

Chapter 326

SEWAGE DISPOSAL SYSTEMS, INDIVIDUAL

§ 326-1. Adoption; public record.

Pursuant to N.J.S.A. 40:49-5.1 and N.J.S.A. 26:3-69.2, the Township hereby adopts by reference Chapter 9A of Title 7 of the New Jersey Administrative Code (Department of Environmental Protection) entitled "Standards for Individual Subsurface Sewage Disposal Systems," as amended, which is currently codified at N.J.A.C. 7:9A-1.1 et seq. As required by law, three copies of Standards for Individual Subsurface Sewage Disposal Systems are on file in the office of the Township Clerk and three copies are on file in the Health Department for the use and examination of the public.

§ 326-2. 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 chapter, with the following additions:

ACTIVE USE — For initial licenses, the use or direction of wastewater to a system after the adoption date of this chapter. For renewal licenses, the use or direction of wastewater to a system at any time during the period of the license.

EDUCATION PROGRAM — An educational program prepared and administered by the Township Office of Health regarding the fundamentals of individual and nonindividual 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.

HEALTH OFFICER — Health Officer of the Township Office of Health.

INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM — An individual subsurface sewage disposal system, as defined at N.J.A.C. 7:9A-2.1, serving a single-family detached residential housing unit.

LICENSED SEPTIC SLUDGE REMOVAL OPERATOR — Any person, firm or corporation which has been found qualified to pump out an individual or nonindividual subsurface sewage disposal system, and who has been issued a license by the State of New Jersey Department of Environmental Protection.

NONINDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM — An on-site subsurface sewage disposal system serving a property 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(a)2. Typical examples include but are not limited to: commercial buildings, restaurants, food establishments, commercial/residential mixed uses, and systems servicing multiple units.

OPERATOR'S LICENSE — A license issued to an applicant pursuant to this chapter for the operation of an individual or nonindividual subsurface sewage disposal system.

OWNER OR OPERATOR — The person who owns or leases the realty upon which an individual or nonindividual subsurface sewage disposal system is located 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 chapter.

PLOT PLAN — A sketch drawn by the owner/operator, or agent on their behalf, showing the type (if known) and location of the individual or nonindividual 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 — An operation that:

- A. Stores, prepares, packages, serves, vends or otherwise provides food for human consumption, such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and
- B. Relinquishes possession of food to a consumer directly, or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery serve that is provided by common carriers.

SYSTEM — An individual or nonindividual subsurface sewage disposal system, including all of the component parts thereof.

§ 326-3. New subsurface sewage disposal systems.

No new subsurface sewage disposal system shall be placed in operation, nor shall new dwellings or buildings or additions thereto be sold or occupied which must rely on such a system for sewage disposal, until the Township Department of Health and Human Services shall have issued a certificate indicating that the subsurface sewage disposal system has been located and constructed in compliance with the terms of the permit issued and the requirements of this Code. Issuance of such certificate shall not be required for alterations to an existing individual subsurface sewage disposal system. The Township Department of Health and Human Services may issue such a certificate if an engineer licensed to practice professional engineering in the State of New Jersey submits a signed written statement to the Township Department of Health and Human Services that the subsurface sewage disposal system has been located and constructed in accordance with the terms of the permit issued and the requirements of this Code.

§ 326-4. Scope; applicability; exemptions.

- A. Scope. The owner and/or occupant of any realty improvement serviced by an individual or nonindividual on-site subsurface sewage disposal system located in the Township shall be subject to all of the requirements of this chapter.
- B. Applicability. No person within the Township area shall operate an individual or nonindividual subsurface sewage disposal system unless such construction, installation, alteration, maintenance or operation is in accordance with all applicable sanitary regulations and this chapter.
- C. Exemptions. Any system not in active use shall be exempted from this chapter. The Township Office of Health may require an owner or operator of a system seeking exemption under this section to submit proof in the form acceptable to the Township Office of Health so as to qualify for this exemption.

§ 326-5. License required.

- A. License to operate required. No owner or occupant of a property in the Township upon which an individual or nonindividual 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 Township Department of Health and Human Services in accordance with the schedule herein to the owner of the property on which the system is located.
 - (1) In addition to the issuance of an initial license for an existing system as specified in this section, the Township Department of Health and Human Services or its designee may issue a license to operate and educational information relative to the proper operation and maintenance practices (pursuant to N.J.A.C. 7:9A-3.14) to the owner or occupant of a property upon one or more of the following events:
 - (a) Issuance of a certificate of compliance for a new system;
 - (b) Issuance of a certificate of compliance for the alteration of an existing system; or
 - (c) Renewal of an existing certificate of compliance.
 - (2) All licenses issued pursuant to this section shall be on a form provided by the Township Department of Health and Human Services. 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 this section 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.** Initial license. The Township Department of Health and Human Services shall notify all owners of property not connected to the Township sewer system, in writing, of the requirement to obtain a license to operate, or for continued operation of, a subsurface sewage disposal system. Said notice shall include a copy of this chapter and shall specify the deadline to apply for an initial license, which shall be, at a minimum, 90 days from receipt of the notice. Applications for an initial license to operate for an existing subsurface sewage disposal system shall include the fees, documents and certifications required for the renewal of a license to operate as set forth in this section. **[Amended 7-24-2018 by Ord. No. 2018:09]**
- C.** Expiration and renewal. The license to operate shall expire on December 31 of the third year after the date of issuance. The Township Department of Health and Human Services shall notify the licensee or its designee at least 90 days before the license expires and shall direct the owner or operator 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 Township Department of Health and Human Services shall not renew the license unless the licensee has submitted the following to the Township Department of Health and Human Services:
- (a) Evidence that the septic tank (or in the case of an alternate system, the comparable component of such system) has been pumped by a licensed septic sludge removal operator as required herein; or
 - (b) Submission of a septic system inspection report on a form approved by the Township Department of Health and Human Services indicating that the system has been maintained, is not in need of pumping, and is functioning in conformance with the requirements of this chapter. Any such inspection shall be conducted in accordance with any NJDEP approved protocol, guidance or regulations. If the inspection indicates that a pumpout of the tank or other maintenance, alteration, or repair of the system is necessary, the Township Department of Health and Human Services shall issue a notice of pumping, alteration or repair. Following pumpout or other maintenance, alteration or repair of the system, the owner/operator shall submit to the Township Department of Health and Human Services a completed alteration/pumpout report prepared and signed by the person performing the required work. No person shall test an individual or nonindividual subsurface sewage disposal 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. Said form shall be prepared, completed and certified by:

- [1] A licensed septic installer;
- [2] A NJDEP registered inspector;
- [3] A NJDEP registered waste hauler;
- [4] A licensed professional engineer;
- [5] A licensed health officer or registered environmental health specialist; or
- [6] Any other person acceptable to the Township Department of Health and Human Services.

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

- [1] A complete walkover of the septic field;
- [2] Measurement of the effluent in inspection ports, (if any) and a reading of the groundwater monitoring port when such ports were included in the original septic design; and
- [3] An inspection of baffles and internal integrity of the tank.

(2) Renewal term. Any license renewed under this section shall expire on December 31 of the third year following the date of renewal.

(3) As a condition precedent to a license renewal, the owner or operator shall pay the fees required by this section.

D. Suspension of license. The Township Department of Health and Human Services or its designee may suspend or revoke the license to operate under 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 Township Department of Health and Human Services;
- (2) The owner or operator violates any provision of this chapter with respect to operation and maintenance of the system; or
- (3) The owner or operator denies the right of entry to a properly credentialed representative of the Township Department of Health and Human Services, 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 chapter.

- E. Modified term of license. The Township Department of Health and Human Services may on its own initiative, 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 Township Department of Health and Human Services 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 noncompliance;
 - (5) Location of the existing system in a flood hazard, wetland area, wetland transition zone or other environmentally sensitive area; or
 - (6) Proximity of the system to a well or water body.
- F. Special licensing requirements for retail food handling establishments. A license to operate for a retail food handling establishment shall expire one year after issuance. The owner of said establishment shall have the right to apply to the Township Department of Health and Human Services for a longer license renewal period, but in no case shall the license renewal period exceed three years. In considering any such application, the Township Department of Health and Human Services may consider the establishment's demonstrated compliance history with management of the system.

§ 326-6. System requirements.

- A. General requirements for subsurface sewage disposal systems. The following requirements pertain to all subsurface sewage disposal systems.
- (1) The subsurface sewage disposal system 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, wastewater or clean water other than those plumbing fixtures which are normally present within the type of facility indicated in the approved engineering design.
 - (2) Drainage from basement floors, footings or roofs shall not enter the subsurface sewage 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, no person shall use or introduce or cause any other person to use or introduce into any subsurface sewage water disposal 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 nonbiodegradable 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) 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.
 - (7) Major plumbing leaks 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.
- B. Disposal field maintenance requirements. The following additional requirements pertain to subsurface sewage disposal systems which incorporate disposal fields.
- (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 shall be maintained in a condition that will promote run-off of rainwater and prevent ponding.
 - (3) All drainage from 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.
- C. Abandonment of subsurface sewage disposal 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 Township Department of Health and Human Services.

- (2) Except when done as part of or in conjunction with an alteration, permits must be obtained from the Township Department of Health and Human Services and the Township Building Department prior to abandoning any subsurface sewage disposal system or component of said system.
- D. Inspection and maintenance requirements for systems with grease traps. The following additional requirements apply to subsurface sewage disposal systems which utilize 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 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:
 - (a) Mobile tanks shall be securely mounted on trucks or trailers, shall be watertight and provided with a leakproof 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.
 - (d) 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.
 - (e) 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 method acceptable to the Township Department of Health and Human Services.
 - (f) 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. 58:11A-1 et seq., as well as any other applicable state or local rules, regulations, ordinances or directives.

- E. Maintenance of dosing tanks. The following additional requirements pertain to subsurface sewage disposal systems which incorporate 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.

§ 326-7. Emptying, relieving or pumping out of systems.

- A. Prior to emptying, relieving or pumping out all or a portion of any individual or nonindividual subsurface sewage disposal system within the Township, the septic sludge removal operator shall obtain a septic sludge removal permit from the Township Department of Health and Human Services.
- B. The septic sludge removal operator shall complete all information on the septic sludge removal permit and deliver one copy to the property owner and one copy to the Township Department of Health and Human Services within 72 hours of the time that the individual or nonindividual subsurface sewage disposal system is pumped. Failure to deliver said report within the required time frame shall be considered to be a violation of this chapter.
- C. In addition to the permit required under Subsection 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. 7:26-1.1 et seq.
- D. 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 leakproof 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.
- E. 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.
- F. 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 method acceptable to the Township Office of Health.

- G. 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.

§ 326-8. Appeals.

Any person aggrieved by any decision of a designee of the Township Department of Health and Human Services made pursuant to this chapter shall have the right to appeal that decision to the Township Council. Any aggrieved person seeking a hearing under this section shall make application in writing to the Township Clerk within 30 days of the decision to be appealed. The Township Clerk shall schedule the matter for a hearing on the agenda for the next regular meeting of the Township Council. The hearing shall be conducted at a meeting held pursuant to the Open Public Meetings Act.

§ 326-9. 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 7:9A-3.4) shall constitute a nuisance and shall be repaired, modified or replaced pursuant to an order of the Township Department of Health and Human Services 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 Township by virtue of this Code and any amendments thereto.
- (2) Any individual or nonindividual 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 or nonindividual subsurface sewage disposal system which is constructed, installed, altered, operated or maintained in violation of this section, the DEP regulations, any rule or regulation promulgated pursuant to this chapter or any permit, certificate or license issued pursuant to this chapter 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 Township Department of Health and Human Services retains its authority to abate any nuisance in accordance with the provisions of N.J.S.A. 26:3-45 et seq.

- B. Malfunctioning subsurface sewage disposal system; inspections of system; revocation of license.
- (1) The Township Department of Health and Human Services shall have the right to inspect any system which shows evidence of any malfunction. Such evidence may include, but not be limited to, foul odors, leakage to ground surface, or soggy ground over system. Water and/or soil samples may be taken to confirm the existence of a malfunctioning system.
 - (2) The Township Department of Health and Human Services 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 Township Department of Health and Human Services 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 Township Department of Health and Human Services.
 - (4) No provision to this chapter shall be interpreted as precluding the Township Department of Health and Human Services from revoking a license issued by the Township Department of Health and Human Services for the operation of a system in the event that the Township Department of Health and Human Services shall determine that such action is necessary and appropriate for the enforcement of this chapter. Any such revocation shall be upon notice to the owner or operator, with an opportunity to comment or appeal.

§ 326-10. Right of entry.

In furtherance of the rights granted to the Township Department of Health and Human Services in N.J.S.A. 26:3-45 et seq. and N.J.A.C. 7:9-3.19, any employee or agent of the Township Department of Health and Human Services, upon presentation of identification, shall have the right to enter upon property where an individual or nonindividual 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 Township Department of Health and Human Services as enumerated therein.

§ 326-11. Fees.

- A. Any application for the initial issuance or annual renewal of a license to engage in the business of construction, repairing or reconstructing any individual sewage disposal system or privy shall be accompanied by a nonrefundable application fee of \$50.

- B. Any application for the issuance of a subsurface sewage disposal system permit shall be accompanied by a nonrefundable application fee of \$250. The application fee shall include plan review related to a new system or alteration of an existing system, and a certificate of compliance. Percolation and water tests are to be performed by a licensed contractor or engineer at the expense of the property owner.
- C. Any application for the issuance or renewal of a license to operate shall be accompanied by a nonrefundable application fee of \$50.
- D. Any application for the issuance or renewal of a license to a person engaged in the business of cleaning or emptying receptacles for the reception and storage of human excrement or other putrescible matter shall be accompanied by a nonrefundable application fee of \$25 for each vehicle or conveyance so licensed.

§ 326-12. Violations and penalties.

- A. A person who violates any provision of this chapter 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 \$100 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 of this chapter, any term or condition of any certificate or license or any notice or order issued by the Township Department of Health and Human Services shall constitute a separate and distinct violation under this chapter.
- C. Nothing in this section shall be construed as limiting the remedies of the Township Department of Health and Human Services for violation of this chapter. The Township Department of Health and Human Services may proceed under any other remedy available at law or in equity for any violation of this chapter or any term or condition of any certificate or license issued by the Township Department of Health and Human Services or for any failure to comply with any notice or order issued by the Township Department of Health and Human Services or its enforcement official under this chapter.