

BH:13-1 SHORT TITLE.

This chapter shall be known and cited as the "On-Site Waste Water Disposal Management District Ordinance of the Board of Health of the Township of Montgomery." (Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-2 FINDINGS OF BOARD.

It is found and declared that:

- a. On-site subsurface waste water disposal systems are in widespread use within the Township.
- b. 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.
- c. It is determined to be in the interest of public health, safety and welfare to establish a Management District to regulate the maintenance of such systems to protect the public against system failures and resultant pollution.
(Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-3 DEFINITIONS.

Definitions, words and terms as used in this chapter shall have the meanings as set forth in N.J.A.C. 7:9A-2.1, adopted by reference in Chapter BH:VI of the Montgomery Township Board of Health Code.

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 chapter, with the following addition(s):

Advanced wastewater treatment or disposal technology shall mean any component or system that 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.
(Ord. #92-2, S 1; Ord. #99-02, S 1; Ord. #99-02, S 1; Ord. #2005-05, S 1)

BH:13-4 SCOPE.

The owner and/or occupant of any realty improvement serviced by an on-site subsurface waste water disposal system located in the Management District shall be a member of the Management District and subject to all of the requirements of this chapter. The Management District shall be comprised of all on-site subsurface waste water disposal systems that had been licensed by the Board of Health prior to the effective date of this chapter, and all on-site subsurface waste water disposal systems which shall be installed, altered or repaired subsequent to the effective date of this chapter. (Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-5 LICENSE TO OPERATE.

- a. The Board of Health or its designee shall issue a license to operate and a copy of the Board of Health's operation and maintenance manual to the owner/occupant at the time that a certificate of compliance is issued. The licenses shall be issued on forms provided by the Board of Health. Licenses shall be transferable upon change of ownership or occupancy of the premises with respect to which the license has been issued. Each application for a one (1) year license or renewal thereof shall be accompanied by a total fee of twenty-five (\$25.00) dollars (five (\$5.00) dollars to be designated as the license fee plus twenty (\$20.00) dollars administrative fee). Each application for a three (3) year license shall be accompanied by a total fee of sixty (\$60.00) dollars (fifteen (\$15.00) dollars to be designated as the license fee and forty-five (\$45.00) dollars as administrative fee).
- b. The license to operate shall expire one (1) year after issuance for systems Class RC, NRC, or AWT as described in Section BH:13-13, and for all system assigned a subclassification as described in Section BH:13-14. The license to operate for all other systems shall expire three (3) years after issuance. The applicant shall be notified by the Board of Health or its designee before the license expires and shall be directed to apply for a renewal of the license. 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:
 1. Evidence that the septic tank has been pumped as prescribed in this chapter; or a septic tank inspection report on a MTHD approved form, prepared by a registered septic installer, NJDEP registered waste hauler licensed professional engineer, or other person acceptable to the Board of Health or its designee, indicating that the system has been maintained, is not in need of pumping, and is functioning in conformance with the requirements of this chapter; and
 2. Payment of any fees that are required herein or in Chapter BH:XV of this Code.
- c. 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 outlined 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 chapter with respect to operation and maintenance of the system; or
 3. The owner or occupant of the premises served by the system denies right of entry to the Board of Health or its designee, or 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.
- d. The owner of any system that incorporates advanced wastewater treatment technology must submit written verification annually to the Health Officer or designee, following the initially required warranty period, that a valid service contract is currently in effect for the subject system. A valid copy of the original warranty must be provided to the Health Officer upon completion of the installation, and copies of all service contracts for the system must be provided as they are issued.
(Ord. #92-2, S 1; Ord. #99-02, S 1; Ord. #2002-04, S 1; Ord. #2005-05, S 1; Ord. #2007-01, SS 1,2)

BH:13-6 APPEAL TO BOARD OF HEALTH.

Any person aggrieved by any decision of the Board of Health or its designee made pursuant to this chapter shall have the right to appeal that decision to the Board of Health in accordance with the procedures set forth in Section BH:1-3. These decisions do not include determinations made by the Board of Health or its designee based on N.J.A.C.7:9A. (Ord. #99-01, S 1; Ord. #99-02, S 5)

BH:13-7 SYSTEM USE.

- a. The subsurface waste water 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, 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.

- b. Drainage from basement floors, footings or roofs shall not enter the waste water disposal system and shall be diverted away from the area of the disposal field. Backwash from water softeners shall be discharged away from the area of the disposal field by means not conflicting with other Township ordinances.
- c. 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 waste water disposal system any sewage system cleaner containing any restricted chemical material.
- d. Disposal of materials containing toxic substances into a subsurface waste water 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.
- e. Inert or non-biodegradable substances shall not be disposed of in the subsurface waste water 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.
- f. 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.
- g. Major plumbing leaks shall be repaired promptly to prevent hydraulic overloading of the system.
(Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-8 SYSTEM INSPECTION REQUIREMENTS.

- a. In accordance with section BH:13-15, but subject to section BH:13-10, inspection of the system shall be required once every three (3) years following its installation, alteration or repair. Inspection or walk-over of the system shall begin or resume three (3) years after installation. Based on the results of these inspections, the frequency may be reduced if prior satisfactory inspections are noted.
- b. During each inspection, information shall include but is not limited to the following:
 - 1. A complete walkover of the septic field.
 - 2. Measurement of effluent in inspection ports, and a reading of the groundwater monitoring port when such ports were included in the original septic design.
- c. In the following cases, the Board of Health or its designee may require inspection of the system once every year regardless of whether the septic tank has been pumped out:
 - 1. The system is malfunctioning or has malfunctioned in the past;
 - 2. The size or capacity of one (1) or more components of the system does not meet the current requirements of the standards set forth in N.J.A.C. 7:9A-1.1 et seq.;
 - 3. When actual measured water usage is greater than the design capacity of one or more system components;
 - 4. In residential facilities, when the estimated water usage based upon the actual number of residents is greater than the design capacity of one or more system components. For the purpose of making this determination, the design flow shall be estimated by multiplying the number of persons living in the residence by a factor of one hundred (100) gallons per day; or
 - 5. Facilities in which a grease trap is required.
 - 6. Location of the existing system in a flood hazard, wetland area, wetland transition zone or other environmentally sensitive area as defined in Montgomery Township Code subsection 16-4.6d.
- d. When applicable, the results of system inspections shall be reported on standard forms provided by the Board of Health, or on equivalent forms which are acceptable to the Board of Health or its designee.
- e. Any problems or malfunctions noticed during the inspection shall be corrected in a manner and within a time frame acceptable to the Board of Health or its designee.
(Ord. # 92-2, S 1; Ord. #99-02, S 1; Ord. #2005-05, S 1)

BH:13-9 SEPTIC TANK MAINTENANCE.

- a. The contents of the septic tank shall be pumped out within three (3) years after the tank has been installed. The tank may be pumped at more frequent intervals. A septic tank inspection report may be submitted in lieu of pumping if the scum/sludge levels are not within the parameters listed in paragraphs 1. and 2. below:
 - 1. The bottom of the scum layer is within three (3) inches of the bottom of the outlet baffle.
 - 2. The top of the sludge layer is within eight (8) inches of the bottom of the outlet baffle when noted during an inspection.
- b. 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. 7:26-3.1.
- c. 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 water-tight 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 accurate measurement of the sludge and scum levels in relation to the bottom of the outlet baffle.
- d. 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.
- 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 suitable chlorine-bearing compound.
- f. 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. 58:11A-1 et seq.
(Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-10 ADDITIONAL INSPECTION AND MAINTENANCE REQUIREMENTS FOR GREASE TRAPS.

- a. 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 (75%) percent of the grease retention capacity has been reached. Grease traps serving restaurants may require pumping as frequently as once a week to once every two to three (2-3) months.
- b. 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.
- c. Equipment used in the pumping of grease traps shall meet the following requirements:
 - 1. Mobile tanks shall be securely mounted on trucks or trailers, shall be water-tight 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 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 suitable chlorine-bearing compound.
- 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.
(Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-11 MAINTENANCE OF DOSING TANKS.

- a. Dosing tanks and associated pumps, siphons, switches, alarms, electrical connections and wiring shall be maintained in proper working order.
- b. Any solids which accumulate in the dosing tank shall be removed and disposed of in a sanitary manner.
(Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-12 DISPOSAL FIELD MAINTENANCE.

- a. (Ref. N.J.A.C. 7:9A-Table 4.3) 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.
- b. Grading shall be maintained in a condition that will promote run-off of rainwater and prevent ponding.
- c. Drainage from roofs, footing drains, ditches or swales shall be diverted away from the disposal field.
- d. Vegetation shall be maintained to prevent soil erosion.
- e. Vehicle traffic shall be kept away from the area of the disposal field.
(Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-13 CLASSIFICATION OF ON-SITE SUBSURFACE WASTE WATER DISPOSAL SYSTEMS.

Every licensed on-site subsurface waste water disposal system shall be assigned one (1) principal classification. The principal class shall be determined according to the residential or non-residential nature of the system's use and configuration. The assigned principal classification designations shall be from one of the following classes:

CLASS R.I. denotes a system which is an individual on-site subsurface waste water disposal system serving one (1) single family home on one (1) individual lot.

CLASS N.R.I. denotes a system which is an individual on-site subsurface waste water disposal system serving one (1) non-residential realty improvement on one (1) individual lot.

CLASS R.C. denotes an on-site subsurface waste water disposal system which in whole or component part serves more than one (1) residential property and/or more than one (1) residential realty improvement.

CLASS N.R.C. denotes an on-site subsurface waste water disposal system which in whole or component part serves more than one (1) non-residential property and/or more than one (1) non-residential realty improvement.

CLASS A.W.T. denotes an advanced wastewater technology, which is alternative to the standard technology allowed by N.J.A.C. 7:9A-1 et seq. Such technology may be allowed by the Board of Health to repair/alter an existing, malfunctioning septic system in cases where site constraints do not allow for a repaired/alterd system that is fully compliant with the requirements of N.J.A.C. 7:9A-1 et seq.
(Ord. #92-2, S 1; Ord. #99-02, S 1; Ord. #2005-05, S 1)

BH:13-14 SUBCLASSIFICATIONS OF ON-SITE SUBSURFACE WASTE WATER DISPOSAL SYSTEMS.

Dependent upon a system's design components, its use and configuration, none, all, or combinations of the following subclassifications shall be assigned to licensed systems:

SUBCLASS A denotes that a system has two (2) or more disposal fields designed to be alternated from the receipt of effluent flow from time to time. Alternation intervals shall be determined by the Board of Health or its designee.

SUBCLASS E denotes that the system, by virtue of a Board of Health condition of approval and/or by virtue of the requirements of other state or local codes, shall be operated and/or inspected under the direct supervision of a licensed New Jersey Professional Engineer and/or a licensed New Jersey Sewer Plant Operator.

SUBCLASS F denotes that a system receives wastes in total, or in part, from food preparation or food handling operations.

SUBCLASS G denotes that a system has an outside grease collection trap/tank as one of its components.

SUBCLASS M denotes that there are groundwater monitoring wells located on the property.
(Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-15 SYSTEM INSPECTION, MAINTENANCE AND MONITORING TIMEFRAMES ACCORDING TO SYSTEM CLASS.

For the purposes of system inspections, maintenance, and monitoring, the following management parameters shall prevail, notwithstanding BH:13-8 et seq., BH:13-9 et seq., and BH:13-10 et seq., to the contrary:

CLASS RI AND NRI licensed systems shall be maintained and inspected a minimum of once every three (3) years or at a time interval deemed appropriate by the Board of Health or its designee, or any other qualified or licensed person, partnership, corporation, or public agency delegated to function within specific limits as an agent of the Board of Health to carry out provisions of this chapter. If these systems are covered under a New Jersey Pollution Discharge Elimination System (NJPDES) permit, than those requirements may be considered instead/or in addition to the ones listed above.

CLASS RC AND NRC licensed systems shall be inspected a minimum of once every year or at a frequency as determined by the Board of Health or its designee, or any other qualified or licensed person, partnership, corporation, or public agency delegated to function within specific limits as an agent of the Board of Health or its designee to carry out provisions of this chapter. If these systems are covered under a New Jersey Pollution Discharge Elimination System (NJPDES) permit, then those requirements may be considered instead/or in addition to the ones listed above.

CLASS A.W.T. systems shall incorporate the following conditions:

- a. All alternative wastewater disposal systems shall be covered by a minimum three-year renewable service contract, a copy of which is to be provided to the Health Officer or designee, who shall have the authority to verify the validity of the same and to request and receive information from the service provider. The service contract shall include provisions for the manufacturer or its agent to inspect the system at least once a year to ensure the system was properly installed and is functioning properly. The service contract shall also include provisions that include all costs of repairing any problems associated with the inadequate function of the disposal system. The service contractor shall undertake any maintenance or repairs determined to be necessary during any such inspection or as a result of observations made at any other time. However, it shall be the responsibility of the homeowner to assure the proper maintenance and service of the disposal system.

- b. The owner of any system Class AWT who does not renew a contract as required in this chapter shall be deemed to have created a nuisance pursuant to this Code, that shall be deemed a separate violation for every day the maintenance contract is not renewed.
- c. The owner of any system Class AWT shall provide notice to future owners of the property by way of a formal notice recorded in the office of the Somerset County Clerk, on forms provided by the Health Department, prior to entering into any contract of real estate transfer, so that any such prospective or actual owner will be fully aware of the presence of the advanced technology that exists on the property, and the maintenance requirements that accompany it.
(Ord. #92-2, S 1; Ord. #99-02, S 1; Ord. #2005-05, S 1)

BH:13-16 ADDITIONAL SYSTEM INSPECTION, MAINTENANCE AND MONITORING TIMEFRAMES ACCORDING TO SYSTEM SUBCLASS.

In addition to the requirements of section BH:13-15, any licensed system which has been assigned a subclassification or a combination of subclassifications, shall be subject to the following management parameters:

- a. The owner of every licensed system assigned a subclass A designation shall have disposal fields alternated semi-annually, or as determined by the Administrative Authority, unless otherwise specified by State requirements under a NJPDES permit. The alternation event shall be reported to the Board of Health on appropriate forms provided by the Board of Health.
- b. The owner of every licensed system assigned a subclass E designation shall be inspected semi-annually by a licensed New Jersey Professional Engineer who shall report the results of the semi-annual inspection to the Board of Health on appropriate forms provided by the Board of Health, unless otherwise specified by State requirements under a NJPDES permit.
- c. The owner of every licensed system assigned a sub-class F designation shall have septic tanks pumped and cleaned a minimum of once annually, and the pumping occurrence shall be reported to the Board of Health, unless otherwise specified by State requirements under a NJPDES permit.
- d. The owner of every licensed system assigned a subclass G designation shall have the outside grease tank(s)/trap(s) emptied by a licensed pumper as frequently as needed, but in no case any less frequently than once every three (3) months (quarterly). Proof of all grease tank(s)/trap(s) pumping occurrences shall be furnished to the Board of Health within five (5) days following the pumping event on forms provided by the Board of Health.
- e. The owner of every licensed system assigned a subclass M designation shall have groundwater monitored by samples derived from each monitoring well located on the property a minimum of once a year. The monitoring well's sample water shall be analyzed for nitrates and volatile organic chemicals in accordance with accepted practices and performance standards established by the NJDEP. The method and techniques of obtaining the samples shall be to the satisfaction of a certifying licensed New Jersey Professional Engineer. The samples shall be analyzed by a New Jersey NJDEP certified water laboratory.
- f. All systems covered by a NJPDES permit must submit copies of all NJPDES reports to the Health Department on a semi-annual basis.
(Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-17 OTHER MAINTENANCE.

The Board of Health or its designee shall require the owner or occupant to conduct other necessary maintenance activity during regularly scheduled pump out of the on-site waste water disposal system such as cleaning and unclogging of lines, cleaning of the distribution box and mechanical equipment. The owner or occupant shall, in each case, be responsible to pay for the cost of such other maintenance. In the event that the owner or occupant shall refuse to conduct such additional maintenance, the Board of Health or its designee may revoke the license in question. (Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-18 NUISANCES TO BE CORRECTED.

Any on-site waste water disposal system or component thereof which is found to be malfunctioning (as defined in N.J.A.C. 7:9A-2.1) 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 of the Township by virtue of this Code and any amendments thereto. (Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-19 DECLARATION AND ABATEMENT OF NUISANCES.

The Board of Health hereby retains its authority to abate any nuisance in the Management District in accordance with the provisions of N.J.S.A. 26:3-45 et seq. (Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-20 RIGHT OF ENTRY.

In furtherance of the rights granted to the Board of Health in N.J.S.A. 26:3-45 et seq., the Health Officer or his designee, upon presentation of identification, shall have the right to enter upon property of members of the Management District for the purpose of observation, inspection, monitoring and/or sampling of the on-site waste water 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. (Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-21 SYSTEM TESTING.

No person shall test an individual 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. (Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-22 ABANDONED SYSTEMS.

- a. 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.
- b. Except when done as part of, or in conjunction with a repair, a permit must be obtained prior to abandoning a septic system or component of a septic system.
(Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-23 RULES AND REGULATIONS.

The Board of Health may adopt and promulgate procedural rules and regulations in furtherance of the goals of this chapter. (Ord. #92-2, S 1; Ord. #99-02, S 1)

BH:13-24 PENALTY AND ENFORCEMENT.

Any person violating any of the provisions of this chapter or any order promulgated under this chapter shall, upon conviction thereof, pay a penalty of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars for each violation. Each day a particular violation continues shall constitute a separate offense.

A late charge of fifteen (\$15.00) dollars per month will be assessed to persons who do not comply with any part of the licensing requirements, unless the system owner/operator has applied for, and received, a waiver of such requirement from the Board of Health Administrative Authority or his designated representative. (Ord. #92-2, S 1; Ord. #99-02, S 1; Ord. #2002-04; S 1)

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Editor's Note: Prior ordinances codified herein include portions of Ordinance Nos. 64-82, 99-89 and 100-89.

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