

**HARDING TOWNSHIP  
BOARD OF HEALTH  
ORDINANCE # 02-2015**

**AN ORDINANCE OF THE BOARD OF HEALTH, TOWNSHIP OF HARDING, MORRIS COUNTY, RESCINDING AND REPLACING CHAPTER 422, ARTICLE III OF THE CODE OF THE TOWNSHIP OF HARDING ENTITLED “INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM”**

**WHEREAS**, the Board of Health of the Township of Harding believes it is in the best interest of the Township of Harding to rescind and replace Chapter 422, Article III of the Code of the Township of Harding.

**NOW THEREFORE BE IT ORDAINED** by the Board of Health of the Township of Harding, in the County of Morris, State of New Jersey, that Chapter 422, Article III of the Township Code entitled “Individual Subsurface Sewage Disposal System” be and is hereby rescinded in its entirety and replaced with the following ordinance as follows:

**I. Chapter 422, Article III: Individual Subsurface Sewage Disposal Systems**

**§ 422-18 Adoption of state standards by reference.**

The regulations promulgated by the New Jersey State Department of Environmental Protection on June 1, 1989, pursuant to the Realty Improvement Sewerage and Facilities Act (1954)<sup>1</sup> and known as "Standards for Individual Subsurface Sewage Disposal Systems," N.J.A.C. 7:9A, effective January 1, 1990, and last amended April 2, 2012, and as may be further amended, are hereby adopted by reference in accordance with N.J.S.A. 26:3-69 to 26:3-69.6.

**§ 422-19 Systems to comply with higher standards.**

The Board of Health or its designee shall not approve the installation or construction of a new subsurface sewage disposal system or alteration or expansion of an existing subsurface sewage disposal system unless such system complies with certain higher standards prescribed herein in accordance with N.J.A.C. 7:9A-3.1(b).

**§ 422-20 Waiver procedures.**

The Board of Health may approve waivers from higher standards established by the Board when conditions indicate that such waivers are desirable or necessary. The design engineer should consult with the Board of Health or its duly authorized agent regarding specific problems requiring possible waivers from the standards. Any waiver from established standards must be approved by the Board of Health.

## **§ 422-21 Definitions.**

The following words and terms when used in this article shall have the following meanings and where applicable shall have the same definitions as stated in N.J.A.C. 7:9A – 2.1, as adopted by this chapter, and as may be further supplemented by this chapter:

### **ADVANCED WASTEWATER TREATMENT OR DISPOSAL TECHNOLOGY**

The definition of “Advanced wastewater pretreatment device” shall be the same as in N.J.A.C. 7:9A – 2.1 and as further supplemented as follows: Means any component or system, which is a part of an individual subsurface sewage disposal system that is employed to reduce levels of pollution or convey pollutants to the subsurface environment that is not addressed or is not designated for administrative authority approval in N.J.A.C. 7:9A.

### **ALTERATION**

The definition of “alteration” shall be the same as in N.J.A.C. 7:9A – 2.1 and as further supplemented as follows: The replacement of a cesspool is an alteration.

### **AUTHORIZED INSTALLER**

An individual who has completed all training requirements of a manufacturer of a product that is listed by the NJ Department of Environmental Protection in accordance with N.J.A.C. 7:9A-8.3 or 9.8 and/or a listed system integrator of a drip dispersal system designed and installed in accordance with N.J.A.C. 7:9A-10.8, and who installs those advanced wastewater pretreatment devices, products used in lieu of laterals/filter material and/or drip dispersal systems, as applicable.

### **AUTHORIZED SERVICE PROVIDER**

An individual who maintains an advanced wastewater pretreatment device and/or drip dispersal system in accordance with N.J.A.C. 7:9A-12.3, who monitors the system remotely and who responds appropriately to alarm conditions. This individual must either hold an S2 or greater license pursuant to N.J.A.C. 7:10A; or have completed all training required by a manufacturer of an advanced wastewater pretreatment device that is listed by the Department in accordance with N.J.A.C. 7:9A-8.3; and/or be a listed system integrator of a drip dispersal system in accordance with N.J.A.C. 7:9A-10.8.

### **BEDROOM**

Bedroom, as defined in N.J.A.C. 7:9A – 2.1, means any room within a dwelling unit, finished or unfinished, which may reasonably be expected to serve primarily as a bedroom or dormitory. The term bedroom shall be considered to include any room or rooms within an expansion attic.

### **BOARD OF HEALTH**

The Board of Health of the Township of Harding.

### **CERTIFICATE OF COMPLIANCE**

A certificate issued by the administrative authority certifying that an individual sewage disposal system has been installed, altered or repaired in such manner as to comply with the requirements of the Standards for Subsurface Sewage Disposal Systems (N.J.A.C. 7:9A), the higher standards prescribed by this article and all terms and conditions of approval imposed by the administrative authority with respect to such system.

### **CONSTRUCT**

To build, install, fabricate or put together on-site one or more components of an individual subsurface sewage disposal system.

### **EDUCATION PROGRAM**

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 maintenance of such systems. The educational program shall be deemed to be in accordance with N.J.A.C. 7:9A-3.14.

### **EXPANSION ATTIC**

Expansion attic, as defined in N.J.A.C. 7:9A – 2.1, part of a dwelling unit left unfinished but which is capable of being finished as a bedroom or bedrooms and which is accessible by permanent stairways or designed so that stairways can be installed.

### **INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM**

An individual subsurface sewage disposal system, as defined in N.J.A.C. 7:9A- 2.1, that discharges liquid effluent of typical domestic strength to a disposal field.

### **LICENSED SEPTIC SLUDGE REMOVAL OPERATOR**

Any person, firm or corporation which has been found qualified to pump out an individual subsurface sewage disposal system, and who has been issued a license by the state of New Jersey Department of Environmental Protection.

### **OWNER or LESSEE**

The person who owns or leases the realty upon which an individual subsurface sewage disposal system is located and/or the person who uses said system. The owner or the lessee of the system, if different, are jointly and severally liable for the obligations imposed by this article.

### **PERMIT TO CONSTRUCT, INSTALL, ALTER OR REPAIR**

A permit issued by the Board of Health or its designee granting permission to construct, install, alter or repair an individual subsurface sewage disposal system in accordance with an application on file with the administrative authority and in compliance with the provisions of the Standards for Subsurface Sewage Disposal Systems (N.J.A.C. 7:9A) and the higher standards prescribed by this article.

## **PLOT PLAN**

A sketch drawn by the owner/lessee, 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.

## **RECONSTRUCTION**

Reconstruction, as defined in Uniform Construction Code N.J.A.C. 5:23, any project where the extent and nature of the construction is such that the work area cannot be occupied while construction is in progress and where a new certificate of occupancy is required before the work area can be reoccupied. Reconstruction may include repair, renovation, alteration or any combination thereof. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

## **REPAIR**

The definition of “repair” shall be the same as in N.J.A.C. 7:9A – 2.1 and as further supplemented as follows: The replacement of a cesspool is not a repair.

## **RETAIL FOOD ESTABLISHMENT**

An operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption:

- A. 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. That 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.

## **SERVICE CONTRACT**

A legal, written agreement between a property owner and an authorized service provider to perform all system startup, maintenance and monitoring requirements identified in N.J.A.C. 7:9A – 2.1 for any system that includes an advanced wastewater pretreatment device, which includes all drip dispersal systems. The agreement must be fully transferable to subsequent owners of the property and renewable.

## **SYSTEM**

An individual subsurface sewage disposal system, including all of the component parts thereof.

**§ 422-22 Permit required to construct, install, alter or repair; issuance; expiration; transferability; suspension or revocation scope; applicability and exemptions;**

- A. The owner and/or occupant of any realty improvement serviced by an individual on-site subsurface sewage disposal system located in the Township of Harding shall be subject to all of the requirements of this chapter.
- B. No person shall construct, install, alter or repair an individual subsurface sewage disposal system without first obtaining a permit from the Board of Health or its designee.
- C. Permit shall be valid for a period of one year. In the event that the system has not been completed and a certificate of compliance has not been issued, the applicant may apply for an extension of time not to exceed one year. The Board of Health, in granting such extension, may impose additional conditions on the permit as may be appropriate taking into consideration newly adopted standards and practices. No more than two one-year extensions may be granted. A permit extension fee of two hundred and twenty five dollars (\$ 225.00) for the first extension and three hundred and fifty dollars (\$ 350.00) for the second extension will apply.
- D. All construction for sewage disposal systems shall be completed within twenty (20) days from the commencement of the installation of the sewage disposal system.
  - 1. A request for an extension of the above twenty (20) day period must be in writing to the Board of Health or its designee. Construction shall be deemed to have commenced when the excavation for the disposal area, septic tank or other components begins. Construction will be complete when the final grading of the disturbed areas is complete. The house connection need not be constructed for the work to be deemed complete.
  - 2. If the owner/applicant fails to complete installation of the sewage disposal system within twenty (20) days and no extension has been requested, the Board of Health or its designee shall make daily inspections of the system until it is complete.
  - 3. An inspection fee of one hundred and fifty dollars (\$150.00) per day shall be charged to the owner/applicant for every day the system is not completed past the twentieth day, unless an extension was given pursuant to paragraph (1) above.
- E. No person within the Township of Harding area shall use an individual subsurface sewage disposal system unless such construction, installation, alteration and maintenance are in accordance with all applicable sanitary regulations and this article. After January 1, 2050, a person within the Township of Harding shall not use an individual subsurface sewage disposal system on a parcel that is identified in the Harding Township Wastewater Management Plan as being in the Sewer Service District. Such systems shall be abandoned in

accordance with § 422-15E and the dwellings and/or accessory facilities shall be connected to the Morris Township sanitary sewer in accordance with the provisions of § 422-15.

- F. Any system not in active use shall be exempted from this article. The Board of Health may require an owner or lessee of a system seeking exemption under this section to submit proof in a form acceptable to the Board so as to qualify for this exemption.

**§ 422-23 Application.**

- A. All plans shall comply with the Checklist for Individual Subsurface Sewage Disposal System Application approved by resolution by the Board of Health and as may be amended from time to time.
- B. The Board of Health or its designee may impose reasonable conditions on its approval of an application and may require that the applicant prepare and record a deed, subject to the approval of the Board of Health or its attorney, setting forth the conditions as a restrictive covenant running with the land enforceable by the Board of Health or its designee.

**§ 422-24 Testing.**

- A. The design engineer shall sample and test or cause to be tested, natural on-site soil, suitable fill and other material of the subsurface sewage disposal system as may be necessary to obtain information for design and for determination of compliance with standards and with the provisions of an approved design.
- B. When the Board of Health or its designee has recorded observation information which differs from the site evaluation information provided by the applicant's engineer or the information provided is incomplete, the Board of Health or its designee may require further testing and/or evaluation of the site.
- C. When the Board of Health's recorded observation information which differs from the soil suitability information provided by the applicant's engineer or soil test reports are not representative of the general soil condition in which the disposal system is proposed to be installed, the Board of Health or its designee may require further testing and/or evaluation of the site.
- D. The design engineer shall provide replicate samples, removal of which shall be witnessed by the Board of Health or its designee, for tube permeameter testing and for sieve analysis and hydrometer testing, when requested by the Board of Health or its designee. Such samples shall be tested at the discretion of the Board or its designee, and the cost of all testing shall be the responsibility of the applicant.

- E. The Board of Health or its designee may sample and test soils and materials used for the construction of a disposal system when the test data is not consistent with observations and evaluations made by the Board of Health or its designee. The cost of all testing shall be the responsibility of the applicant.

**§ 422-25 Filing of soil suitability reports.**

All records and reports of soil suitability shall be filed with the Board of Health in a timely manner. Such reports shall include a map of the site accurately showing the location of all soil profile pits, soil borings, monitor well and all permeability tests.

**§ 422-26 Location of component parts of systems.**

The following minimum distances (in feet) shall be maintained between system components and between system components and other structures or points:

<b>Component Part</b>	<b>Minimum Distance From ASTM C-1227 NOT approved tanks</b>	<b>Minimum Distances from ASTM C-1227 approved tanks</b>	<b>Minimum Distance From Disposal Areas (feet)</b>
Building	25 <sup>1</sup>	10	25 <sup>2</sup>
Property line	10	5	25
In-ground swimming pool	25	10	25
Water Course	100	25	100
Driveway	10 <sup>3</sup>	10 <sup>3</sup>	10 <sup>4</sup>
Well	100 <sup>5</sup>	50	100 <sup>5</sup>
Footings for unoccupied buildings (outbuildings, decks, etc.)	10 <sup>6</sup>	10 <sup>6</sup>	10 <sup>6</sup>

**NOTES:**

<sup>1</sup>Except where the building is on a slab at an elevation higher than the invert of the septic tank outlet pipe, in which case minimum distance will be ten (10) feet.

<sup>2</sup>May be reduced to fifteen (15) feet from disposal field and thirty (30) feet from seepage pit for portions of the building constructed either on a slab foundation or over a continuous dust cap which is at or above natural or finished grade, whichever is higher only.

<sup>3</sup>Unless a permanent barrier is installed between the driveway and the area over the tank or unless the septic tank and its cover are designed to support a wheel load from the heaviest vehicle that could be expected to travel over it.

<sup>4</sup>Unless a permanent barrier is installed between the driveway and the area over the disposal field.

<sup>5</sup>May be reduced by one foot for each additional foot of well casing greater than fifty (50) feet.

<sup>6</sup>May be reduced to five (5) feet with permission of administrative authority.

**§ 422-27 Disposal field sizing requirements.**

- A. Where sanitary sewage ejector pumps are installed or proposed, the disposal field size shown in N.J.A.C. 7:9A-10.2 shall be increased by fifty percent (50%).
- B. Garbage grinder units are prohibited from use on properties served by an individual sewage disposal system.

**§ 422-28 Reserve expansion/replacement disposal area.**

- A. An area equivalent to one hundred percent (100%) of the disposal areas shall be reserved for future expansion or replacement of the disposal system. The site shall comply with Subchapter 4 of N.J.A.C. 7:9A and all requirements of this Code. The soil shall be suitable for an individual subsurface sewage disposal system in compliance with Subchapters 5 and 6 of N.J.A.C. 7:9A.
- B. The reserve expansion/replacement disposal area shall be shown on the plan of the disposal system and shall be marked "area reserved for expansion/replacement of disposal system."
- C. No structures shall be located in a manner which would interfere with the construction of a disposal system within the reserve area.
- D. Reserve of expansion/replacement disposal area shall be tested in compliance with § 422-24 of this Code.

**§ 422-29 Septic tanks.**

- A. The liquid capacity of all septic tanks for new residential installations and residential alterations shall be not less than one hundred percent (100%) greater than the minimum capacity required by N.J.A.C. 7:9A-8.2, and the tanks shall be dual compartment tanks. Alternatively, multiple compartments may be provided by connecting individual septic tanks in series.
- B. The septic tank(s) installation shall be such that the high seasonal water table shall be no higher than one (1) foot below the outlet or any joints of the septic tank.
- C. Septic tank installations shall be designed to prevent flotation of the tank when empty.
- D. All tanks, including risers and inspection ports to the highest joint, shall be tested for water tightness after installation using hydrostatic or vacuum test as required by N.J.A.C. 7:9A – 8.2.

**§ 422-30 Dosing tanks.**

- A. Each dosing tank shall have an alarm system that shall be on a separate dedicated circuit and shall have a manual reset. The location of the alarm and controls shall be approved by the administrative authority.
- B. A separate electrical circuit shall be supplied for each pump.
- C. Dosing tanks shall be readily accessible for maintenance and inspection.
- D. Float switches shall be mounted on a noncorrosive support independent of the pump, the internal pumping or the steps. Switches shall be located where there is a minimum of turbulence and shall be mounted so that they do not become entangled with equipment, steps or electrical wires.
- E. The inlet shall be connected to a tee which shall be oriented vertically. The tee shall be securely fastened to the inlet pipe. A pipe equal to the diameter of the inlet pipe shall extend downward vertically to an elevation not greater than four (4) inches above the elevation of the normal high water level (pump on) in the pump pit.
- F. All piping shall be Schedule 40 PVC.

**§ 422-31 Delivery pipes.**

The delivery pipe from the dosing tank to the disposal bed shall be tested for leakage at a pressure of one and a half ( $1 \frac{1}{2}$ ) times the design pressure head. There shall be no measurable pressure loss for a period of thirty (30) minutes. Appropriate safety measures shall be observed during the testing period.

**§ 422-32 Pressure dosing networks.**

Pressure dosing networks shall be tested in the following manner:

- A. The network shall be thoroughly flushed prior to the installation of the end caps.
- B. The end caps shall be installed with a one-eighth-inch ( $1/8$ " ) hole drilled vertically in the top.
- C. After all end caps have been installed with a one-eighth-inch ( $1/8$ " ) hole in the top, the distribution network shall be tested by pumping water through it at the design pressure rate of flow.

- D. The height of the water stream discharging from each one-eighth-inch (1/8") hole in the end cap shall be measured.
- E. No water stream shall have a height that differs from the average height by more than twenty percent (20%).
- F. After the test has been completed, the end caps shall be removed. New end caps shall be installed with a one-eighth-inch (1/8") hole drilled horizontally near the crown of the pipe.

**§ 422-33 Sanitary Sewage Ejector Pumps and Exemptions**

When sanitary sewage ejector pumps are installed or proposed they shall require:

- A. An additional septic tank (surge tank) not less than one thousand (1,000) gallons in capacity connected in series with the primary septic tank.
- B. A flow velocity in the pipes of greater than two feet (2 ft) per second and less than 10 feet per second.
- C. Gravity flow from the building to the additional septic tank.
- D. When a sanitary sewage ejector pump with maximum discharge of one and a half inch (1 1/2") and a maximum velocity of two feet (2 ft) per second is proposed for handling gray water only, Chapter 422-33, sections A, B & C shall not apply.

**§ 422-34 Inspection of construction.**

- A. Inspection by Board of Health or its Designee.
  - (1) All stages as set forth in the Checklist for Individual Sewage Disposal System Application of the construction of an individual sewage disposal system shall be inspected by the Board of Health or its designee to determine compliance with the terms of the permit issued therefor. The Board of Health or its designee shall be notified at least two working days prior to the commencement of the construction of any such system.
  - (2) No component of a subsurface sewage disposal system shall be backfilled or otherwise covered from view until it has been inspected by the Board of Health or its designee and approved for backfilling or covering.
- B. Inspection by licensed engineer:
  - (1) The construction of the sewage disposal system shall be inspected by the applicant's licensed engineer. Such inspection shall satisfy the

requirements shown on the Checklist for Individual Subsurface Sewage Disposal System Application.

- (2) The applicant's engineer or engineer's authorized agent shall make observations or measurements as may be necessary to prepare an accurate as-built plan of the disposal system.

#### **§ 422-35 Certificate of Compliance.**

Certificate of Compliance shall be issued after the following are furnished to the Board of Health or its designee:

- (1) An as-built plan of the system prepared by licensed professional engineer or surveyor within thirty (30) days of the date of satisfactory final grade inspection. The as-built plan shall show the exact location of all tanks, building sewers, siphons, pumps, cleanouts, distribution box, manifold, primary and reserve disposal field, dry wells, curtain drains and wells in relation to the foundation of the building served by the system. As-built plans shall be required for all alterations made to existing individual sewage disposal system.
- (2) A certification in writing signed and sealed by licensed professional engineer that the said system has been located, constructed, installed or altered in compliance with all applicable state and local requirements and the approved engineering plans.
- (3) Copy of the suitable fill laboratory test report

#### **§ 422-36 Stop-work orders.**

The Board of Health or its designee may order all further work in and about any individual sewage disposal system which is being installed in violation of N.J.A.C. 7:9A, Standards for Individual Subsurface Sewage Disposal Systems, or any provision of this article to be stopped forthwith. Such stop-work order shall remain in effect until such time as a remedy to correct such deficiency has been approved by the Board of Health or its designee. Remedial action to correct the deficiency shall be complete prior to the start or resumption of any other construction.

#### **§ 422-37 Subdivision.**

Persons applying for a letter of approval from the Board of Health or its designee to the Planning Board shall submit an application and plans showing the following information:

- A. All freshwater wetlands and freshwater wetland transition areas shall be accurately delineated by the design engineer and supported by a letter of interpretation from the New Jersey Department of Environmental Protection.

- B. All soil series and the boundaries between adjacent soil series shall be accurately shown on a map of the subdivision based on the County Soil Survey Map. Modifications shall be made as determined to be appropriate based on information obtained by the mapping of wetlands or by information obtained by test pit observations for the evaluation of sites for sewage disposal systems.
- C. A feasible location to construct a disposal system to serve a four-bedroom dwelling shall be shown for each proposed lot on the subdivision plan. A similar location shall be shown for a reserve disposal system area. These locations shall comply with N.J.A.C. 7:9A, Subchapter 4, Site Evaluation and System Location.
- D. Soil suitability and soil permeability shall be determined in compliance with Subchapters 5 and 6 of N.J.A.C. 7:9A.
- E. The applicant shall submit a complete report of all site and soil evaluation work on standard forms prescribed by the Board of Health or its designee. The location of all tests shall be accurately shown on the map of the proposed subdivision.
- F. Following the review of all site and test information, the Board of Health or its designee shall advise the Planning Board that based on a review of information submitted by the applicant it appears that:
  - (1) All lots proposed to be created by the subdivision are suitable for the construction of a subsurface sewage disposal system in accordance with both state and local regulations; or
  - (2) One or more of the lots proposed to be created by subdivision do not appear to be suitable for a subsurface sewage disposal system in compliance with both state and local regulations. The lots that do not appear to comply shall be identified.

#### **§ 422-38 Notification of Proper Operation & Maintenance Practices**

- A. The administrative authority shall notify each property owner issued approval for the design, construction, installation, alteration or repair of an individual subsurface sewage disposal system after January 1, 1990 of the proper operation and maintenance practices.
- B. Written notification of the proper operation and maintenance practices shall initially be issued to the applicant with the approval for the location, design, construction, installation, alteration or repair of the individual subsurface sewage disposal system and reissued on a triennial basis to the present property owner. For approvals issued before June 21, 1993, the notification shall be

accomplished by December 21, 1993 and reissued on a triennial basis, thereafter.

- C. The written notification shall inform the present property owner how to properly operate and maintain an individual subsurface sewage disposal system. A mass mailing to all property owners who have individual subsurface sewage disposal systems is an acceptable method of notice. The notice shall include, at a minimum:
- (1) A general outline of how an individual subsurface sewage disposal system works and the potential impact of improper operation and maintenance on system performance, ground and surface water quality, and public health;
  - (2) The recommended frequency of septic tank and grease trap pumping to prevent over-accumulation of solids, and methodology for inspection to determine whether pumping is necessary;
  - (3) A list of materials containing toxic substances which are prohibited from being disposed of into an individual subsurface sewage disposal system;
  - (4) A list of inert or non-biodegradable substances which should not be disposed of within an individual subsurface sewage disposal system;
  - (5) Proper practices for maintaining the area reserved for sewage disposal;
  - (6) Impacts upon system performance resulting from excessive water use; and
  - (7) Warning signs of poor system performance or malfunction and recommended or required corrective measures.
- D. The written notification may be developed by the administrative authority, or the administrative authority may distribute copies of relevant guidance material and/or technical manuals for onsite wastewater treatment systems subject to N.J.A.C. 7:9A – 3.14.

#### **§ 422-39 Use of subsurface sewage disposal systems.**

A. General.

- (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 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 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 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) 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.
- (9) Discharge of Pools/Spas water into an individual subsurface sewage disposal system is prohibited.
- (10) Installation of garbage disposals/grinders is prohibited.

B. Disposal field maintenance.

- (1) The area of the disposal field shall be kept free of encroachments from decks, pools, sprinkler systems, driveways, patios, accessory buildings, additions to the main building and trees or shrubbery whose roots may cause clogging of any part of the system.

- (2) Grading shall be maintained in a condition that will promote runoff 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. Trees and other woody vegetation shall not be allowed on or near disposal fields.
- (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. 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.

D. 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:
  - (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.
- (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 Board of Health or its designee.
- (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., and any other applicable state or local rules, regulations, ordinances or directives.

E. 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.

**§ 422-40 Removal of septic tank sludge.**

- A. Prior to emptying, relieving or pumping out all or a portion of any individual subsurface sewage disposal system within the Township of Harding, the licensed septic sludge removal operator shall obtain a septic sludge removal permit from the Board of Health or its designee.
- 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 Board of Health or its designee within seventy two (72) hours of the time 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 article.
- C. In addition to the license 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. 7:26-3.c.

- 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 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.
- 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 Board of Health or its designee.
- 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.

#### **§ 422-41 Enforcement.**

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

section, the NJDEP regulations, any rule or regulation promulgated pursuant to this article or any permit or certificate issued pursuant to this article 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 or its designee 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.**

- (1) The Board of Health or its designee 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 Board of Health or its designee 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 or its designee 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 or its designee.

**C. 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. 7:9A-3.19-the Board of Health or its 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.

**§ 422-42 Appeals and Special Meetings at Request of Applicant.**

- A. Any person aggrieved by a denial of any permit or certification required by this article or by any order of the Board of Health or its designee with respect to an individual sewage disposal system shall be entitled to a hearing thereon before the Board of Health within fifteen (15) days after written request therefor is made by the person claiming to be adversely affected. Upon such hearing or within fifteen (15) days thereafter, the Board of Health shall affirm, alter or rescind the previous action with written findings and conclusions.
- B. The fee for appeals or special meeting of the Board of Health of the Township held at the request of an applicant or other interested party is hereby fixed and established at five hundred dollars (\$ 500.00). Such fee shall be paid prior to the

holding of such special meeting by the person or firm whose request has been granted and shall be in addition to any and all other fees or charges applicable to such proceedings.

**§ 422-43 Violations and penalties.**

- A. A person who violates any provision of this article, or any term or condition of any certificate or license issued hereunder, shall be liable for one or more of the following penalties [N.J.S.A. 40:69A-29(b)]:
  - (1) A fine of not less than one hundred dollars (\$100.00) nor more than five thousand dollars (\$5,000.00).
  - (2) A period of community service not to exceed ninety (90) days.
- B. Each separate day and each violation of any provision or this article, any term or condition of any permit or certificate or any notice or order issued by the Board of Health shall constitute a separate and distinct violation under this article.
- C. Nothing in this section shall be construed as limiting the remedies of the Board of Health or its designee for violation of this article. The Board of Health or its designee 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 permit or certificate issued by the Board or Health or its designee or for any failure to comply with any notice or order issued by the Board of Health or its designee or its enforcement official under this article.

**II. Severability.**

If, any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this chapter or cause any other portion or the entirety of this chapter to be invalid.

**III. Effective Date.**

This chapter shall take effect upon proper adoption and publication thereof prescribed by law.

**IV. Copies.**

At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

**ATTEST**

**TOWNSHIP OF HARDING  
BOARD OF HEALTH**

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Lisa A. Sharp  
Secretary, Board of Health

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Dr. Libero Saraceno  
Chairman, Board of Health

INTRODUCED:  
PUBLIC HEARING:  
ADOPTED:

ADVERTISED:  
ADVERTISED:

**Vote on Ordinance:**

	<b>MOTION</b>	<b>FOR APPROVAL</b>	<b>AGAINST APPROVAL</b>	<b>ABSTAIN</b>
Dr. Cervone		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. DiTosto		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Lanzerotti		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. McKittrick		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Saraceno		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Schmidt		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>