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FROM: Robert Bzik, PP, AICP, Director of Planning

DATE: October 8, 2009

SUBJECT: NJDEP – WMP Guidance on Septic Management Work Plan Requirements

Please note that NJDEP, Division of Watershed Management officials recently provided new guidance to County WMP Entities and Municipalities involved in the Wastewater Management Plan update Process regarding septic management planning requirements. The Water Quality Management Plan (WQMP) Rule requires Municipalities **with existing and/or proposed “areas designated for wastewater facilities with flows of 2,000 GPD or less”** that discharge to ground water to adopt Septic Management Plans and Ordinances in order to for their Municipal Wastewater Management Plan (WMP) Chapters to be adopted by NJDEP.

NJDEP has pointed out that purpose of the Septic Management Work Plan is to assure **all** wastewater management systems are maintained. For those served by sanitary sewers, system maintenance is handled by the sewerage authority and treatment plant operator. A portion of quarterly utility bills goes toward system maintenance. However, for individual on-site septic systems, maintenance responsibility lies with the property owner. If septic systems malfunction, they can cause raw sewage to be released into the environment, causing water quality and public health and safety problems.

In view of the current economic climate, the aforesaid Division Director indicated that NJDEP will delay ordinance adoption and only require Municipal WMP Chapters to include an adopted Municipal Septic Management Work Plan that accomplishes the following sequence of tasks:

- 1) Assign responsibility for implementing the Septic Management Work Plan. The local authority designated under N.J.A.C. 7:9A (Chapter 199) would be the logical entity. N.J.A.C. 7:9A-3.15 requires these authorities to retain records on each permitted system until such time as the system is discontinued. These entities should have a database already set up or at least have the information required to prepare the inventory.
- 2) Identify the steps municipalities will take to establish and complete an inventory of existing septic systems. This task should be completed by the mid-point of the 6-year WMP planning cycle that commences upon adoption of the updated WMP by the NJDEP. The inventory should incorporate properties as they come in for permits to alter or construct septic systems and add information about new septic systems when new homes/facilities are sold.
- 3) Define the process and schedule (period between notifications) whereby the local entity will mail notices to property owners who are responsible for maintaining individual on site septic systems specifying the municipality's septic maintenance schedule and requirements, and implement the first round of notifications.
- 4) Develop the approach the municipality will use to monitor and track property owner compliance. This could include property owner submission of septic maintenance receipts to the local authority and the establishment of computer tracking sheets that could cross-reference property tax records and sewer bills if appropriate, record distribution of septic maintenance notices and educational and program information to residents and record receipt of property owner maintenance documentation.
- 5) Create a reporting mechanism and the measures to be used by the local entity for documenting and reporting to NJDEP its property owner compliance rate at the end of the 6-year WMP Plan cycle. (Please note that Septic Management Plans are not required to specify the enforcement mechanisms to be implemented by the Municipality at this time. However, if NJDEP verifies significant non-compliance through the reporting process at the end of the 6 year WMP planning cycle, the addition of an enforceable compliance mechanism in the form of a Septic Maintenance Ordinance will be required as well as implementation of enforcement mechanisms by the local entity).

As noted above, adoption of a septic management ordinance is optional at this time. An electronic copy of NJDEP's Model Septic Management Ordinance is available on the County Planning Board Website. However, you are strongly recommended to commence work on your Septic Management Work Plan at this time, which we believe you can accomplish "in-house". Adopted Septic Management Work Plans must be included with the submission of the draft Wastewater Management Plan for Somerset County which NJDEP requires prior to the end of December 2009 according to the current NJDEP approved submission schedule. As such, it is recommended that draft plans and adoption schedules be submitted to the County Planning Board by **November 30, 2009**. We will share adopted Septic Management Work Plans among our communities.

Septic Management Work Plans for Highlands Municipalities participating in the Highlands Regional Master Plan Conformance Process are not required at this time, since they will be developed by these communities later in the Plan Conformance Process.

Please do not hesitate to contact me or Laurette Kratina, Supervising Planner if you have any questions or require additional information.

C: Lawrence Baier, Director, NJDEP Division of Watershed Management
Somerset County Planning Board
Mayors and Elected Officials
Municipal Health Officers