

SEPTIC MANAGEMENT MODEL ORDINANCE

10/14/09

The requirements set forth in this Model Ordinance will meet the requirements of the Water Quality Management Planning rule (N.J.A.C. 7:15-5.25(e)).

I. PURPOSE

The purpose of this ordinance is to help protect public health and safety, water quality and general welfare by requiring the proper operation and maintenance of individual subsurface sewage disposal systems (ISSDSs) in *[insert name of municipality]*.

II. BACKGROUND

ISSDSs that are not properly maintained can contaminate both ground water and surface water, creating health risks to humans and impairing natural ecosystems. Regularly pumping out the accumulated solids and liquids from an ISSDS before they interfere with proper function is the single most effective means to maintain an ISSDS in good working order and to extend its effective life. Therefore, regular pump outs are a key means to protect the surrounding environment as well as public health and welfare from the effects of a failed system.

III. APPLICABILITY

This ordinance is applicable to all ISSDSs, both existing and newly installed, within *[insert name of municipality]*.

IV. DEFINITIONS

“Acting Authority” means the office, agency, or other entity responsible for the implementation of this ordinance. *[Alternatively, identify the body that will be responsible, define that term instead and replace the term wherever used in the model ordinance.]*

“Individual subsurface sewage disposal system” or “ISSDS” means a system for the disposal of less than or equal to 2,000 gallons per day of sanitary sewage into the ground. Such systems are generally designed and constructed to treat sanitary sewage in a manner that will retain most of the settleable solids in a tank and discharge the liquid effluent to a disposal field. Existing systems with other designs (some no longer permitted to be used), such as cesspools or those that dispose of effluent through seepage pits are also included. This term refers to both systems that serve an individual residence as well as onsite subsurface sewage disposal systems serving a property other than a single family home (such as commercial buildings, food establishments, commercial/residential mixed uses, and systems serving multiple units) with an engineering flow of less than or equal to 2,000 gallons per day, including but not limited to those systems identified in N.J.A.C. 7:9A-1.8(a)2.

“Licensed Professional Engineer” means an engineer licensed by the New Jersey State Board of Professional Engineers and Land Surveyors to practice the profession of engineering.

“Licensed Health Officer” means an individual granted a license by the Public Health Licensing and Examination Board of the New Jersey Department of Health and Senior Services.

“Licensed ISSDS installer” means an industry professional that meets a set of established criteria and is deemed qualified to construct, install or alter individual subsurface sewage disposal systems by the Acting Authority or its designee.

“Maintenance” means pumping out by a qualified service provider, as determined by the Acting Authority, the accumulated solids and liquids retained in an ISSDS, as well as servicing as necessary to restore an ISSDS to good working order.

“NJDEP-registered ISSDS service provider” means an industry professional that has completed the Onsite Wastewater Treatment System Professionals Voluntary Registration Form and filed it with the Department’s Bureau of Nonpoint Pollution Control.

“Owner” means any person or other entity that has legal title to property.

“Property” means either of the following that is served by an ISSDS:

1. A single lot as defined by municipal lot and block; or
2. The combined area contained within the legal boundaries of two or more contiguous lots where, for any part of each of those lots, there is a shared pecuniary, possessory or other substantial common interest by one or more persons (such as common ownership and/or operation or a common plan of development or sale).

“Registered Environmental Health Specialist” means an individual granted a license by the Public Health Licensing and Examination Board of the New Jersey Department of Health and Senior Services.

“Sanitary Sewage” means any wastes, including wastes from humans, households, commercial establishments, and/or equivalent water carried wastes of human origin from industries, that are discharged to an ISSDS.

V. INVENTORY RECORDS

The *[insert name of municipality or Acting Authority]* shall maintain a database identifying each ISSDS in active use within *[insert name of municipality]*. The database shall include for each ISSDS the parcel block and lot and address of the property where

the ISSDS is located, name and address of the property owner, a description of system size, type and location on the property and the pump out status according to the required pump out schedule set forth in Section VI. Owners of properties served by ISSDSs are required to cooperate in the initial development and continuing update of the database as set forth below and in Section VI.

[Insert selected option for requiring property owners with ISSDS to submit information for the database. Note: Various options are available to the municipality as the means to set up the initial database. The simplest would be to require property owners with an ISSDS to submit a registration form with the required information or to obtain a permit (with or without an associated fee) for the ISSDS. Municipalities in which there are large numbers of systems may wish to develop the database in phases. The objective would be to complete the initial database prior to the deadline for submitting the 6-year WMP update required at N.J.A.C. 7:15-5.23(a). A phased system may consist of initially populating the database with those systems already known pursuant to N.J.A.C. 7:9A-3.5, which requires a permit to construct, install, or alter an individual or non-individual subsurface sewage disposal system]. For the remaining existing systems, management zones could be designated within which properties believed to be served by ISSDS are identified and the property owner required to register or obtain a permit for the system, thereby providing the information to populate the database. The universe of potential ISSDS properties in a management zone could be identified by comparing the full list of properties in the management zone according to tax rolls with properties subject to billing for sewage treatment service or eliminating properties on roads/rights-of-way where gravity sewers are known to be in physical existence. Alternatively, there could be a presumption that a property is served by an ISSDS unless demonstration is made by the property owner that a sewer hookup exists.]

VI. ROUTINE ISSDS MAINTENANCE

A. The owner of a property served by an ISSDS must cause the ISSDS to be pumped out by an ISSDS service provider in accordance with the applicable schedule.

Documentation of compliance shall be submitted within *[insert number of days]* to *[insert recipient]* in the form of a receipt from the ISSDS service provider for the service indicating the property location, service type(s) provided and date of service.

1) Except as provided in Section VI.A.2, each ISSDS shall be pumped out every *[insert period; default recommendation is 3 years]* years following the initial scheduled pump out, as set forth in Section VI.C, unless an alternative schedule is identified by the Acting Authority, as set forth in Section VI.B;

2) In lieu of a pump out, the property owner may submit a septic system inspection report to *[insert recipient]* on a form provided by the Acting Authority indicating that the system is not in need of pumping and is in good working order. In this case, the pump out schedule will be shifted forward by one year. Said form shall be prepared, completed, and certified by one of the following:

- a. Licensed ISSDS installer *[where a municipality opts to create a licensing requirement and protocol]*;
- b. NJDEP-registered ISSDS service provider;
- c. Licensed professional engineer;
- d. Licensed health officer or registered environmental health specialist;
- e. *[Other person acceptable to the Acting Authority.]*

B. Modifications to term of scheduled maintenance: The Acting Authority may, on its own motion, upon notice and opportunity to the property owner for a hearing, or upon application for a modified schedule by a property owner, alter the time period for scheduled maintenance. The Acting Authority may consider the factors, including but not limited to those listed below, in determining that a different pumping schedule applies:

- 1) Size of the ISSDS relative to the wastewater generated by the structure(s) served (i.e. small number of users relative to system design may warrant a longer period while a large number of users relative to system design may warrant a shorter period);
- 2) ISSDSs that are cesspools;
- 3) Unusual type and/or intensity of sewage generation, such as dining establishments, pet grooming, hair salons, etc.

C. Notification of requirement for scheduled maintenance.

- 1) An initial notice of requirement for initial pump-out and the pump-out schedule applicable thereafter shall be mailed by the Acting Authority to owners of properties served by ISSDSs. Except as provided in Section VI.C.2, the initial scheduled pump-out is required to be conducted within ninety (90) days of the date set forth in the initial notification. *[In setting the initial pump-out date, municipality should consider the number of systems in the municipality and phase in the initial pump-out so as to avoid overwhelming the ISSDS service providers and the treatment facilities able to receive the pump-out material.]*
- 2) Property owners shall be exempt from the initial pump-out requirement provided documentation is submitted to *[insert recipient]* that confirms a pump-out was completed no more than 18 months prior to receiving the initial notification. In this case, the initial required maintenance will commence *[three years if default time frame, or other time period selected by Acting Authority]* from the date of the documented pump out.
- 3) Sixty (60) days prior to the next scheduled maintenance, the Acting Authority shall send a “Notice for Service Due” letter to the affected property owners. *[This subsequent notification is optional but recommended.]*

VII. ENFORCEMENT, VIOLATION, PENALTIES

Adherence to the provisions of this Ordinance is necessary to help protect public health and safety, water quality and general welfare. Failure to adhere to the provisions set forth in this Ordinance shall constitute a violation of this Ordinance for which a fine shall be levied, pursuant to N.J.S.A. 40:69A-29, in the amount of *[insert amount or a schedule based on severity of violation]*.

VIII. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after adoption and publication of a Notice of Adoption in accordance with New Jersey law.