

**READINGTON TOWNSHIP BOARD OF HEALTH  
REORGANIZATION MEETING**

January 20, 2010 7:00 pm

**A. Stanley Perlowski, Esq.** called the meeting to order at 7:15 and announced that all laws governing the Open Public Meetings Act have been met and that this meeting has been duly advertised.

**Attendance Roll Call:**

Christina Albrecht	present	@ 7:30	William C. Nugent	present	Wendy Sheay	present
Jane Butula	present		Tanya Rohrbach	absent	Donna Simon	present
Beatrice Muir	present					

**Also Present:** Board of Health Attorney, Stanley T. Perlowski, Esq.

Board of Health Engineer, Ferriero Engineering, Inc. representative, Joe Kosinski

**Not in attendance:** Hunterdon County Dept. of Health representative, Debra Vaccarella

**B. SWEARING IN OF MEMBERS – by Stanley Perlowski, Esq.**

Beatrice Muir - for a term of one year.  
Christina Albrecht - for a term of three years.  
Jane Butula - for a term of three years.  
Wendy Sheay - for a term of two years.

**C. NOMINATION OF CHAIRMAN, one year term.**

*Mr. Perlowski asked for nominations for Chair of Readington Township Board of Health for the calendar year 2010.*

A motion was made by Ms. Butula, seconded by Ms. Muir to nominate William C. Nugent for Chair of Readington Township Board of Health for the calendar year 2010.

On roll call vote, the following was recorded:

Ms. Albrecht	Aye	Ms. Muir	Aye	Ms. Simon	Aye
Ms. Butula	Aye	Ms. Sheay	Aye		

**D. NOMINATION OF VICE-CHAIRMAN, one year term.**

*Chair Nugent asked for nominations for Vice-Chair of Readington Township Board of Health for the calendar year 2010.*

A motion was made by Ms. Muir, seconded by Ms. Simon to nominate Jane Butula for Vice-Chair of Readington Township Board of Health for the calendar year 2010.

On roll call vote, the following was recorded:

Ms. Albrecht	Aye	Ms. Sheay	Aye	Chair Nugent	Aye
Ms. Muir	Aye	Ms. Simon	Aye		

**E. APPOINTMENT OF SECRETARY, one year term.**

A motion was made by Ms. Muir, seconded by Ms. Butula to appoint Lorraine Petzinger to the position of Readington Township Board of Health Secretary for the year 2010.

On roll call vote, the following was recorded:

Ms. Albrecht	Aye	Ms. Muir	Aye	Ms. Simon	Aye
Ms. Butula	Aye	Ms. Sheay	Aye	Chair Nugent	Aye

*Ms. Petzinger thanked the Board.*

**F. Resolution BH-R-2010-2. APPOINTMENT OF BOARD OF HEALTH ATTORNEY.**

A motion was made by Ms. Muir, seconded by Ms. Albrecht, to approve the resolution to appoint Stanley T. Perlowski, Esq., as the Readington Township Board of Health Attorney for 2010.

On roll call vote, the following was recorded:

Ms. Albrecht	Aye	Ms. Muir	Aye	Ms. Simon	Aye
Ms. Butula	Aye	Ms. Sheay	Aye	Chair Nugent	Aye

*Mr. Perlowski thanked the Board.*

**G. Resolution BH-R-2010-3. APPOINTMENT OF BOARD OF HEALTH ENGINEER.**

A motion was made by Ms. Butula, seconded by Ms. Simon, to approve the resolution to appoint Ferriero Engineering as the Readington Township Board of Health Engineer for 2010.

On roll call vote, the following was recorded:

Ms. Albrecht Aye Ms. Muir Aye Ms. Simon Aye  
Ms. Butula Aye Ms. Sheay Aye Chair Nugent Aye

*Mr. Kosinski thanked the Board.*

**H. Resolution BH-R-2010-4. APPOINTMENT OF HYDROGEOLOGIST.**

A motion was made by Ms. Muir, seconded by Ms. Butula, to approve the resolution to appoint Matthew Mulhall, M2 Associates, as the Readington Township Board of Health Hydrogeologist for 2010.

On roll call vote, the following was recorded:

Ms. Albrecht Aye Ms. Muir Aye Ms. Simon Aye  
Ms. Butula Aye Ms. Sheay Aye Chair Nugent Aye

**I. Resolution BH-R-2010-1. CONFIRMATION OF 2010 BOARD OF HEALTH MEETING DATES FOR THE THIRD WEDNESDAY OF EACH MONTH, BE IT FURTHER RESOLVED, THAT THE FOLLOWING MEETING DATES BE CONFIRMED FOR PUBLICATION:**

o January	20	o July	21
o February	17	o August	18
o March	17	o September	15
o April	21	o October	20
o May	19	o November	17
o June	16	o December	15

A motion was made by Ms. Muir, seconded by Ms. Simon, to approve the resolution to confirm the aforementioned meeting dates for 2010.

On roll call vote, the following was recorded:

Ms. Albrecht Aye Ms. Muir Aye Ms. Simon Aye  
Ms. Butula Aye Ms. Sheay Aye Chair Nugent Aye

**J. APPROVAL OF THE MINUTES**

**1. Minutes** of November 18, 2009. (*-Albrecht, Rohrbach vote*).

A **MOTION** was made by Ms. Muir, seconded by Ms. Simon to approve the minutes of 11/18/09 as amended and corrected.

On roll call vote, the following was recorded:

Ms. Butula Aye Ms. Sheay Aye Chair Nugent Aye  
Ms. Muir Aye Ms. Simon Aye

**2. Minutes** of December 16, 2009. (*-Butula, Rohrbach vote*).

A **MOTION** was made by Ms. Muir, seconded by Ms. Albrecht to approve the minutes of 12/16/09.

On roll call vote, the following was recorded:

Ms. Albrecht Aye Ms. Sheay Aye Chair Nugent Aye  
Ms. Muir Aye Ms. Simon Aye

**K. CORRESPONDENCE**

- HCDH LINCS** – dated 12/11/09 – Public Health UPDATE -MMWR Week 48.
- HCDH LINCS** – dated 12/23/09 – Public Health UPDATE -MMWR Week 49.
- HCDH LINCS** – dated 12/31/09 – Public Health UPDATE -MMWR Week 51.
- Suspected Hazardous Discharge Notification** letter dated 12/29/09 regarding oil heating #2.
- Block 45.02/79** – NJDEP – Notice of Deficiency.  
*Chair Nugent stated it is nice to see that there is follow up on items which were not done.*
- Block 45/Lot 27.02** - NJDEP No further action.

7. **Block 10/19.04** – NJDEP – No further action.
8. **Block 64/Lot 18.02** - NJDEP No further action.
9. **Block 57/11.06** – NJDEP – No further action.
10. **Block 74/Lot 22** - NJDEP Notice of Deficiency.
11. **HCHD LINC**S - dated 1/8/10 – Public Health UPDATE – MMWR Week 52.
12. **Block 38/Lots 86, 87** - Letter dated 1/4/10 from PARS Environmental, Inc. regarding Dean Oil.  
*Chair Nugent noted that this is something that the Board should keep an eye on.*

#### **L. SEPTIC REPAIRS**

1. Septic System Repair Approval from HCHD, B 58/L 2. *no work done as of 1/12/10.*
2. Septic System Repair Approval from HCHD, B 66/L 19.42. *final field 12/14/09.*
3. Septic System Repair Approval from HCHD, B 50/L 34.02. *1/12/10 application withdrawn under current contractor's name. Will reapply with new contractor.*
4. Septic System Repair Approval from HCHD, B 56/L 13. *no work done as of 1/12/10.*
5. Septic System Repair Approval from HCHD, B 46/L 24.14. *final field 12/84/09.*
6. Septic System Repair Approval from HCHD, B 57/L 1.08. *final field 1/4/10.*
7. Septic System Repair Approval from HCHD, B 52/L 25. *final field 12/23/09.*
8. Septic System Repair Approval from HCHD, B 46/L 10.10. *no work done as of 1/12/10.*

#### **M. OLD BUSINESS**

1. **Community Day 2010.**

*Chair Nugent stated that it may be a possibility to contact the representative from last year to participate in this event with a presentation of septic maintenance.*

#### **N. NEW BUSINESS**

1. **HCDH – New Board Member Orientation – 2/23/10 at the Route 12 County Complex.**
2. **News contact to residents.**

*Ms. Butula stated that the board is obligated to inform the public with the new maintenance.*

*Ms. Muir stated that the Readington News has been very cooperative with township information, it doesn't have to be a lengthy article, perhaps just a link to the township website could be provided.*

3. **LEPC meeting on 1/22/10.**

*Chair Nugent stated there is n LEPC meeting of Emergency Management on 1/22/10, and revisiting the radiological annex.*

*Ms. Sheay stated that she would help with the annex.*

#### **O. APPROVALS**

Category A. – Single Lots

*The following application for Block 69/Lot 13.11 was not heard.*

1. **Block 69/Lot 13.11 – Mantz, Milano/Walkiewicz, Witherspoon St.**

Escrow fees paid 12/2/09, Ck# 106, \$750.00.

*Heard @ 7:45 p.m.:*

2. **Block 96/Lot 1 – Whitestone, WaWa, Route 202.**

Escrow fees paid 6/9/09, Ck# 3794459, \$2000.00

Septic repairs before board 9/2004, 6/2007, 2/2008, HCDH Notice of violation 10/2003, 2/2007, 3/2007.

Data mailed with 10/21/09 packet.

Previously heard 12/16/09.

Mr. Timothy M. Prime appeared before the board representing Wawa, and is a licensed New Jersey attorney. This is a continuation of a hearing that was started on December 16, 2009 for an upgrade to the septic system at the Wawa convenience store on Route 202. This includes the addition of an aerobic treatment unit and a drip dispersal system. At last month's hearing Mr. Jeff Houser, environmental engineer provided the background of the application, also presentations on the FAST treatment system, and the drip dispersal manufacturer, American Mfg. Co. made a slide presentation on the various components of this proposed system. The presentation was

completed at that time, and they have returned to address any further questions or issues with this proposed application. There were 3 variances associated with this application because of the nature of the application. The first dealt with the ground water testing because this was previously determined to be a reserve area, acceptable for this system.

Mr. Houser confirmed that that was correct.

Mr. Prime stated the second variance relates to profile pits of less than 8' below the bottom of the proposed level of infiltration, again as explained the drip system only requires a 24" separation distance and a limiting zone.

Mr. Houser confirmed that that was correct.

Mr. Prime stated that the third variance is the 1' of C33 concrete sand, the TWA permit allows the concrete sand in lieu of select fill, is that correct?

Mr. Houser confirmed that that was correct.

Mr. Prime stated that those three variances relate to the type of system that they are proposing and the fact that there was a previous application for this site. That concludes their evidence, and if there are any questions, they would be happy to answer them.

Chair Nugent stated aside of the noted waiver/variances being requested and the fact that this is a drip dispersal system, are there any other aspects of the proposed design that do not 100% comply with NJ State, County and Township regulations and requirements?

Mr. Houser stated no, not for the alteration of an existing developed site.

Ms. Butula asked if Wawa and the corporate office were aware of the two deed restrictions that they would be filing for the pump and the alternate system?

Mr. Prime stated yes they are and they will execute those restrictions pending the approval of the board.

Ms. Butula asked if they had the information as to who in the corporate structure is going to take responsibility of the maintenance of this system?

Mr. Prime stated the environmental manager, Mr. Matt Winters, who is here tonight.

Mr. Matthew Winters, Environmental Manager for Wawa Food Markets, Franklin Mint, 260 West Baltimore Pike, Wawa, PA, 19046 introduced himself. If there is an issue at the store, the manager calls the 1-800- call center, the call is routed, and comes to him for corrective action.

Ms. Simon asked if a problem comes in to the call center how is it handled?

Mr. Winters stated there are two departments in the call center, the call center takes calls that are non-emergency. There is a central station that calls and dispatches directly in cases of emergency.

Ms. Butula asked who is the actual installer of the system?

Mr. Winters stated that it would be bid out, and the name of the installer would be provided to the board.

Ms. Butula stated that falls into the motion which will have details about proper installers, that he is properly trained and will be there at certain points. A stipulation will be included in the motion that the board has to have that name and those credentials before they can proceed.

Mr. Winters stated that is not a problem.

Mr. Prime stated that the manufacturer of the drip dispersal and the FAST will be trained in the components of the system.

Ms. Butula stated that they should touch base with the Board, and the County, give the installers name and the County will double check that.

Chair Nugent asked what assurance could be provided that freezing will not be a concern.

Mr. Houser stated their general experience with septics is that the area is generally warmer because of the temperature of the water going to the system, and because of the biological gases. Secondly, specific to drip is that it is designed to maintain unsaturated flow so you are never having any type of puddling situation, the soil is actually absorbing it

like a sponge and pulling the water away from the tubing. The tubes themselves are designed to drain after the pump is shut down, the system drains back into the soil.

Mr. Prime stated that there was some testimony on this at the last meeting, the presentation dealt with the pressure compensating emitters, the drip tubing installed along the contour of the air release vacuum breaker valves and the fact that the valve boxes are insulated, the screens are below the frost lines and the turf cover is maintained.

Mr. Houser stated that the companies assurance is that with all the systems they have, out in Minnesota and

Wisconsin, where temperatures are well below freezing, that is one issue that they do not have.

Ms. Simon asked if there was any issue with velocity or obstruction ?

Mr. Houser stated that the pumps have been designed to maintain a certain pressure within the lines.

Ms. Butula asked if macadam would be taken up to install this system ?

Mr. Houser stated it will be installed in a landscaped area which would be replaced with gravel landscape stone and fencing to eliminate any maintenance.

Ms. Muir asked how far the parking pavement area would be to the new field ?

Mr. Houser stated it will be 12.7' from the curb.

Chair Nugent stated so you are not removing pavement so much as you are putting trenches in and dropping the piping through it, then replacing or patching it.

Mr. Houser stated that's right.

Chair Nugent asked about the issue of odor, and why it would not be an impact to the surrounding area.

Mr. Houser stated a proper operating aerobic unit doesn't have an odor, other than an earthy, musty odor. If there is a sulfur type odor, there is a biological problem, and would indicate bigger issues than odor. The system has vents and can be equipped with carbon filters to neutralize any odor, also the vent can be elevated off of the ground which can help. If a problem does come up, it can be modified quite easily.

Ms. Butula stated the option is in there to go back to the use of zone 3 at some point. What would be the qualification for zone 3 to become part of this system again ?

Mr. Houser stated they are not relying on zone 3 at all, if it never works again they don't need it, but the method of abandoning a disposal field is essentially turning off the wastewater too, you would leave the pipes and stone in place and there is no need to remove them. The reason why the bed has failed is that it sees too much water, and organic eroded effluent. Over time if the field is turned off, it will dry out and now if they want to reintroduce treated effluent that has been aerated, aerobic bacteria can actually help break down and digest any biomat that has developed. So they aren't relying on it, but based on the challenging soils in some areas of Readington, they want to maximize what they have, and if they can lose 200 gallons/day in that bed it will ultimately extend the life of the system.

Ms. Butula asked how that would be determined, and by whom ?

Mr. Houser stated that there would be a system operator that is responsible for operating and maintaining. The DEP only requires monitoring once every 6 mos., but Wawa would have someone at least once a month, possibly every 2 weeks that would monitor it.

Chair Nugent stated that at installation time a switch would be installed to activate zone 3 if necessary, is that correct ?

Mr. Houser stated yes, it is a series of solenoid valves, it is just a matter of reprogramming it every 3<sup>rd</sup> dose instead of every other one.

There was some discussion of the operation of the back up system.

Chair Nugent asked what if any changes were included in the revised indemnification agreement ?

Mr. Prime stated that an initial paragraph has been included that indemnifies and holds harmless Readington Township and Hunterdon County for any damages, losses or claims as a result of the system itself as an alternate system.

Chair Nugent asked if the board members or counsel had any further questions?

Mr. Perlowski stated that the proposed technology is quite exciting, introducing something relatively new. The traditional way of regulating septic systems was through a design specification. The current application proposes a performance specification limiting the characteristics of the effluent flowing through the system. The 90% removal of TSS and BOD as proposed by the applicant is amazing.

Mr. Perlowski asked if the model numbers were available for the FAST system, and the drip system ?

Mr. Houser stated the FAST system is the High Strength FAST 4.5 unit and the drip system, the tubing is manufactured by Netafin, there is not a model number.

Mr. Prime stated there are patent numbers, but not specific model numbers.

Mr. Perlowski asked how often the tank would require pumping ?

Mr. Houser stated that would be evaluated by the system operator, it would be inspected and determined as needed.

Mr. Winters stated the current operator for Wawa's wastewater treatment plants is Singh Operational Services.

Mr. Perlowski asked if the sludge was removed by a tanker truck and disposed of in the same manner as the sewage?

Mr. Winters stated that is correct.

Ms. Muir asked considering that this is a commercial establishment, what about the impact of heavy duty cleansers on the system ?

Mr. Houser stated there is an impact, basically they have a buffer established. Obviously cleansers kill bacteria, and they need bacteria. The septic tanks up front and the equalization tank provide enough of a buffer that it basically is distributed evenly throughout the effluent. The pH in the wastewater at this particular site is monitored, and will continue to be monitored.

Mr. Houser stated this system is considered secondary level treatment, in that there is an 85% reduction in biological oxygen demand and total suspended solids, or a level less than 30 mpl in both of those parameters.

Chair Nugent asked how the current system was failing, and how the proposed system would address that concern and the size of the existing bed relative to the proposed new zone 1 and zone 2.

Mr. Houser stated currently the disposal bed has developed a biological mat which is totally saturated and the septic tank effluent cannot be disposed of in that system. The proposed system addresses that concern with flow equalization, secondary level treatment removing the BOD and TSS from the wastewater, and spreading it out and disposing it in a more uniform fashion over a greater area with the drip system. The existing bed is 3,000 sq. ft., and the 2 drip beds will total 3,672 sq. ft.

Chair Nugent asked if the board members or counsel had any further questions?

There were no further questions.

A **MOTION** was made by Ms. Butula for **approval** for the installation of the system which is for an alteration with no expansion for a failing system. This will be a mounded system with use of an alternate/new technology called a drip dispersal system with a fixed activated sludge treatment system. All of the following conditions put forth in this motion will apply as part of this approval and the applicant must comply with all for the requirements of the Readington Township Board of Health (RTBOH) stated in this motion. This motion is for Block 96/Lot 1, the Wawa food store at 80 US Highway 202 North in Readington Township. The map is entitled On-Site Wastewater Treatment and Disposal System dated 2/23/09, revisions 4/29/09, 5/15/09, 9/21/09 pgs. 2 – 11, prepared by JR Houser, licensed NJ professional engineer. The surveyor is Gregory S. Gallas, licensed professional land surveyor from Control Point Assoc., survey is dated 2/26/97, revisions 4/17/97. A landscape plan was submitted from Bohler Engr. dated 9/19/09, and will be forwarded by this board to the Planning Board and the Township Engineer. Ferriero Engineering reports are dated 6/12/09, 10/15/09, 12/15/09. The Hunterdon County Dept. Health (HCDH) reports are dated 1/30/07, 2/22/07, 3/6/07, 3/17/09, 5/22/09, and repair notations dated 8/31/04, 5/14/07, 1/11/08. This is a mounded alternate technology, drip dispersal system utilizing the FAST (Fixed Activated Sludge Treatment) treatment system. Correspondence includes Whitestone Assoc., Lawrence Keller and Jeffrey R. Houser, licensed professional engineers dated 2/23/09, 5/7/09, 5/18/09, 6/2/09, 9/29/09, 12/1/09, 12/8/09; and Hatch, Mott, McDonald signed by Clay McEldowney dated 8/27/09; from American Mfg. Co. letters to Jeffrey Houser from Brian Allen, professional engineer dated 2/23/09, 12/16/08; from American Mfg. Co., American Perk Rite Disposal System, dated 2006; from Biomicrobics Inc., a FAST wastewater treatment systems with SFR; the installation operations and maintenance manual for the FAST wastewater treatment systems dated 2003 revised 6/2003; Smith and Loveless Inc., FAST Process Fixed Activated Sludge Treatment Process Technology Overview dated 2002; a water use data document provided with the water use at the applicant store Wawa; from the NJDEP onsite wastewater mgmt. program list of manufacturers for the aerobic treatment unit dated 5/12/09; manufacturers for the drip line drip tubing and dispersal system integrators dated 11/10/09; from NJDEP Div. of water quality, bureau of non-point pollution control; drip dispersal wastewater disposal guidance document dated 1/2008; from Biomicrobics Inc., letter to Jeffrey Houser from Allison Blodig, Biologist and Regulatory Affairs Coordinator for Bio-Microbics, dated 11/24/09; from Timothy Prime, a letter with a copy of the professional cards,

2 slide presentations, copy of proposed deed restriction language, copy of proposed indemnification agreement, copy of the public notice. For the primary, soil log A, 11/17/08, @ 96", no mottling, no seepage. Soil log B, @ 90", mottling 24 – 64", no seepage. Soil log C, 90", mottling 18 – 54", no seepage. Soil log D @ 96", mottling 30 – 72", no seepage, regional zone of saturation @ 18".

Permeability tests were done 11/17/08, percolation tests, Perc PA @ 12" in soil log A, results 7.8 min./inch – 7.7"/hour; Perc PB @ 12" in soil log B; results 7.5 min./inch – 8"/hour; Perc PC @ 12" in soil log C; results 10.6 min/inch – 5.7"/hour. For the reserve bed from 12/12/95 is soil log 1 97", no mottling, no seepage; soil log 2 @ 94"; no mottling, no seepage; soil log 3 @ 88", no mottling, no seepage, permeability test 1 was basin flood @ 88" in soil log 3 on 12/12/95, passing; test 2 was basin flood @ 97" in soil log 1 on 12/12/95, was discontinued due to freezing conditions. Perc test PD @ 12" – 7.6 min/inch – 7.9"/hour.

There is no LOI, but a report from Bohler Engr., Claudia Rocco dated 12/1/09 wetlands determination site visit report states there is no visible indicators of wetland hydrology observed in accordance with the three parameters approach set forth in the federal manual for identifying and delineating jurisdictional wetlands 1989. The site and adjacent areas do not exhibit any positive indicators for wetlands based on the site investigation, regulated features have not been located on or within 150' of the area of disturbance for the proposed on-site underground wastewater treatment and disposal system. There will be a deed restriction recorded at the County Clerk's office, a copy provided to the BOH clerk within 90 days.

Public notice was given by the applicant, proof of publication was provided to the board clerk.

As an important part of this motion, the applicant, engineers and installers and manufacturers of all components of this alternative system must comply with all conditions and requirements of the DEP Drip Dispersal Waste Water Disposal System Guidance Document January 2008. The NJDEP and HCDH should be notified by them at least 1 week prior to the installation, and inspections should be coordinated with both. An authorized installer must be present at all times - this is the applicants responsibility to make sure that the authorized installer knows his responsibility - during the drip dispersal system installation. No work on the drip dispersal system may be conducted unless under the direct supervision of an authorized installer. The water tightness of any septic processing and dispersal system dosing tank specified in the design must be water tight tested at the installation site after being installed using hydraulic or vacuum tests which shall include all upper portions of the tank including the riser joints and the testing must be done in accordance with all DEP regulations. The dripper line shall be installed by a method that will prevent pulling stretching or crimping of the dripper line and smearing compaction or altering of the soil texture, this method shall be acceptable to the dripper line manufacturer and the system integrator and the authorized designer. Drip tubing shall not be installed when the soils are saturated. Both the authorized designer and the engineer and system integrator representative are required to conduct a final construction inspection and must certify that as-built conditions are in conformance with the approved system design and they must submit as-built plans. The authorized service provider shall inspect the drip dispersal system following the installation, and shall complete the drip dispersal system startup checklist, and provide the completed startup checklist to the HCDH. The RTBOH will require that Wawa Corp. record with the deed a notice that identifies the technology utilized and acknowledge the owners responsibility to operate and maintain the system through the authorized service provider and grants access to the property for the purpose of system monitoring and inspection. Said notice shall be filed with the Hunterdon County Clerk within 7 days of installation and the file copies of the notice shall be returned to the BOH clerk and HCDH within 15 days of filing. In the event of the sale of this property, Wawa must provide the new owner with a copy of the deed restriction prior to entering into a contract sale of the subject property. The treatment system must be covered for a minimum of a transferable 5 year warranty for all components of the FAST system and dispersal system. In addition to the minimum 5 year warranty, this treatment system shall be covered by a renewable and fully transferable service contract which can never be canceled. The Readington Twp. BOH shall have the authority to verify the validity of the same and to request and receive all relevant information from the service provider. Wawa must provide a valid copy of the original warranty and service contract for the system to the board clerk

at the time of issue and no later than 2 weeks after the installation. Wawa and future owners must submit written verification annually to the BOH and the HCDH following the initial 5 year warranty and service contract that a new annual service contract is currently valid and in effect for the subject system. Annual service contracts can never be canceled. The engineer shall inspect the system at the conclusion of the installation before the back filling has begun, the design engineer shall inspect the site 30 days after installation and ascertain proper functioning of the system. The engineer shall provide this information to the HCDH.

The service contract also shall include a reasonable estimate of the cost to repair any of the problems associated with the adequate function of the disposal system. This information has been provided to the owners. The service contract shall authorize the undertaking of any maintenance or repairs determined to be necessary during any inspection or as a result of any observation, however it shall be the responsibility of the property owner to assure proper maintenance and service of the disposal area and that all necessary permits are obtained prior to any repairs to the system. Notice of failure to renew the service contract shall be directed to the Readington Twp Board of Health, the service provider and the HCDH within 7 days. This approval does not exempt the current or future property owners or their agents from the responsibility to comply with other applicable federal, state, county or township ordinances. RTBOH reserves the right to take any and all necessary action to compel the property owners to cease use of this system if the property owner fails to comply with the conditions contained herein. This installation of the system will be in full compliance with the guidance document from the NJDEP regarding drip dispersal wastewater disposal systems, document dated 1/2008; also from any guidance received regarding the FAST system. Whereas an application has been filed by Wawa Inc., c/o Whitestone Associated Inc. Engr., 35 Technology Drive, Warren NJ 07059 before the RTBOH to replace a malfunctioning individual subsurface sewage disposal system to be located on the premises known as Block 96/Lot 1, Readington Twp., NJ, 800 Rt. 202 N., Readington Twp, NJ.

Whereas the applicant is conducting a commercial use, a convenience store, and proposes to correct the malfunctioning individual subsurface sewage disposal system without expansion, as stated in the application and whereas the applicant proposes to install a FAST (fixed activated sludge treatment) system to be supplied by Bio-Microbics, Inc. of Shawnee, KS, the process is to consist of a primary sedimentation zone, secondary aerobic biological zone. A drip dispersal wastewater system is proposed for dispersal of wastewater effluent into the soil as the tertiary treatment. The drip system incorporates filtration, time and level control applications with ultra low rate distribution under guidelines provided by the American Mfg. Co., Inc., Elkwood, VA..

Whereas notice of said application has been given to the nearby property owners as required by BOH ordinance and the board is making the following findings regarding the application of FAST wherein the treatment process is a primary sedimentation zone and secondary aerobic biological zone. This operates on a continuous treatment basis vs a batch type system. It uses a honeycomb type media block submerged in the wastewater in the aerobic zone, the bacterial colonies will attach themselves to the surface of the honeycomb media as the secondary treatment. The drip dispersal system may be considered by the local administrative authority at their discretion, the use of a drip dispersal system may be allowed to alter an existing malfunctioning system. This is an approved system by the NJDEP and HCDH, it is an alternate but not experimental system. The location of the onsite wastewater treatment system must conform to all the provisions of NJAC 7:9A for the location of new or expanded systems save and except the variances referred to during approval. Alterations to existing malfunctioning systems must be made in a manner that is more compliant with the current standards than the malfunctioning system. The FAST system must be designed, constructed, operated and maintained in accordance with the Bio-Microbics installation, operation and maintenance manual. The FAST design produces a biological treatment system that is a hybrid of activated sludge trickling filter and rotating biological contactor. Both the FAST and the trickling filter systems proposed have been approved by the NJDEP and HCDH, not experimental. Now, therefore, the Readington Township Board of Health in the Township of Readington, County of Hunterdon, State of New Jersey does hereby approve the application for matters within its preveue subject to the following terms and conditions:

The FAST system shall be designed, constructed, operated and maintained in accordance with the Bio-Microbics FAST installation operation and maintenance manual. The drip system shall be designed, constructed, operated and maintained in accordance with the NJDEP Guidance Document dated January 2008. The FAST system shall be warranted by the manufacturers jointly and separately for a minimum of 5 years for defects and design, labor and materials and for purposes of this resolution such warranty shall cover any failure of the good operation of this system included but not limited to the surface of effluent, malodorous smell, and any public or private health nuisance and any failure to maintain its efficiency, 10 years for root invasion. Wawa Inc. in consideration of the acceptance of the RTBOH and other good and valuable considerations agrees to defend, indemnify and save harmless the said Board of Health and the Township of Readington and its elected and appointed officials and employees from and against any and all claims and liabilities arising out of or relating to the septic system to be supplied for this project. This indemnification agreement shall apply notwithstanding the actual or alleged negligence of the indemnities but shall not apply to claims or liability arising solely from their negligence. The foregoing indemnification is in addition to and not in lieu of the requirement of the ordinance of the township of Readington pertaining to the indemnification for pump systems.

In compliance with the Guidance Document the board is granting a variance for the depth of the sand in lieu of 4' to 1' in the zone of treatment.

This motion was seconded by Ms. Albrecht. On roll call vote, the following was recorded:

Ms. Albrecht	Aye	Ms. Muir	Aye	Ms. Simon	Aye
Ms. Butula	Aye	Ms. Sheay	Aye	Chair Nugent	Aye

Mr. Prime thanked the board's counsel, Mr. Perlowski, stating that he had been very helpful during this process, and he enjoyed working with him.

Mr. Perlowski thanked Mr. Prime for a wonderful presentation.

Ms. Butula stated that she was very impressed with their presentation.

### **3. Block 94/Lot 17 – Applied Water, Readington Twp., Summer Rd.**

Application date 12/23/09.

Mr. Jens Riedel, Applied Water Management, NJ licensed engineer appeared before the board. This application is for a septic area approval for Block 94/Lot 17 on Summer Road. The client is Readington Township. This property was purchased and was part of a much larger piece of property north of 202, it was purchased for farmland preservation, a small 2 acre lot will be sold for individual residence as a farmland parcel. Part of the application requests 2 variances, for 1) the septic area approval, and not a design and 2) request to only submit testing results within 150' of the proposed disposal beds.

Mr. Riedel stated that the report from Ferriero indicates the profile pits, based on the groundwater testing all pits remained dry during the entire 8 week period. During that time a storm came through, which the witness has noted as very heavy rain on April 15. Many of the piezometers on that site were affected by that storm, but the ones in the proposed area remained dry. There were some corrections to the forms submitted on January 15<sup>th</sup>, for basin flood 02-05-2 which was incorrectly listed as 5.5' depth of pit, and should have been 8.17'. The second correction was in the groundwater readings weeks 5 – 8 were all listed as 4/2/07, and should be the dates of the subsequent 4 weeks after that.

Chair Nugent asked if Mr. Riedel had filled out all the forms that were submitted, and if he had performed and participated in the testing done at the site.

Mr. Riedel stated he did not, he visited the site but was not involved in the soils testing.

Chair Nugent stated there was a bit of correspondence back and forth between the BOH, the County and this firm and asked about the relationship of Mr. Nick Cramer to Applied Water, and this application.

Mr. Riedel stated Mr. Cramer is the soil evaluator; he was on site for all the testing on this site.

Chair Nugent asked about the area defined on the map as "area of interest", noting that in previous applications, it has never been referred to as the exception area. Also is the documentation available of the area that is going to be designated for possible development

Mr. Riedel stated he hasn't dealt with farmland preservation applications, and wasn't aware that that was the correct term. They were asked to designate a 2 acre piece of property centered on the area with the most favorable soils for septic disposal.

There was some discussion of the 'area of interest' and the exception area being one in the same; the distance from that area to the road access; and the topographical map.

Chair Nugent referred to his letter to the engineer dated 11/25/09, and the concern that traditionally any application that has ever come before this board has presented on signed and sealed forms any and all testing that has been performed on a property regardless of the distance from the proposed septic bed, by state code the minimum that must be presented is 150', which is what the applicant has presented.

Historically, waivers have been granted when it was in the neighborhood of 300 – 500' depending on the circumstance. One of the challenges about this application is the quantity of tests performed on this property and the fact that there is in excess of 100 soils testings. The information available is the witness data for all the testing done. The board may entertain granting a waiver from submitting all of the forms. There was some discussion of the primary and reserve areas.

There was some discussion of the area of interest.

Chair Nugent asked Ms. Muir, as a member of the Township Committee, are there any plans on this piece of property being subdivided ?

Ms. Muir stated that she did not believe there was any subdivision upon it now, and she did not believe that it could ever be subdivided because it will have a deed that restricts it from subdivision because it is farmland preserved property bought with farmland preserved funding and it cannot be designated as anything else.

Chair Nugent stated and it is your understanding that the exception area for farmland preservation for this piece of property has not been already designated specifically on the property and as a result can be moved to the quadrant that is represented on the map before us ?

Ms. Muir stated this is an exception area as located on the map in front of us, it will be filed as an exception area in the deed when a deed is filed, it is before us to approve or disapprove the soils testing as an exception area in a farmland preservation piece. It is not entitled to subdivision, it is part of the parcel that is represented.

Chair Nugent asked Mr. Perlowski if the engineer has testified that the area of interest is intended to be a farmland preserved exception area, can the board treat this as just an approval of that soils testing?

Mr. Perlowski stated the board's position is to comment on the validity of those perk tests, the board can make a decision on it based on the soils testing before us.

Chair Nugent asked if there were any other questions.

There were no comments from the board.

A **MOTION** was made by Ms. Butula for approval for the test results submitted by Applied Water Management, working from a map named Site Plan for Block 94/Lot 17-7:9A in Readington Township, Hunterdon County, New Jersey, no revisions, prepared by Jens Riedel, licensed professional engineer in NJ. The site is located on Summer Road, the applicant is Readington Township. The original signed survey is from a wetlands map, Lots 6.02, 8, 11, 15.01, 17 and 19/Block 94 situated in the Township of Readington, Hunterdon County, New Jersey and will be held by the township of Readington in their files, and will be available to the Board of Health, the surveyor is Dana J. Parrish, map is dated 9/27/01. A report from Ferriero Engineering is dated 1/11/10. This is for proposed new construction. Correspondence from Applied Water Mgmt. is dated 12/23/09, 1/14/10. Field data sheets from Applied are dated 10/2009. Readington Township witness data is dated 207 and 2008. Disposal area 2 is designated as the primary, soil log 0201-3 performed 2/1/07, depth 113", no mottling or seepage, no hydraulically restricted horizon, massive rock substratum @ 113". Soil log 0205-3, 2/5/07 @ 121", no mottling or seepage, no hydraulically restricted horizon. Permeability test was basin flood 0205-2, @ 98", 2/5/07, 2/6/07, passing. The in season ground water monitoring dates were 3/12/07 – 4/30/07 in soil log 0201-3, all results dry. For the reserve area designated as disposal area 1, soil log 0201-5, 2/1/07 @ 116", no mottling, no hydraulically restricted horizon, fractured rock substratum soil limiting zone @ 10", massive rock

substratum 116. Soil log 0205-2, 2/5/07, no mottling or seepage, soil limiting zone @ 20", massive rock substratum @ 117". Permeability test is basin flood 0205-1 @ 66", the dates were 2/5/07 – 2/6/07, passing. The in season ground water monitoring dates were 3/12/07 – 4/30/07 in soil log 0201-5, regional zone determined by soil log 0201-5 @ 110" because of the seepage. A freshwater wetlands delineation done by Environmental Evaluation Group in Toms River, NJ, done 7/20/01. The pertinent information from this evaluation is that there are wetlands present on the property, comprising of 0.44 acres 1.76%, the non wetlands were 24.33 acres or 98.24%, designated on the map submitted tonight. The engineer has testified that this will probably be a gravity fed system, otherwise the applicant will have to come back for approval for a pump system. Testimony from the engineer is that this is a 2 acre exception area. Testimony from Ms. Muir, a member of the Readington Township Committee that this is a farmland preservation parcel and that this is an exception area and this is the only area where there will be building, a deed restriction is placed on this property that nothing else can be developed, there can be no other homes, buildings, subdivision, that this board is giving approval only for the 2 acre exception area. This does not exclude a driveway or access to the exception area. Two pieces of correspondence are included, on township letterhead from Readington Township Board of Health Chair, letters dated 11/25/09 and 12/4/09. A waiver is granted as requested that the tests submitted to the board as signed and sealed documents will be within 150' radius of the proposed system, referring back to the correspondence from the Readington Township witness for the years 2007 and 2008, and all the remaining property and all the other test sites as designated on the map. If for any reason in the future this exception area is changed, the applicant, whether it is the Township or future owner, must return to the Readington Township Board of Health. A waiver is granted that there are no design components on the map that was submitted to the board, in recognition of the particular components of this property and the involvement of farmland preservation and because of the testimony given here.

This motion was seconded by Ms. Sheay. On roll call vote, the following was recorded:

Ms. Albrecht	Aye	Ms. Muir	Aye	Ms. Simon	Aye
Ms. Butula	Aye	Ms. Sheay	Aye		
Chair Nugent	Aye, with the qualification in light of the testimony given that this is in fact an exception area, a farmland preserved piece of property and only that.				

Chair Nugent asked if there were any further matters from the board this evening, or any public comment ?  
There was no response.

**P. ADJOURNMENT.**

A *MOTION* was made by Ms. Muir to adjourn at 10:45 pm, seconded by Ms. Albrecht with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger  
Board of Health Secretary