIONS FOR RETAIL FOOD HANDLING ESTABLISHMENTS:**

The license to operate for a retail food-handling establishment shall expire one year after issuance or one year from the date of the documented inspection, whichever comes first. The owner of said establishment shall have the right to apply to the Board of Health for a longer license renewal period, but in no case shall the license renewal period exceed three years. In considering any such application the Board of Health may consider the establishment's demonstrated compliance history of with management of the system.

## **SECTION SIX**

### **STANDARDS ON THE USE OF ONSITE WASTEWATER TREATMENT SYSTEMS**

#### **A. GENERAL**

The onsite wastewater treatment system shall be used only for the disposal of sanitary wastes of the type and origin provided for in the approved engineering design. No permanent or temporary connection shall be made to any source of wastes, waste water or clean water other than those plumbing fixtures which are normally present within the type of facility indicated in the approved engineering design.

Drainage from basement floors, footings or roofs shall not enter the sewage disposal system and shall be diverted away from the area of the disposal field.

As set forth in N.J.S.A. 58:10A-17, no person shall use or introduce or cause any other person to use or introduce into any sewage water disposal system any sewage system cleaner containing any restricted chemical material.

Disposal of materials containing toxic substances into a onsite wastewater treatment system is prohibited. Materials containing toxic substances include, but are not limited to, waste oil (other than cooking oil), oil based or acrylic paints, varnishes, photographic solutions, pesticides, insecticides, paint thinners, organic solvents or degreasers and drain openers.

Inert or non-biodegradable substances should not be disposed of in the onsite wastewater treatment system. Such substances include, but are not limited to, disposable diapers containing plastic, cat box litter, coffee grounds, cigarette filters, sanitary napkins, facial tissues and wet-strength paper towels.

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Large quantities of cooking greases or fats shall not be discharged into systems not equipped with a grease trap designed and constructed as prescribed in N.J.A.C.7:9A-8.1.

Major plumbing leaks shall be repaired promptly to prevent hydraulic overloading of the system.

Vehicle traffic and vehicular parking shall be kept away from the aspects of the system, unless the system has been specifically designed to support vehicular traffic.

Swimming pools and additional building structures shall be setback according to the requirements of N.J.A.C. 7:9A-4.3.

Water softener backwash and HVAC condensate may be disposed into the onsite system in accordance with N.J.A.C. 7:9A-12.1. OR Although water softener backwash may be disposed into the onsite system in accordance with N.J.A.C. 7:9A-12.1, to reduce hydraulic loading to the system and preserve the serviceability of the system, HVAC condensate and water softener backwash is required to be discharged to a separate seepage pit designed in accordance with N.J.A.C. 7:9A-11.

### B. DISPOSAL FIELD MAINTENANCE.

1. The area of the disposal field shall be kept free of encroachments from decks, pools, sprinkler systems, driveways, patios, accessory buildings, additions to the main building and trees or shrubbery whose roots may disrupt the system
2. Grading shall be maintained in a condition that will promote run-off of rainwater away from the system and prevent ponding.
3. All drainage from roofs, footing drains, ditches or swales shall be diverted away from the system.
4. Vegetation shall be maintained to prevent soil erosion.

### C. ABANDONED SYSTEMS.

When it is necessary to abandon a system or components of a system, all septic tanks, dosing tanks, seepage pits, dry wells and cesspools which are to be abandoned shall be emptied of wastes and removed or filled completely with sand, gravel, stones or soil material in a manner which is acceptable to the Board of Health or its designee.

Except when done as part of or in conjunction with an alteration, a permit must be obtained from the Board of Health prior to abandoning a septic system or component of a septic system.

### D. ADDITIONAL INSPECTION AND MAINTENANCE REQUIREMENTS FOR SYSTEMS WITH GREASE TRAPS.

1. Grease traps or other grease removal systems shall be inspected and cleaned out at a frequency adequate to prevent the volume of grease from exceeding the grease

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retention capacity. Grease shall be removed whenever seventy-five percent (75%) of the grease retention capacity has been reached.

2. Pumping of grease traps/removal systems shall be performed by a solid waste hauler registered with the NJDEP in accordance with the requirements of N.J.A.C. 7:26-3.1

3. Equipment used in the pumping of grease traps/removal systems shall meet the following requirements:

Mobile tanks shall be securely mounted on trucks or trailers, shall be watertight and provided with a leak-proof cover and shall be vented to permit the escape of gases but not the liquid or solid contents of the tank.

Pumps and hoses shall be maintained and operated in a condition that will prevent the leakage of sewage.

Equipment shall be available to permit accurate measurement of the volume of grease in relation to the grease retention capacity of the grease trap.

Pumping of grease traps shall be conducted in such a manner that the entire contents of the grease trap including both liquids and solids are removed.

Pumping shall be carried out in a manner that will prevent spillage of sewage onto the ground. If any spillage occurs, the solid portion shall be immediately removed and disposed of in a sanitary manner and the area of the spill shall be disinfected using a suitable chlorine-bearing compound.

Grease and other waste materials removed from grease traps shall be disposed of in accordance with the requirements of the Statewide Sludge Management Plan adopted pursuant to N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 7:11A-1 et seq., as well as any other applicable State or local rules, regulations, ordinances or directives.

### E. MAINTENANCE OF DOSING TANKS.

Dosing tanks and associated pumps, siphons, switches, alarms, electrical connections and wiring shall be maintained in proper working order.

Any solids that accumulate in the dosing tank shall be removed and disposed of in a sanitary manner.

### F. ADVANCED TECHNOLOGY

Advanced wastewater technology, which is alternative to the standard technology allowed by N.J.A.C. 7:9A-1 et seq., may be (is) required by the Board of Health to repair/alter an existing, malfunctioning septic systems in cases where site constraints do not allow for a repaired/altered system that is fully compliant with the requirements of N.J.A.C. 7:9A-1 et seq. {and/or}

Advanced wastewater technology, which is in addition to the standard technology allowed by N.J.A.C. 7:9A-1 et seq., may be (is) required by the Board of Health for all new systems to provide additional wastewater treatment to sanitary sewage for the further protection of human health and the environment. Any advanced technology

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must be provided in addition to a standard system as required by N.J.A.C. 7:9A-1 et seq.

Each system which incorporates advanced technology shall incorporate the following conditions:

1. Alternative wastewater treatment systems that are equipped with automatic dialing capability or other automatic notification to the manufacturer, or its agent, in the event of a mechanical malfunction shall be covered by a minimum three-year warranty that can not be cancelable and is renewable. This warranty must include provisions for the manufacturer or its agent to inspect the system at least once a year and undertake any maintenance or repairs determined to be necessary during any such inspection or as a result of observations made at any other time;
2. Alternative wastewater treatment technology which do not include automatic notification capabilities described in paragraph 1., above, shall be covered by a minimum five-year warranty that can not be cancelable and is renewable and which includes provisions for the manufacturer or its agent to inspect the system at least once every three months (quarterly) and undertake any maintenance or repairs determined to be necessary during any such inspection or as a result of observations made at any other time;
3. All alternative wastewater disposal systems shall be covered by a minimum two-year warranty that can not be cancelable which includes provisions for the manufacturer or its agent to inspect the system at least once every six months to ensure the system was properly installed and is functioning properly. The warranty shall also include provisions that include all costs of repairing any problems associated with the inadequate function of the disposal system.
4. Any property served by an onsite wastewater treatment system, which utilizes advanced wastewater treatment and/or disposal technology, shall submit with the appropriate fee, on an annual basis, proof that the renewable warranty has been extended for the proper inspection and maintenance of the advanced technology. Any system that does not renew its warranty shall be deemed a nuisance pursuant to this ordinance, subject to a separate violation for every [day] the maintenance contract is not renewed.
5. The property owner shall provide notification of the presence and requirements of the advanced technology that exists on the property.

Example 1: Provide any prospective purchaser of the property, prior to entering into any contract for real estate transfer, of the manufacturer's owner's manual for the technology and a copy of the requirements for the system owner listed in this ordinance.

Example 2: Record with the deed to the property a notice that identifies the technology, acknowledges the owner's responsibility to operate and maintain the technology in accordance with manufacturer's specifications, and grants

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access to the local board of health and its agents for inspection and/or sampling.

### G. ADVANCED GREASE REMOVAL

Food service facilities that experience a malfunction must install advanced grease removal systems as part of the alteration to that system to correct the malfunction. Advanced grease removal systems must be certified by a New Jersey Licensed Professional Engineer to meet the following minimum standards: Total Fats, Oils and Grease (FOG) level of 70 mg/l and a 5-day biochemical oxygen demand (BOD<sub>5</sub>) of 140 mg/l prior to discharging to any other standard septic system components, including any passive grease trap. All requirements of D., above, shall be met.

## **SECTION SEVEN**

### **REMOVAL OF SEPTIC TANK SLUDGE**

A. Any person, partnership, firm or corporation who empties, relieves or pumps out all or a portion of an individual or non-individual sewage disposal system within the (insert jurisdiction) shall first apply to the Board of Health to become a licensed septic sludge removal operator. The applicant shall have the following qualifications: (Insert qualifications.) Any such license shall be for a term of (insert time period) and shall be subject to the payment of a fee as provided in section eleven of this ordinance.

B. Prior to emptying, relieving or pumping out all or a portion of any individual or non-individual onsite wastewater treatment system within the (insert name of jurisdiction), the licensed septic sludge removal operator shall obtain a septic sludge removal permit from the Board of Health.

C. The septic sludge removal operator shall complete all information on the septic sludge removal permit and deliver one (1) copy to the property owner and one copy to the Board of Health within 72 hours of the time that the individual or non-individual sewage disposal system is pumped. Failure to deliver said report within the required time frame shall be considered to be a violation of this ordinance.

In addition, to the license required under section a above, the pumping of septic tanks shall be performed by a solid waste hauler registered with the NJDEP in accordance with the requirements of N.J.A.C. 7:26-3(c).

The Board of Health may suspend or refuse to renew the license of any septic sludge removal operator who fails to comply with this ordinance.

Equipment used in the pumping of septic tanks shall meet the following requirements:

1. Mobile tanks shall be securely mounted on trucks or trailers, shall be watertight and provided with a leak-proof cover and shall be vented to permit the escape of gases but not the liquid or solid contents of the tank.
2. Pumps and hoses shall be maintained and operated in a condition that will prevent the leakage of sewage.

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3. Equipment shall be available to permit the accurate measurement of the sludge and scum levels in relation to the bottom of the outlet baffle.

Pumping of septic tanks shall be conducted in such a manner that the entire contents of the septic tank including both liquids and solids are removed.

Pumping shall be carried out in a manner that will prevent spillage of sewage onto the ground.

If any spillage occurs, the solid portion shall be immediately removed and disposed of in a

sanitary manner and the area of the spill shall be disinfected using a suitable chlorine-bearing compound.

I. Septage shall be disposed of at a sewage treatment plant designated in accordance with District and/or State Solid Waste Management Plans pursuant to the Statewide Sludge Management Plan adopted pursuant to N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 58:1A-1 et seq.

## **SECTION EIGHT.**

### **APPEAL TO BOARD OF HEALTH**

Any person aggrieved by any decision of a designee of the Board of Health made pursuant to this chapter shall have the right to appeal that decision to the Board of Health. Any aggrieved person seeking a hearing under this section shall make application to the Board in writing within 30 days of the decision to be appealed. The Board of Health shall schedule the matter for a hearing within 45 days thereafter. The hearing shall be conducted at a meeting held pursuant to the Open Public Meetings Act.

## **SECTION NINE**

### **ENFORCEMENT**

#### **A. NUISANCES TO BE CORRECTED.**

1. Any on-site sewage disposal system or component thereof that is found to be malfunctioning (as defined in N.J.A.C. 7:9A-2.1 and 3.4) shall constitute a nuisance and shall be repaired, modified or replaced pursuant to an order of the Board of Health or its designee to correct the condition caused by the malfunction. Alterations shall be performed in accordance with N.J.A.C. as adopted and implemented by the Board of Health by virtue of this Code and any amendments thereto.

2. Any onsite wastewater treatment system which has not been operated or maintained in accordance with the provisions required by this ordinance is hereby declared a nuisance.

3. Any onsite wastewater treatment system which is constructed, installed, altered, operated or maintained in violation of this section, N.J.A.C. 7:9A-1 et seq., any rule or

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regulation promulgated pursuant to this ordinance or any approval, permit, certificate or license issued pursuant to this ordinance is hereby declared to be a nuisance.

4. In addition the powers provided for in N.J.A.C. 7:9A-1.1 et seq., the Board of Health retains its authority to abate any nuisance in accordance with the provisions of N.J.S.A. 26:3-45 et seq.

### **B. MALFUNCTIONING ONSITE WASTEWATER TREATMENT SYSTEM: INSPECTIONS OF SYSTEM; REVOCATION OF LICENSE**

1. The Board of Health shall have the right to inspect any system that shows evidence of any malfunction. Such evidence may include, but not be limited to, foul odors, leakage to ground surface, or saturated soil/lush vegetation over system. Water and/or soil samples may be taken to confirm the existence of a malfunctioning system.

2. The Board of Health may require that any malfunctioning system be corrected by servicing, replacement or alteration of the system.

3. Until any necessary replacement or alteration of a system has been accomplished, the Board of Health may require pumping and the removal of the entire contents of the septic tank for the system (both liquids and solids) at intervals specified by the Board.

4. No provision to this Ordinance shall be interpreted as precluding the Board of Health from revoking a license issued by the Board for the operation of a system in the event that the Board shall determine that such action is necessary and appropriate for the enforcement of this Ordinance. Any such revocation shall be upon Notice to the owner/operator, with an opportunity to comment or appeal.

## **SECTION TEN**

### **RIGHT OF ENTRY.**

In furtherance of the rights granted to the Board of Health in N.J.S.A. 26:3-45 et seq. and N.J.A.C. 7:9-3.19, the (insert name of enforcing official) or his designee, upon presentation of identification, shall have the right to enter upon property where an individual or non-individual onsite wastewater treatment system is located for the purpose of observation, inspection, monitoring and/or sampling of the on-site sewage disposal system. This authority is exercised by virtue of N.J.S.A. 26:3-31 as a necessary and reasonable method of furthering the duties of the Board of Health as enumerated therein.

## **SECTION ELEVEN**

### **FEES**

(The fees established herein are only a suggestion to approximate the fees necessary to adequately operate a management district. Fees may be adjusted to adequately fund the management program.)

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- A. An initial license fee of (\$100) shall accompany each initial application for system licensure.
- B. Upon renewal of each license, a Renewal License fee of (\$50) shall accompany the application for license renewal.
- C. If a Board of Health Inspection is requested to complete the license renewal, an additional fee of (\$350) shall be due at time of license renewal
- D. Fees for licensure as a Septic Sludge Removal Operator shall be established at (\$250) for each individual requesting licensure in the jurisdiction. Renewal fees shall be established at (\$150) per individual requesting renewal of licensure.
- E. An administrative fee of (\$15) shall be assessed for each Septic Sludge Removal Permit issued by the management district.
- F. An administrative filing fee of (\$10) shall be included with each alternative technology warranty renewal submitted to the management district.
- G. Any fee which is submitted late shall be assessed a \$5 late fee for every work day after the fee is due.

## **SECTION TWELVE**

### **VIOLATIONS AND PENALTIES**

A. A person who violates any provision of this article, or any term or condition of any certificate or license issued hereunder, shall be liable for one or more of the following penalties [N.J.S.A. 40:69A-29(b)].

1. A fine of not less than one hundred dollars (\$100.00) nor more than (\$1,000).
2. A period of community service not to exceed 90 days.

B. Each separate day and each violation of any provision or this article, any term or condition of any certificate or license or any notice or order issued by the Board of Health shall constitute a separate and distinct violation under this ordinance.

C. Nothing in this section shall be construed as limiting the remedies of the Board of Health for violation of this article. The Board of Health may proceed under any other remedy available at law or in equity for any violation of this article or any term or condition of any certificate or license issued by the Board or Health or for any failure to comply with any notice or order issued by the Board of Health or its enforcement official under this ordinance.

## **SECTION THIRTEEN**

### **REPEAL OF INCONSISTENT ORDINANCES.**

All ordinances, codes or parts of same inconsistent with any of the provisions of this ordinance are hereby repealed to the extent of such inconsistency

## **SECTION FOURTEEN**

### **EFFECTIVE DATE.**

This ordinance shall take effect thirty (30) days after adoption and publication of a Notice of Adoption in accordance with New Jersey law.

## **SECTION FIFTEEN**

### **SEVERABILITY.**

In the event that any provision of this Ordinance or its application to any person is held invalid for any reason, such invalidity shall not affect any other provision of this Ordinance and to this end, the provisions of this Ordinance are severable.

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M<sup>2</sup> Associates, Inc., Evaluation of Groundwater Resources of Hopewell Township, Mercer County, New Jersey, July 2003.

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