



**HIGHLANDS MODEL ORDINANCE:
SEPTIC SYSTEM MAINTENANCE (OPTION B)
DRAFT FOR MUNICIPAL REVIEW**

Prepared by the State of New Jersey Highlands Water Protection and
Planning Council in Support of the Highlands Regional Master Plan

DRAFT:
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DRAFT HIGHLANDS AREA SEPTIC SYSTEM MAINTENANCE ORDINANCE

ARTICLE 1. TITLE, PURPOSE, SCOPE

§ 1.1 SHORT TITLE

This Ordinance shall be known and cited as the “Borough/Township/Town of _____ Highlands Area Septic System Maintenance Ordinance.”

§ 1.2 PURPOSE

In addition to the purposes set forth in N.J.A.C. 7:9A-1.1 and N.J.A.C. 7:15-5.25(e)3, it is the purpose of this ordinance:

1. To establish a management program for individual subsurface sewage disposal systems in the (insert name of jurisdiction) in order to ensure the proper operation and maintenance of such systems. This ordinance requires existing, new and proposed individual subsurface sewage disposal systems to be inspected, and if necessary, pumped out at least once every three (3) years in order to minimize future malfunctions of such systems.
2. To regulate individual subsurface sewage disposal systems within the Highlands Area of the municipality in such a way as to protect public health and welfare and the environment, and to provide for a means of educating 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 and manage systems within the Highlands Area of the municipality.
4. To promote and assure the proper management and maintenance of individual subsurface sewage disposal systems through time.

§ 1.3 STATUTORY AUTHORITY

This Ordinance is adopted under the authority of the Local Boards of Health, N.J.S.A. 26:3-1 et seq., Local Health Services Act, N.J.S.A. 26:3A2-1 et seq., the New Jersey Department of Environmental Protection (NJDEP) Standards for the Construction of Individual Subsurface Sewage Disposal Systems, N.J.A.C. 7:9A-1.1 et seq., and the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq. and any amendments thereto.

§ 1.4 SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no way affect the validity of the ordinance as a whole, or of any other portion thereof.

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ARTICLE 2. SCOPE; APPLICABILITY

§ 2.1 SCOPE

The owner and/or occupant of any improvement serviced by an individual on-site subsurface sewage disposal system located in the Highlands Area of (insert name of jurisdiction) shall be subject to all of the requirements of this chapter.

§ 2.2 APPLICABILITY

No person within the Highlands Area of (insert name of jurisdiction) area shall operate an individual subsurface sewage disposal system unless such construction, installation, alteration, maintenance or operation is in accordance with all applicable sanitary regulations and this ordinance. This includes systems constructed or installed to serve any improvement constructed under a Highlands Act exemption.

This ordinance shall not be applicable to any system not in active use. The Board of Health may require an owner or operator of a system seeking a determination under this section that the ordinance is not applicable to submit proof in the form acceptable to the Board so as to qualify.

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ARTICLE 3. DEFINITIONS

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

ACTIVE USE - For initial licenses, this term shall mean: “The use or direction of waste water to a system after the adoption date of this ordinance.” For renewal licenses, this term shall mean: “The use or direction of waste water to a system at any time during the period of the license.”

BOARD OF HEALTH – means the Board of Health of the (insert name of jurisdiction)

EDUCATION PROGRAM – means an educational program prepared and administered by the Board of Health regarding the fundamentals of individual subsurface sewage disposal systems and the proper procedures for the operation and maintenance of such systems. The educational program shall be deemed to be in accordance with N.J.A.C. 7:9A-3.14 and N.J.A.C. 7:15-5.25(e)3.)

ENFORCING OFFICIAL – means the (Insert name of officer) of the (insert jurisdiction) or his designee.

HIGHLANDS AREA – means that area of (insert name of jurisdiction) that is subject to the requirements of the Highlands Regional Master Plan through municipal Plan Conformance approved by the Highlands Water Protection and Planning Council.

HIGHLANDS REGIONAL MASTER PLAN – means the plan adopted by the Highlands Water Protection and Planning Council pursuant to Section 8 of the Highlands Act (N.J.S.A. 13:20-8).

INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM – means a system for the disposal of sanitary sewage into the ground which is designed and constructed to treat sanitary sewage in a manner that will retain most of the settleable solids in a septic tank and to discharge the liquid effluent to a disposal field, as defined at N.J.A.C. 7:9A-2.1, and which falls within the limits defined as follows:

1. A system serving one or more dwelling unit on one individual property where the total daily volume of sewage generated, calculated as prescribed in N.J.A.C. 7:9A-7.4, is no greater than 2,000 gallons per day and the type of waste discharged consists of sanitary sewage only;
or
2. A system serving facilities other than one or more dwelling unit where the total daily volume of sewage generated, calculated as prescribed in N.J.A.C. 7:9A-7.4, is no greater than 2,000 gallons per day, the type of waste discharged consists of sanitary sewage only, and the system is connected to buildings, commercial units or other realty improvements on the same individual properties.

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OPERATOR'S LICENSE – means a license issued to an applicant pursuant to this ordinance for the operation of an individual subsurface sewage disposal system.

OWNER OR OPERATOR – means the person who owns or leases the realty improvement upon which an individual subsurface sewage disposal system is located and/or the person who uses or operates said system. The owner of the realty improvement and the operator of the system, if different, are jointly and severally liable for the obligations imposed by this ordinance.

PLOT PLAN – means a sketch drawn by the owner/operator, or agent on their behalf, showing the type (if known) and location of the individual subsurface sewage disposal system servicing the property, as well as the location and type of any on-site water supply. All plots shall be drawn to scale and list the dimensions used.

RETAIL FOOD ESTABLISHMENT – means 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.

SEPTIC SYSTEM SERVICE PROVIDER – means that person, partnership, firm or corporation **licensed/registered {choose one}** by the Board of Health of (insert jurisdiction) pursuant to Article 5 of this ordinance.

SYSTEM – means an individual subsurface sewage disposal system, including all of the component parts thereof.

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ARTICLE 4. LICENSE TO OPERATE

§ 4.1 REQUIREMENT FOR LICENSE

On and after (insert effective date) no owner or occupant of a property in the (insert name of jurisdiction) within the Highlands Area upon which an individual subsurface sewage disposal system is located shall use or operate the 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. For existing systems, the Board of Health or its designee shall issue a license to operate and provide educational information relative to the proper operation and maintenance practices (pursuant to N.J.A.C. 7:9A-3.14) to the owner and occupant of a property within one year of the effective date of this ordinance, or sooner upon the occurrence of one or more of the following:
 - a. Issuance of a certificate of compliance for the alteration of a system
 - b. Upon the sale or transfer of a premises.
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 Article 12 of this ordinance thereof 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 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 systems on adjoining properties.

§ 4.2 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 ninety (90) days before the license expires and shall direct the licensee or its designee 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 and N.J.A.C. 7:15-5.25(e)3.

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:
 - a. Submission of a Septic System Inspection Report on a form approved by the Board of Health within ten (10) business days of the license expiration indicating that the system has been maintained, and evidence that the septic tank (or in the case of an alternate system, the comparable component of such system) has been pumped by a Septic System Service Provider as required by Article Five of this Ordinance, and that the system after pumping is functioning in conformance with the requirements of this chapter; or

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- b. Submission of a Septic System Inspection Report by a Septic System Service Provider on a form approved by the Board of Health within ten (10) business days of the license expiration indicating that the system has been evaluated and maintained, is not in need of pumping, and is functioning in conformance with the requirements of this chapter.
- c. Said form for a Septic System Inspection Report shall be prepared, completed and certified by:
 - (i) A staff member of the Board of Health;
 - (ii) A Septic System Service Provider;
 - (iii) A licensed professional engineer;
 - (iv) A licensed health officer or Registered Environmental Health Specialist; or
 - (v) Other person acceptable to the Board of Health based on professional qualifications or experience.

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

- (i) A complete walkover of the septic disposal field;
 - (ii) Measurement of the effluent in inspection ports, (if any) and a reading of the ground water monitoring port when such ports were included in the original septic design; and
 - (iii) An inspection of baffles and internal integrity of the tank.
2. Renewal Term: Any license renewed under section 1.a above shall be renewed for a period of three (3) years.
 3. As a condition precedent to a license renewal, the owner/operator shall pay the fee required by Article 12 herein.

§ 4.3 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 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 ordinance with respect to operation and maintenance of the system; or

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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 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.

§ 4.4 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, reduce 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:

1. Limited 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 Tier 1 Wellhead Protection Area, Prime Ground Water Recharge Area, Highlands Open Waters (including wetland areas) and buffer areas, flood plain or flood hazard area, or other environmentally sensitive area as defined in (insert reference);
6. Proximity of the system to a well, water body or other water supply source;
7. The type or intensity of sewage generation;
8. Existence of a system on an undersized lot; or
9. Where the required separation distances in N.J.A.C. 7:9A are not met (7:9A-4.3).

§ 4.5 SPECIAL LICENSING PROVISIONS FOR RETAIL FOOD HANDLING ESTABLISHMENTS

The license to operate for a retail food handling establishment that discharges wastewater to an individual subsurface disposal system shall expire one year after issuance or one year from the date of the documented pump-out, 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 (3) years. In considering any such application the Board of Health may consider the establishment's demonstrated compliance history of with management of the system.

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ARTICLE 5. LICENSE REQUIRED TO CONSTRUCT, INSTALL, ALTER, REPAIR, INSPECT, PUMP OR SERVICE A SYSTEM

NOTE: This model ordinance is written to provide a system by which the Board of Health can ensure that Septic System Service Providers are known to the municipality, and are familiar with and understand their responsibilities under this ordinance. The Highlands Council will accept alternative methods of achieving these objectives than the licensing process set forth in this model, such as registration programs.

§ 5.1 LICENSED SEPTIC SYSTEM SERVICE PROVIDER

Any person, partnership, firm or corporation who installs, alters, repairs, inspects, constructs, inspects, services, or pumps out all or a portion of an individual sewage disposal system within the (insert jurisdiction) shall first apply to the Board of Health to become a licensed Septic System Service Provider. Any such license shall be for a term of one year and shall be subject to the payment of a fee as provided in Article 12 of this ordinance.

§ 5.2 SOLID WASTE HAULER REQUIREMENT

In addition to the Septic System Service Provider's license required under Section 5.1 above, septic tanks shall be pumped only by a solid waste hauler registered with NJDEP in accordance with the requirements of N.J.A.C. 7:26-3.c.

§ 5.3 LICENSE SUSPENSION

The Board of Health may suspend or refuse to renew the license of any licensed Septic System Service Provider who fails to comply with the requirements of this ordinance or who found to issue fraudulent information the Board of Health.

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ARTICLE 6. STANDARDS ON THE USE OF SUBSURFACE SEWAGE DISPOSAL SYSTEMS

§ 6.1 GENERAL

1. The subsurface sewage disposal systems shall be used only for the disposal of 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 identified in the system's approved engineering design.
2. Drainage from basement floors, footings, roofs or outbuildings shall not enter the disposal system and shall be diverted away from the area of the disposal field.
3. As set forth in N.J.S.A. 58:10A-17 and N.J.A.C. 7:9A-12.1, no person shall use or introduce or cause any other person to use or introduce into any system any sewage system cleaner containing any restricted chemical material.
4. Disposal of materials containing toxic substances into a subsurface sewage disposal 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.
5. Inert or non-biodegradable substances should not be disposed of in the subsurface sewage disposal 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.
6. Greater than incidental 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.
7. Plumbing leaks of greater than incidental flow shall be repaired promptly to prevent hydraulic overloading of the system.
8. 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.

§ 6.2 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 cause clogging of any part of the system.
2. Grading of the disposal field shall be maintained in a condition that will promote run-off of rainwater and prevent ponding.

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3. All drainage from outbuildings, roofs, footing drains, ditches or swales shall be diverted away from the disposal field.
4. Vegetation shall be maintained to prevent soil erosion.
5. Vehicle traffic and vehicular parking shall be kept away from the area of the disposal field, unless the disposal field has been specifically designed to support vehicular traffic.
6. The area of the disposal field shall not be used as pasture by grazing animals.

§ 6.3 RESERVE DISPOSAL FIELD

1. The Board of Health shall require that any new development that relies upon a subsurface sewage disposal system include a specified and sufficient location for a replacement disposal field designed in conformance with the requirements of the NJDEP Regulations. For purposes of this requirement an area equivalent to 100% of the approved disposal area for all new or expanded systems shall be reserved for future replacement of the disposal system. The site shall comply with Subchapter 4 of NJAC 7:9A and all requirements of this ordinance, and the soil shall be suitable for a subsurface sewage disposal system in compliance with Subchapters 5 and 6 of the NJDEP Regulations. The reserve expansion/replacement disposal area shall be shown on the plan of the disposal system and shall be marked "Reserve Disposal Area."
2. All reserve disposal areas shall be protected by deed restriction prohibiting the construction or installation of permanent structures and preserving the area (and its soils) for future installation of a replacement disposal field.

§ 6.4 ABANDONED SYSTEMS

1. 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.
2. 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.

§ 6.5 ADDITIONAL INSPECTION AND MAINTENANCE REQUIREMENTS FOR SYSTEMS WITH GREASE TRAPS

1. Grease traps shall be inspected and cleaned out at a frequency adequate to prevent the volume of grease from exceeding the grease retention capacity. Grease shall be removed whenever seventy-five percent (75%) of the grease retention capacity has been reached.
2. Pumping of grease traps 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 shall meet the following requirements:

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- a. 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.
 - b. Pumps and hoses shall be maintained and operated in a condition that will prevent the leakage of sewage.
 - c. Equipment shall be available to permit accurate measurement of the volume of grease in relation to the grease retention capacity of the grease trap.
4. 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.
 5. 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.
 6. 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.

§ 6.6 MAINTENANCE OF DOSING TANKS

1. Dosing tanks and associated pumps, siphons, switches, alarms, electrical connections and wiring shall be maintained in proper working order.
2. Any solids that accumulate in the dosing tank shall be removed and disposed of in a sanitary manner.

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ARTICLE 7. INSTALLATION OF NEW SYSTEMS OR REPLACEMENT OF EXISTING FAILING OR INADEQUATE SYSTEMS

§ 7.1 NEW INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS

1. Individual subsurface sewage disposal systems installed for any improvement constructed after the effective date of this ordinance shall be designed in accordance with the requirements established by the NJDEP Regulations at N.J.A.C. 7:9A-1.1 et seq., including but not limited to requirements regarding system location, design and construction.
2. In addition to the above requirements, the following standards shall also be satisfied to the extent they are more stringent:
 - a. The distance of a septic tank and distribution box from a well, reservoir, suction line or water course shall be the minimum distance provided by N.J.A.C. 7:9A-4.3. The Board of Health shall strongly consider increasing this separation distance where site-specific conditions may require greater separation to prevent potential contamination, such as when the location of a well is downgradient of a septic system. The distance of a disposal field from a well, reservoir, suction line or water course shall be a minimum of 200 feet in sites where shallow soils overly hard rock geology, where ground water dilution is less available, water flow pathways are restricted to minimal fractures, and the attenuation capacity for pathogenic bacteria and viruses is limited.
 - b. Before a disposal field can be designed for location on a slope of more than 15%, the Board of Health must determine that the disposal field will not pose a potential for surface flows, land slumping or other physical or contamination hazards.
 - c. When basin flood tests are required for the identification of limiting zones, a minimum of three (3) profile pits is required for each primary disposal field and each reserve disposal area. When the pit bailing test is used for identification of limiting zones, a minimum of four (4) profile pits is required for each primary disposal field and each reserve disposal area. Any soil disturbance shall be stabilized according to best management practices to prevent erosion, uncontrolled runoff and sedimentation.
 - d. For soil replacement installations, the minimum area shall be based on the permeability value of fill material according to 7:9A-10.1(f)4. A permeability value of two to six inches/hour shall be assumed.
 - e. No person shall install a garbage disposal unit in a new or existing dwelling served by an individual subsurface sewage disposal system without the specific approval of the Board of Health.
 - f. No person shall dispose of any swimming pool backwash water or other swimming pool water in an individual subsurface sewage disposal system. Backwash water shall be diverted away from the disposal area.

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- g. An unsupported slope for a mounded system is not to exceed a slope of 1:5, unless deemed impractical by the Board of Health.

§ 7.2 REPLACEMENT OF FAILING SYSTEMS

Upon a final determination by the Board of Health that an individual subsurface sewage disposal system is failing, the owner or operator of the property shall be required to either repair the existing system or to install a new individual subsurface sewage disposal system that meets the requirements of the NJDEP Regulations at N.J.A.C. 7:9A-1.1 et seq. and the requirements of Section 7.1.2, above, to the maximum extent feasible given site conditions.

§ 7.3 REPLACEMENT OF CESSPOOLS AND OTHER INADEQUATE WASTEWATER SYSTEMS

1. At the time a property subject to this ordinance is sold, conveyed or transferred, which has an individual subsurface sewage disposal systems that consists of a cesspool or other inadequate system, the owner or operator of the property shall be required to install a new individual subsurface sewage disposal system that meets the requirements of the NJDEP Regulations at N.J.A.C. 7:9A-1.1 et seq. (or other applicable NJDEP requirements for charitable, non-profit campgrounds) to the maximum extent feasible given site conditions.
2. As a condition of the sale of a property subject to this ordinance, a buyer may agree to assume responsibility for the obligation set forth in Paragraph 1, above, provided that such replacement occurs within sixty (60) days of the transfer of the property and a license is obtained pursuant to Section 4.1, above.

§ 7.4 UPGRADE TO EXISTING SYSTEM TO SERVICE INCREASED FLOWS

Improvements to a single-family dwelling that increase daily domestic wastewater flows shall be prohibited unless the individual subsurface sewage disposal system meets or can be upgraded to meet the requirements of the NJDEP Regulations at N.J.A.C. 7:9A-1.1 et seq. or the owner or operator can demonstrate to the Board of Health that the existing system is adequate to service the increased daily domestic wastewater flows and that the disposal field is sized to meet the requirements of N.J.A.C. 7:9A-10.2. Approval to increase flows shall not be granted where the septic system disposal field is within a Tier 1 Wellhead Protection Area, Prime Ground Water Recharge Area, Highlands Open Water and associated buffer area, flood plain and flood hazard area, or other environmentally sensitive area as defined in (insert reference).

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ARTICLE 8. REMOVAL OF SEPTIC TANK SLUDGE

§ 8.1 REQUIREMENT FOR SEPTIC SLUDGE REMOVAL PERMIT

Prior to emptying, relieving or pumping out all or a portion of any individual subsurface sewage disposal system within the (insert name of jurisdiction), the licensed Septic System Service Provider shall obtain a septic sludge removal permit from the Board of Health.

§ 8.2 INFORMATION AND NOTICE OF PERMIT

The Septic System Service Provider 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 ten (10) business days of the day that the 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.

§ 8.3 REQUIREMENTS FOR SLUDGE REMOVAL EQUIPMENT

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.
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.

§ 8.4 COMPLETE REMOVAL OF SEPTIC TANK CONTENTS

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.

§ 8.5 PREVENTION OF SEPTAGE SPILLAGE

Pumping shall be carried out in a manner that will prevent spillage of septage 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.

§ 8.6 REQUIREMENTS FOR DISPOSAL

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:IA-1 et seq.

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ARTICLE 9. APPEAL TO BOARD OF HEALTH

Any person aggrieved by any decision of a designee of the Board of Health made pursuant to this ordinance 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.

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ARTICLE 10. ENFORCEMENT

§ 10.1 NUISANCES TO BE CORRECTED

1. Any subsurface 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 “Standards for the Construction of Individual Subsurface Sewage Disposal Systems” as adopted and implemented by the Board of Health by virtue of this ordinance and any amendments thereto.
2. Any individual subsurface sewage disposal system which has not been maintained in accordance with N.J.A.C. 7:9A:12.3, Septic Tank Maintenance, is hereby declared a nuisance.
3. Any individual subsurface sewage disposal system which is constructed, installed, altered, operated or maintained in violation of this ordinance, NJDEP Regulations, any rule or regulation promulgated pursuant to this ordinance or any 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.

§ 10.2 MALFUNCTIONING SUBSURFACE SEWAGE DISPOSAL SYSTEM

1. The Board of Health shall have the right to inspect any system which shows evidence of any malfunction. Such evidence may include, but is not limited to, foul odors, leakage to ground surface, or soggy ground over the 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 or by 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.

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ARTICLE 11. 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 subsurface sewage disposal 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.

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ARTICLE 12. FEES

- A. Initial License
- B. Renewal License
- C. Board of Health Inspection at time of license renewal
- D. Septic Sludge Removal Operator
- E. Septic Sludge Removal Permit

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ARTICLE 13. VIOLATIONS AND PENALTIES

§ 13.1 PENALTIES

Any person who violates any provision of this ordinance, or any term or condition of any certificate or license issued hereunder shall be subject to a fine of not less than \$100 nor more than \$1,000 per day or a period of community service not to exceed ninety (90) days, or both.

§ 13.2 SEPARATE OFFENSE

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.

§ 13.3 OTHER REMEDIES

Nothing in this section shall be construed as limiting the remedies of the Board of Health for violation of this ordinance. 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.

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ARTICLE 14. 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.

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ARTICLE 15. 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.