

## READINGTON TOWNSHIP BOARD OF HEALTH MEETING

June 15, 2011

Chair William C. Nugent called the meeting to order at 7:15 p.m. 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	William C. Nugent	present	Wendy Sheay	absent
Jane Butula	present	Tanya Rohrbach	present	Donna Simon	present
Beatrice Muir	present				

**Also Present:** Board of Health Engineer, Ferriero Engineering, Inc. representatives Joe Kosinski and John Hansen  
Hunterdon County Dept. of Health – Debra Vaccarella

### A. APPROVAL OF THE MINUTES

#### 1. Minutes of March 16, 2011.

*Deferred.*

#### 2. Minutes of May 18, 2011. (-Sheay vote).

A **MOTION** was made by Ms. Muir to approve the minutes. The motion was seconded by Ms. Simon.

Ms. Butula stated that there were some minor corrections to the motions for Block 38.

On roll call vote, the following was recorded for approval of the 5/18/11 minutes:

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

### B. CORRESPONDENCE

#### 1. NALBOH – Newsbrief, 2<sup>nd</sup> Quarter, 2011.

*Ms. Butula noted the website on pg. 7 [www.nalboh.org/EH\\_Local\\_Policies.htm](http://www.nalboh.org/EH_Local_Policies.htm) ; also the following:*

*Pg. 8, Job Losses and Program Cuts ; Pg. 6 Medical Reserve Corps to Improve Childhood Health.*

*Chair Nugent noted on Pg. 2 The Value of Evidence-Based Public Health*

*[www.nalboh.org/Community\\_Guide.htm](http://www.nalboh.org/Community_Guide.htm)*

*Ms. Butula stated under New Business, The Partnership for Public Health will tie into this.*

*Chair Nugent noted on Pg. 3 the Model Aquatic Health Code, this may be interesting to the HCDH.*

#### 2. Suspected Hazardous Discharge Notification letter dated 5/21/11 re: oil transformer UNK PCB.

#### 3. Block 10/Lot 22 – NJDEP –dated 5/3/11 – No further action letter.

#### 4. Block 69/Lot 13.21 – NJDEP –dated 5/27/11 – No further action letter.

#### 5. Block 74/Lot 21 – HC Soil Conservation District – letter dated 5/17/11.

*Chair Nugent noted this legislation that some board members may be unaware of, including the 5,000 sq. ft. disturbance area.*

#### 6. HCDH LINCS – dated 6/2/11 – Public Health ADVISORY – E.Coli 0104: H4 Surveillance.

#### 7. HCDH LINCS – dated 6/3/11 – Public Health ADVISORY – Notice to Health Care Providers – Shiga Toxin producing E.Coli 0104 (STEC o104:H4) Infections in U.S.

### C. SEPTIC REPAIRS

#### 1. Septic System Repair Approval from HCHD, B 66/L 19.70. *Final field 5/4/11*

#### 2. Septic System Repair Approval from HCHD, B 63/L 53.07. *Final field 5/10/11*

#### 3. Septic System Repair Approval from HCHD, B 55/L 23.01. *Final field 6/3/11*

There was some discussion on the procedure for septic repairs.

Ms. Vaccarella stated that all of the repair applications are on the County Health website, and are updated monthly. The repair information will no longer be sent out.

The board discussed the benefits of having septic repair information.

Ms. Butula stated that in the case of an existing septic it may be helpful information.

Mr. Hansen stated that there may be unique situations, but most of what the board deals with is alterations or new construction, anything that happened in the past is inconsequential. It may be helpful information if you are subdividing a lot or keeping a system with a house.

Chair Nugent stated that there have been several cases where having that information available has been valuable to the board.

Ms. Vaccarella stated that she would argue that it isn't of value to the board, in that if it has never been installed and they go forward with an engineer testing and putting an alteration in, having that approved repair would have been a waste of money, when instead of making application to the County, the homeowner should have gone with an engineer. The Board of Health is looking at the permeability of the soils, and approving that, the County is the agency that is actually reviewing the rest of the technical data regarding it.

Chair Nugent stated that he understood the point of the County, in that extra work did not need to be done by them, for minimal value, but he would also like to contemplate how they could accomplish what needed to be done for a minimal cost.

Ms. Vaccarella stated that based on the fact that the board is discussing a subdivision which the County was not asked to report on, where other municipalities do have subdivisions reviewed, an inspection of the existing septic system is done, but in Readington Twp., that doesn't happen. Because of that, the Counties records were not necessarily checked and reported on to the BOH, nor did they do a site assessment of the property, however, it is perfectly rational to ask for someone to then have a professional examine internally, their septic system, if that is the choice that the BOH makes, that would be an agreeable choice but that is the rare instance where the property is being subdivided and the house is going to remain.

The history in the last three years is that it is vacant property that is being developed.

Chair Nugent asked if an application comes before the board, and someone needs the information as to whether or not there has been a repair, is that information available on the website?

Ms. Vaccarella stated that the information on the web is the engineer or excavator, and the date of approval. The technical requirements would already be reviewed for the board, the Board of Health would only be reviewing the permeability tests.

Chair Nugent stated that he would discuss this with the board secretary to decide what information they needed and how to retrieve it.

#### **D. OLD BUSINESS**

##### **1. Fertilizer spreaders/pesticide application.**

Ms. Albrecht stated that the Environmental Commission would be handling this.

#### **E. NEW BUSINESS**

*Time heard: 7:40 p.m.*

##### **1. NJDEP proposed revisions to 7:9A. – Presentation and Discussion, Ferriero Engineering and Board Members.**

Chair Nugent stated that the NJDEP has proposed changes to 7:9A, the board requested that the engineering firm review those changes and respond to the state during the comment period on behalf of this board.

Ms. Butula asked if anything had happened since the last board meeting?

Mr. Kosinski stated that he had checked the DEP website and as far as that information states, there is no public hearing and no comments have been posted.

Mr. Hansen stated they are at the point where the existing rules will expire on July 25, 2011. Ferriero Engineering has prepared a list of comments and questions to NJDEP, and published a letter on May 5, 2011. Prior to that a thorough review of the proposal was done by breaking it down to significant changes indicated by bullet points in each subchapter and then giving a basic explanation of each point, which was documented in the April 28, 2011 letter.

Ms. Butula stated that was an excellent letter.

Mr. Hansen stated that Mr. Kosinski was responsible for researching all of the details involved in that work.

Mr. Hansen stated that the good is that there are no significant changes to subchapters 5 and 6. Those are the soil suitability sections and the soil permeability testing sections which is really the focus of this board. Most of the board's concentration is on the soils and permeability testing and how it relates to Readington code and whether the correct process in the field has been followed or not. Those things are not changing, however there are some significant changes, as are outlined here.

Ms. Butula asked if the non routine systems such as the peat moss systems were a change?

Mr. Kosinski stated that it is a change, but it is incorporated into the code now, whereby it was special approval regulated by the board previously.

Ms. Butula stated it was an advisory guidance document.

Ms. Muir asked if it were easier for applicants to obtain approval?

Mr. Kosinski stated that it should be easier because theoretically they don't need local approval from the administrative authority to propose these systems. Since it wasn't included in 7:9A in the previously adopted version, special permission was required by the administrative authority for their use. When it becomes part of 7:9A, if the amendments are adopted, then it can be used theoretically for both new construction and for alterations/expansions.

Mr. Hansen stated that it makes sense, because it is technology that has been going on for a couple of years, and they have had a chance to look at and form opinions on it.

Ms. Butula stated that in the guidance document, new construction wasn't covered, so that is a pretty big change.

Ms. Muir stated that previously the board had only approved them for alterations.

Ms. Vaccarella stated as of today, you cannot approve them for new construction, they would have to go directly to NJDEP as a treatment works approval.

Ms. Butula stated that this board previously had the option of requiring more stringent guidelines, and that would have to be reviewed by an attorney.

Mr. Hansen stated that the question there may be whether or not this board has to re-adopt those guidelines after the code is adopted.

Mr. Kosinski stated that they had posed that question to NJDEP. It is something that wasn't factored into the DEP's assessment that this is an unfunded mandate, they really didn't take into consideration that many municipalities in NJ have their own local ordinances which by reference are promulgated by 7:9A but have specific requirements that potentially have to be re-reviewed by the NJDEP in order for them to be valid.

Mr. Hansen stated that one of the things they did not address in soil testing the soil permeability class rating samples. This board recognized quite a while ago that that is a weak test, and the physical tests are better. It would seem that they would have addressed that, they are trying to clean up some long standing issues with this code change.

Mr. Kosinski stated regarding re-adopting some ordinances, some changes will be required. There is a section of the ordinance regarding septic system inspection, an entirely new rewritten section is proposed and amendments to 7:9A regarding inspections that are not going to be consistent.

Ms. Butula stated that the paperwork changes could be significant.

Mr. Hansen stated that that is the direction they are taking, that there are more restrictions, and more paperwork and record keeping will be involved.

Mr. Kosinski stated that as Ms. Vaccarella mentioned, the County has been reporting to the NJDEP for several years giving them information that they've requested. We don't have the forms yet that the DEP has said the administrative authorities will have, and what information they want but it will probably be consistent with what they are already asking.

Chair Nugent stated that he would suggest proceeding through the April 28, 2011 letter, as it follows 7:9A.

#### SUBCHAPTER 1. GENERAL PROVISIONS

The first question for discussion would be the significant change described as antiquated disposal methods and the proposed required replacement for a real property transfer. If the changes are made as proposed, who would be the responsible party for reporting back to the state. Does the board engineering firm have any exposure to other municipalities within the state that is triggered into real estate transactions, and how are they doing it?

Mr. Hansen stated that they are not, but there is probably not an inspector that is going to inspect something on a

real estate transfer that involves a mortgage that is going to approve any of those components, although the situation is self-regulating in that an inspector wouldn't want to approve a failing system.

Ms. Butula asked if someone came in with a malfunctioning system, a cesspool, could that be repaired or upgraded?

Ms. Vaccarella stated that yes, it currently could be upgraded with a septic tank in front of it, creating a seepage pit. The proposed change looks as if it is proposed that the repairs or alterations to existing cesspools are prohibited.

Ms. Butula asked so they would now have to go to the state for approval?

Mr. Kosinski stated potentially, you may have a holding tank situation.

There was some discussion of inspections of cesspools for real estate transfers.

Ms. Vaccarella asked regarding to the proposed changes, if a system is deemed failing they have 2 weeks to give the results to the authorized agent, the County Health Dept. Will any septic inspection be reported to the administrative authority?

Mr. Kosinski stated that that is the implication and that is their interpretation. Regarding cesspools, the state decided not to omit the section of the code that states regarding existing systems, that alterations that are made in such a way that components of the system are altered in conformance with the requirements of the chapter are closer to being in conformance with the chapter than the original components that those alterations are permissible. So while they are saying a cesspool is not permitted, if you were to bring that system closer in compliance with the current code by adding a septic tank before it making it a seepage pit, that should be permissible based on that section of the code. That is one of the things that they are expecting to get clarification on from the state.

Ms. Vaccarella stated that the County had started tracking those results years ago, they were the regulatory agency, will that stay with the County Health Department?

Mr. Kosinski stated yes, that is their interpretation, however it is stated as designated agency.

There was some discussion of the enforcement of regulations, age and design of failing septic systems.

#### SUBCHAPTER 2. DEFINITIONS

Chair Nugent stated regarding Subchapter 2. Definitions, he had a question on the watercourse change.

Mr. Hansen stated that that is the important one on that page. Watercourse is going to include wetlands and subsurface drains, and the definition has been expanded.

There was some discussion of distances and water courses, drainage areas, flood hazard areas, and the NJDEP website with the wetland areas defined.

Mr. Kosinski stated that the website is a good reference, but it doesn't replace an on-site evaluation, which the board already requires an, so this will probably be less of an impact as you would expect.

Mr. Hansen stated that the DEP website is a general guidance document, the LOI's will also be required and the on-site evaluation is the next true delineation of a property. The onus is on the owner and the applicant's engineer.

#### SUBCHAPTER 3. ADMINISTRATION

Chair Nugent stated moving on to Subchapter 3.4(f), is it their interpretation that based on the County's violation letter that a letter will have to be sent out by this board?

Mr. Kosinski stated that there would have to be an evaluation of the report, currently, there are septic system inspectors that indicate that the septic is malfunctioning when it isn't in fact doing that. The state is proposing to incorporate standards into 7:9A. The board will still be required to evaluate the reports and determine if a system is compliant or not.

Mr. Hansen stated that they had pointed out that this would require a tremendous amount of man hours for little added benefit.

Chair Nugent noted N.J.A.C 7:9A-3.5(e) the mention of the 5 year expiration date.

Mr. Kosinski stated that the board and local municipalities have their own option to include a grandfathering Clause within their ordinance.

Chair Nugent noted that there is mention that there are no changes to N.J.A.C 7:9A-3.14 (a)-(c), therefore the three year notification of the write up on septic systems is still in effect.

Chair Nugent stated that regarding the reporting of the number of septic systems, and types in each municipality, is that requirement fulfilled by the County?

Mr. Kosinski stated that the septic management work plan is a voluntary program.

Ms. Vaccarella stated that is why they have already started releasing that information to certain municipalities.

#### SUBCHAPTER 4. SITE EVALUATION AND SYSTEM LOCATION

Chair Nugent stated it was nice to see that the amendment proposing to clarify that a current valid LOI is required is included.

Mr. Hansen stated it is still unclear whether or not the LOI is actually required. At this point you can continue as you have in the past, if there are wetlands nearby, or the project disturbance is impacted, you can ask for an LOI.

Mr. Kosinski stated that you have to have the flexibility to apply some professional judgment, if there are potential wetlands 1,000' from your site, there is no reason to have a valid LOI, if there is absolutely no potential that you are going to impact the site.

Ms. Butula asked if the board is still going to be able to follow the steps it currently does?

Mr. Hansen stated yes.

Ms. Vaccarella stated that there is a check off box on the County application stating there are no wetlands, it is also verified at the building office.

Ms. Butula inquired about page 6, the paragraph 'prohibits any increase in runoff'

Mr. Hansen stated that is a clarification that they already look at, and this board has looked at for years because of the mounded septic systems here, toes of slopes next to adjacent properties, is a two part process. Ferriero looks at it, and the County also looks at it to make sure it has been built correctly.

Ms. Butula asked if this increases the boards' responsibility?

Mr. Hansen stated that there is some questionable wording there, which has been posed to the DEP.

Ms. Vaccarella stated that that should really be under the jurisdiction of soil conservation, and no increase on the neighboring property.

Ms. Butula noted the statement ' no waivers from separation distances be granted'

Mr. Kosinski stated that they had to go back to 7:9A3.3D2, which says as long as the systems are brought closer in compliance than the existing system it is permissible.

#### SUBCHAPTER 7. GENERAL DESIGN AND CONSTRUCTION REQUIREMENTS

Chair Nugent stated one of the items states that the proposal eliminates the ability of the administrative authority to determine flow based on alternative methods such as water use data.

Mr. Hansen stated that they were disappointed that that was taken away.

#### SUBCHAPTER 8. PRETREATMENT COMPONENTS

Chair Nugent asked regarding pg. 8, the effluent filter, was there any mention to the size or maintenance interval regarding the filter?

Mr. Kosinski stated that he didn't see any reference regarding the size or maintenance of the filters.

There was some discussion of the benefits of revisions to the ordinances.

#### SUBCHAPTER 9. EFFLUENT DISTRIBUTION NETWORKS

Chair Nugent asked what the reference was to products utilized in lieu of laterals and filter material? And should this board be concerned about it?

Mr. Hansen stated a chamber system, and they have had pretty good success with them.

#### SUBCHAPTER 10. GENERAL DESIGN REQUIREMENTS FOR DISPOSAL FIELDS

Chair Nugent asked about the 18" minimum for the unsaturated zone of treatment being reduced? The ordinance requires 4', so would that override the 18" reduction?

Mr. Hansen stated he wasn't sure because it is talking about an advanced wastewater pre-treatment device, so it probably has to be clarified to remove that grey area from someone who would challenge it.

Chair Nugent mentioned the ordinance change for the section of code defining the fines, and thanked Mr. Hansen for that.

#### SUBCHAPTER 13. CRITICAL AREAS

Chair Nugent stated that the Township Committee and the Environmental Commission may want to look at this section.

#### APPENDICES

Chair Nugent noted to the County that there may be paperwork changes, and the board and County may have to

alter their fee schedule to accommodate this.

Chair Nugent stated that concludes the comments on Ferriero's letter to the board, there was one comment on their letter to the state, on page 2, 3.4(d) Is there a chance that this would suggest that if the County were making a determination of compliance, would they then have to be a professional engineer?

Mr. Kosinski stated that is part of the confusion, under the current rules only a professional engineer can make that determination.

Ms. Butula stated that as discussed at the previous meeting, there is a lot here that potentially puts the board directly in line for an enormous amount of litigation.

There was some discussion of the qualifications of the septic system inspectors.

## F. APPROVALS

### Category A. – Single Lots

*Time heard: 9:10 p.m.*

#### 1. Block 51.01/Lot 2.29 – Van Cleef Engr. Assoc., McCoy, Sunnyfield Drive.

Escrow fees paid 5/24/11, Ck# 8741, \$750.00.

Mr. Peter McCabe, VanCleaf Engineering, NJ licensed engineer appeared before the board. This application is for 3 Sunnyfield Drive in Readington township. The application is to correct a malfunctioning system to an existing 4 bedroom dwelling. Two soil logs and a basin flood test were performed on 5/3/11. There was no water encountered in any of the soil logs, the proposed system will be a soil replacement fill enclosed installation, the reason being that Mr. McCoy found that there was water in the bed. The two soil logs showed topsoil, a layer of clay loam and then fractured shale below that. The basin flood test was very successful in terms of the water draining twice within 30 minutes. Ms. Butula asked Mr. McCabe to testify to the General Note 3 on page 6 in regard to the distances to neighboring wells.

Mr. McCabe stated that the disposal field is at least 100' from all wells, the 100' radius from the proposed field is indicated on the map. The well is in front of the house and the 100' radius does not extend beyond the property line except to the south. The existing septic tank which will be used is 100' from the well, the disposal field is much further than 25' from the dwelling and the septic tank is further than 10' from the dwelling. No trees will be within 15' of the disposal bed.

Chair Nugent asked if there were any further questions.

There were no questions from the board.

A MOTION was made by Ms. Butula for Block 51.01/Lot 2.29, a 4 bedroom dwelling at 3 Sunnyfield Dr. in Readington Twp. The map is entitled Septic System Alteration Plan for 3 Sunnyfield Drive Block 51.01/Lot 2.29 Readington Twp. Hunterdon County NJ, pages 1 – 4, no revisions, prepared by Thos. R. Decker, NJ licensed engineer. The topo survey was done by James D. McEwen, NJ licensed land surveyor done 5/5/01. A report from HCDH is dated 5/27/11, this is an alteration with no expansion, gravity flow soil replacement fill enclosed system. For the primary, done 5/3/11, soil log 503-1, @ 120", no mottling, no ground water, no hydraulically restricted horizon. Soil log 503-2, @ 120", no mottling, no ground water, no hydraulically restricted horizon. Permeability test is BF 503-1 @ 8', 5/3/11, passing.

This motion was seconded by Ms. Simon, on roll call vote, the following was recorded:

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

**Category B. – Subdivisions**

*Time heard: 9:20 p.m.*

**1. Block 38/Lots 54, 74 & 75 – James R. Frace, Renda Subdiv. Pearl St. & Ridge Rd.**

Escrow fees paid 12/20/06, Ck# 849 \$500.00.  
Escrow fees paid 12/22/06, Ck# 857 \$1000.00.  
Escrow fees paid 9/19/07, Ck# 1037 \$1500.00.  
Escrow fees paid 7/13/09, Ck# 1470 \$1500.00.  
Escrow fees paid 3/15/11, Ck# 1794 \$1500.00.  
Previously heard 4/20/11, 5/18/11.

Mr. Robert Templin, licensed engineer in the State of NJ appeared before the board. This application has two lots remaining in the subdivision, at the last meeting they left off with Lot 54.11, which has frontage on Ridge Rd. The other 10 lots have been approved, the remaining lots are 54.11 and 54.01.

*Time heard: 9:25 p.m.*

Chair Nugent stated that they would move on to Lot **54.01**.

Mr. Templin stated beginning with proposed Lot 54.01, the soil testing was done on 2/27/08, soil log 114 to a depth of 120", seepage was at 96" with a 24 hour ground water reading of 96". The mottling was from 68 – 72" and during the 8 week ground water monitoring season the high reading on 3/15/08, was 41". For the primary area, soil log 115 a pit bail was recorded on 2/27/08, the depth was 120" seepage was at 84" with at 24 hour reading of 60". Mottling was from 40 – 60". During the monitoring period on 3/21/08, the ground water reading was 38", which is utilized as the regional zone of saturation. The pit bail in this soil log was 108", the K rate was 5.79, and the reserve area, soil log 68, a pit bail was dug to 120", seepage was at 72", with at 24 hour reading of 90". Mottling was from 65 – 70". The ground water reading on 2/3/06 was 15" due to the rainfall which was filtering into the soil log. The following week on 2/10/06, the ground water reading was 48" and continued to drop through the monitoring period to a depth of 87", even with a 12" snow melt. The witness report states that the surface water was running directly into the soil log around the stand pipe on 2/3/06. The ground water reading on 2/3/06 was not utilized for the regional zone of saturation because it was draining directly into the lot. On soil log 69 which was performed on 1/25/06 to 120", seepage was at 66", 24 hour ground water reading of 94", mottling between 48 and 67". Also, a ground water reading of 22" on 2/3/06 was the same situation, water was draining adjacent to the standpipe, after the soil log was refilled, the groundwater readings were between 45" and 89". 49" was used as the regional zone of saturation. A pitbail was done in soil log 68, with a depth of 189", and a K rate of 1.50"/hour.

Ms. Butula stated that this is not the first time that rainwater has been involved and the manner in which test holes were constructed. When they had to be reconfigured so that wouldn't happen again, the onus is on the engineering firm to explain why that situation existed. The last time this happened they had to go back and install piezometers, so she would like a good explanation, data and information as to why the situation existed.

Chair Nugent asked why should the board not believe that the 15" is in fact regional zone and therefore not be able to approve.

Mr. Templin stated that the witness reports indicate that he was actually the person that noticed the water draining right into the soil logs, right down the standpipes. The witness brought the engineering firm out, as well as the owner to observe it.

Ms. Butula asked if there were other logs done on this particular day, or during this 8 week sequence on the same lot?

Mr. Templin stated that soil log 66, 2/3/06, 56", and soil log 65, 2/3/06, 25", soil log 67, 2/3/06, 7". What you will find in all the soil logs other than that date is that the ground water readings were in the neighborhood of 50", 41", 61", 51", generally speaking there are no other ground water readings except on that date which were a problem. In fact, all the soil logs drained down to a depth of 78",

80", 87", 89", 94", 92".

Chair Nugent asked if Mr. Templin were suggesting that soil logs 68, 69, 67, and 65 were poorly backfilled.

Mr. Templin stated yes. There is a variation as to how much water was getting into each soil log, what they found is that the overall ground water readings far surpassed the state requirements. If the witness hadn't noted it in his reports and they saw it in the field, it would be questionable. It was very obvious that it was surface water going into the soil logs.

Ms. Butula stated that the good work of the township witness was what supported them.

Chair Nugent asked with regard to the soil logs and the in season ground water monitoring, there is more than 8 weeks of ground water monitoring, was there a reason for that?

Mr. Templin stated an additional 2 weeks of monitoring was done because they were concerned, the soil logs that were done in 2008 are representative of the other soil logs.

Chair Nugent stated that what they have to be concerned with are they convinced that those readings were in fact anomalies, or are they indicative of a regional zone of saturation, and thereby put the onus on the engineer to prove that they were anomalies with additional data or testing.

Chair Nugent asked if the board had any comments?

Ms. Butula stated that she is considering the surrounding data, the dates before, the witness notes confirming what happened, the mottling that was presented in the soils testing. It is dismaying that the situation came up, but looking at all the data, she could believe it was the rainfall, however this is an awkward situation to be put in.

Ms. Muir stated that there are at least 3 tests attributed to poor backfilling, with results that are unacceptable. These are septic that people have to rely on, it is the boards duty to make sure that the septic is going to work correctly, she would suggest going back out to do the required testing, and then the results could be compared to what they have.

Ms. Rohrbach asked if there was any data, or piece of evidence that could support what the engineer is stating, so that a decision could be made?

Mr. Templin stated that there were pictures which supported what the conditions were.

Chair Nugent stated that that would enable them to visually compare the difference.

Ms. Butula stated on the 4<sup>th</sup> week, on 2/17/06, they had a 12" snow meltdown with rain and there was a 49" reading, its not an exact scenario, but that was after they properly backfilled the hole, which should have been done in the beginning.

The same situation happened 2 weeks later and they got a 48" reading.

Mr. Templin stated that the witness reports do indicate that the surface water was running directly into the soil log around the standpipe for that one storm. There is 1/2" of rainfall indicated. There is also surface water and the pipe is 4" diameter, not the whole soil log. The soil log data supports that the ground water is not that one time reading.

Chair Nugent asked if Mr. Templin could provide climatic information?

Mr. Templin stated that he thought that Spruce Run still provided rainfall information.

Ms. Simon asked if reviewing the climatic reports would discourage the need for further measurement?

Chair Nugent asked if that information would help any of the members to discount the shallow readings during the in-season ground water monitoring, or would additional testing instead do that?

Ms. Butula stated possibly Mr. Chalupa could provide more information regarding his statement "1/2 inch of rainfall" and explain how he came to that decision.

There was some discussion of previous applications with similar circumstances, and how the board had proceeded.

The board determined that additional rainfall data from the engineer would be beneficial in making a decision on the readings. Also, more detailed information from the board's witness would be requested.

*Time heard: 9:50 p.m.*

Chair Nugent stated that they would move on to Lot **54.11**.

Mr. Robert Templin stated that there is an existing house on the site for Lot 54.11, there is a seepage pit located approximately 80' from the existing well, there was a water level slightly above the invert of the pipe from the house.

The existing well is potable and was tested on 6/24/10.

Soil testing was done on the site so that there were areas they could use for a septic system.

Ms. Butula confirmed that the house was staying as is.

Mr. Templin stated yes, as far as he knew.

Chair Nugent asked if the existing system was failing ?

Mr. Templin stated yes, they inspected it and determined that it wasn't working properly.

Chair Nugent asked what the street address of this property is.

Mr. Templin stated it is 23 Ridge Road, proposed Lot 54.11. In the primary area it was soil log 104, done on 2/25/08, to a depth of 152", with a 24 hour ground water reading of 137". During the 8 week ground water monitoring season the high reading on 3/9/08, was 101", which is used as the regional zone of saturation. Soil log 105, a pit bail was performed on 2/25/08, to a depth of 152", seepage was at 130" with a 24 hour ground water reading of 117". During the 8 week ground water monitoring season the high reading on 3/9/08, was 101", which is used as the regional zone of saturation. On 3/21/08, ground water readings were 112" which is used as the regional zone of saturation. Pit bail was performed at 144" on 2/26/08, K rate of 8.87. In the reserve area was soil log 48, performed 1/26/05, depth of 144", a pit bail was done at 136", seepage at 100", and 24 hour ground water reading of 64". The seasonal high water table recorded on 2/19/05 was 56" during the 8 week monitoring period, 56" is the regional zone of saturation. Soil log 49 performed on 1/26/05 at a depth of 142", seepage was at 138", with a 24 hour ground water reading of 138". The shallowest seasonal high water recorded on 2/12/05, 2/26/05, 3/12/05 was at 119", regional zone of saturation in this log. Pit bail was performed on 1/27/05, depth of 136", the K rate was 3.01.

Chair Nugent asked if the board had any further questions for the engineer.

There were no further questions.

A **MOTION** was made by Ms. Butula for **approval** for proposed Lot **54.11** tested as Lot 8, the mailing address on this application is 23 Ridge Road. This is an existing 4 bedroom house on this property that is part of the subdivision. Private well testing was done at NJ Analytical Labs on 5/24/10 that is completely negative, the water is potable. The septic system on this property is being replaced, definitely, the replacement is not optional, the data on this proposed system is currently before this board. This decision that this replacement is required, it is not optional, is based on the failing septic test and the fact that it is a seepage pit which the engineer has testified is malfunctioning. As part of this motion, the replacement of this system is absolutely necessary and required in order for this approval to be effective.

For the primary, testing done on 2/25/08, soil log 104, 152", no mottling, no seepage, the 24 hour was seepage @ 137".

There was no hydraulically restricted horizon, the shallowest ground water, regional zone of saturation is 101", done in the 8 weeks of in season ground water monitoring on 3/9/08. Soil log 105, on 2/25/08, @ 152", no mottling, no hydraulically restricted horizon, seepage @ 130" after 24 hours 117". The highest ground water reading was 112" in the 8 week in season ground water monitoring was done 3/15/08 to 3/21/08. Permeability test is pit bail 1 in soil log 105, 2/26/08, @ 132", passing results K=8.87"/hour. In season groundwater monitoring was done 2/20/10 to 4/10/10 in soil log 104, @ 152" and was 101" on 3/9/08. Test hole 105, @ 152" did have the 112" regional zone of saturation on 3/15/08 and 3/21/08. The regional water is determined by 101" in soil log 104 on 3/9/08. Reserve area testing was done 1/26/05, soil log 48 @ 144", no mottling, no hydraulically restricted horizon, seepage @ 100", after 24 hours 64", rating is from in season ground

water monitoring at 56" on 2/19/05; soil log 49 @ 142", no mottling, no hydraulically restricted horizon, seepage @ 138", after 24 hours 138", regional zone of saturation is from the in season ground water monitoring @ 119" on 2/12/05, 3/12/05 and 3/26/05. Permeability test is pit bail 1 in soil log 48, 1/27/05, @ 136", passing results  $K=3.01$ " /hour. In season groundwater monitoring was done 1/28/05 to 3/19/05 in soil log 48, @ 56" on 2/19/05, test hole 49, @ 119" on 2/2/05, 2/26/05 and 3/12/05. Regional water is determined by soil log 48 on 2/19/05 @ 56". The LOI dated 11/9/05, case# 1022-05-0004.1 (FWW-050001). The extension was granted 2/28/11, case #1022-05-0004.1 (FWW-10001), states that the wetlands on subject property are of intermediate resource value which requires a standard transition area or buffer of 50'. The department has identified state open waters on the property, noted on the referenced plan as state open waters in 3 areas, not associated with wetlands. The state open waters are noted on the reference plan and also between the following wetland points, W35, W52, W19, W51 and W45 to the northern property line. A buffer is not required adjacent to state open waters under the Freshwater Wetlands Act but a riparian zone is required under the Flood Hazard Control Act. Referring to wetlands survey Lot 75, 74, 54 of Block 38 dated 9/29/05, revisions 5/12/04, 2/24/05, 9/29/05.

This motion was seconded by Ms. Rohrbach, on roll call vote, the following was recorded:

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

Chair Nugent asked if there were any other matters before the board this evening ?

There was no response.

#### **G. ADJOURNMENT**

A **MOTION** was made by Ms. Muir to adjourn at 10:20 pm, seconded by Ms. Butula with a vote of Ayes all, Nays, none recorded.

Respectfully submitted:

Lorraine Petzinger  
Board of Health Secretary