

READINGTON TOWNSHIP BOARD OF HEALTH

April 18, 2012

Chair William C. Nugent called the meeting to order at 7:07pm 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 @7:25 Donna Simon absent
Beatrice Muir present

Also Present: Board of Health Engineer, Ferriero Engineering, Inc. representative Joe Kosinski
Division of Public Health Public Safety Dept. – Debra Vaccarella

A. APPROVAL OF THE MINUTES

1. **Minutes** of March 21, 2012. (- Sheay, Simon vote).

A **MOTION** was made by Ms. Muir to approve the minutes. The motion was seconded by Ms. Butula. Ms. Butula complimented Ms. Petzinger on the great detail of the minutes.

On roll call vote, the following was recorded for approval of the 3/12 minutes:

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

B. CORRESPONDENCE

1. **Block 14/Lot 29 – Letter dated 3/15/12 – NJDEP** no further action.

2. **Block 31/Lot 1 – Letter dated 3/9/12 – NJDEP** no further action.

3. **Block 4/Lot 42 – Letter dated 3/26/12 – NJDEP** no further action.

4. **Block 36/Lot 48 – Letter dated 3/19/12 – TWA** approval.

Chair Nugent asked that this information be filed in the BOH office.

5. **PSE&G letter dated March 2012** regarding application.

Chair Nugent noted the pipeline map attachment.

6. **NJLBHA – NJ Local Boards of Health Assoc. Member Certification Program – April 19, 2012.**

Chair Nugent noted the meeting in case any board members may want to attend.

7. **HCDH LINC**S - For local surveillance information, visit the Hunterdon County Division of Public Health's flu webpage: <http://www.co.hunterdon.nj.us/fluinfo.htm> and click on Hunterdon County Influenza Surveillance for the week ending April 7, 2012.

Chair Nugent noted that the County had forwarded information this afternoon, requesting some discussion of Block 38/Lot 38.19. There may be time after the regular meeting to address it.

C. OLD BUSINESS

1. **N.J.A.C 7:9A Rule Amendment Highlights.**

Chair Nugent stated that the goal and objective of this hour session was to have our experts help the board understand what changes have been rolled out by the state and how they may impact us. This is purely a communication opportunity for the board to be aware, from someone who has reviewed it, to be aware of what is changing. When there are applications before the board where components are reviewed, it is a chance for the board to point out to the applicant what will be required by the County.

Chair Nugent asked Mr. Kosinski to comment on the 5th bullet point:

- Updates design standards, including requirements for effluent filters and risers to grade on all systems; advanced pretreatment of high strength waste (such as restaurants); and allowing for smaller disposal fields when appropriate pretreatment is provided. These improvements will enhance system performance and longevity for all new systems.

Chair stated that he understood this to apply only to new systems, not alterations or changes to existing systems.

Ms. Vaccarella stated that their policy will be that every application that comes before the Division of Public Health, unless it is physically impossible, that a septic tank must be upgraded and a filter will be installed. This was effective as of April 2, 2012.

Mr. Kosinski stated that the code gives a minimum diameter filter of 6", how can that be installed on a 4" pipe? It was their assumption that it is only for new tanks, because you can't retrofit an old 4" baffle

with a 6" diameter filter, you would have to put in an external canister which is an alteration that needs an engineer, you can't do it during a repair.

Ms. Vaccarella stated that that is something that they have discussed that those baffles would have to be removed and a correct baffle used. They haven't discussed whether it is a 4 or 6" filter.

Mr. Kosinski stated that NJDEP recommends a 6" minimum diameter filter, which means that is what applicants will have to put in their tank for new construction. If it is a policy decision to have all effluent filters, it is not by ordinance or law, the County could make them use a 4" effluent filter.

Ms. Vaccarella stated that a 4" filter is still better than nothing.

Mr. Kosinski stated that this is a good example of how this code will be interpreted through the next months and through the next year, that is one of the goals that the amended code set out to correct, was to provide some clarification on often misinterpreted rules. This is a perfect example of some new questions that have been raised. Mr. Kosinski stated that the board should be reassured that the local ordinance is still more restrictive than the state code, and wouldn't effect Readington Township ordinance.

Chair Nugent confirmed with Ms. Vaccarella that all applications to repair, alter, or install a new system will all require an effluent filter.

Ms. Vaccarella stated yes.

There was some discussion of whom was the administrative authority.

Chair Nugent stated that based upon input of counsel over the years, that this board is the administrative authority, however what this board has done is delegated certain aspects of its responsibility to either the County or to Ferriero Engineering, or to the BOH witness, they are all agents of this board.

Ms. Vaccarella stated that in the law, by title, the County Division of Public Health's title is actually the authorized agent.

Mr. Kosinski stated that this board is in the fortunate position of having the County Division of Public Health reporting these applications for a number of years.

Chair Nugent stated that that refers to the Ferriero review regarding reporting requirements that the administrative authority is responsible for. Ms. Vaccarella noted that the County has been doing this for years.

Chair Nugent stated that one other thing that was a question was how TWA's, such as the one before the board this evening were going to be reviewed.

Mr. Kosinski stated in 7:9A Section 9.8 there is a section, products in lieu of laterals and/or filter material, which may not explicitly list it, but may leave it open to other products that are acceptable.

The onus would be on the engineer to prove that the material is acceptable per code. That is an aspect that the County would catch. In terms of Board of Health review, soils and variances, the design goes to the purview of the County.

There was some discussion of the TWA application process; and the rule amendment highlight "Establishes rules regarding onsite system Critical Areas required by statute".

2. Ferriero review of amendments, letter dated 4/13/12, re: Standards for Individual Subsurface Sewage Disposal Systems Readoption with Amendments – N.J.A.C. 7:9A.

Chair Nugent noted that they would proceed page by page, and address any comments.

Pg. 7 - Chair Nugent asked if the County is prepared to receive real estate inspection reports ?

Ms. Vaccarella stated that it will now be required. In the past it wasn't always reported.

There was some discussion of CCO's, Continuing Certificates of Occupancy.

Chair Nugent asked Mr. Kosinski if other towns seemed to be moving towards?

Mr. Kosinski stated that the NJDEP wants to work with building departments on the handling of CCO's so that cesspools and non-compliant conditions are identified. None of that is in place right now.

There was some discussion of problems identified through real estate transfers.

Ms. Vaccarella stated that in the past they didn't always get the inspection report. The previous code was very clear as to what a malfunctioning system was. Now it is described as having specified deficiencies.

Pg. 5 - Comment: 3.12 Ms. Vaccarella stated that that is from the old code, nothing is different from it.

Pg. 6 - No comment.

Pg. 7 – previously discussed.

Pg. 8 – Mr. Kosinski stated that they had asked for clarification, that the administrative authority can grant waivers to the state code provided that a system is installed that brings the property or treatment system closer to conformance with the current code requirements than is in place.

Chair Nugent referred to the bottom of page 8, and asked if Mr. Kosinski were familiar with the inspection protocol technical manual?

Mr. Kosinski stated that he is familiar with the document they are referring to, it is a standardization that they would like to see every home inspector use.

Chair Nugent stated that he had reviewed it on the website, and was concerned. One of the things was no longer requiring an engineer to perform a hydraulic head test on the system. Did they remove from 9:A that the hydraulic head test had to be performed by an engineer?

Mr. Kosinski stated that they can have a septic system evaluator present facts, only engineers, the administrative authority or the department can make a decision on whether a system is failing or malfunctioning. There is a lot of information that will come out.

Chair Nugent stated that that is a brief summary of the new code, there will be more to come.

D. NEW BUSINESS

E. APPROVALS

Category A. – Single Lots

Time heard: 8:25

1. Block 67/Lot 1.04 – Biggs Engr., Shaw/Lewis, Thor Solberg Rd.

Escrow fees paid 1/6/12, # 14042, \$750.

Previously heard 3/21/12.

Mr. Jess Symonds, Biggs Engr., NJ licensed engineer, appeared before the board with Mr. Shaw, property owner. This application was heard last month. The plans were revised from last month to indicate a pit bail test. The installation manual for the infiltrators and a copy of the TWA were provided, and the license of the installer. The 2007 version of the TWA allows the reduction in the footprint of the disposal area, however, the reduction was not taken.

Chair Nugent stated that he has some additional information regarding infiltrators, one concern being the warranty on the infiltrators only being 1 year.

Mr. Symonds stated that he is aware of infiltrators that have been installed for 22 years.

Chair Nugent asked if Mr. Symonds were familiar with the changes to the code, and if there were any changes he would make to the proposed design based on that?

Mr. Symonds stated that he wasn't familiar with every change, it seems that it is evolving. This design already includes an effluent filter. The removal of the marker to grade has to be a cast iron lid, it can't be a marker.

The delivery pipe from the pump tank to the bed has to be more than 100' from the well.

Chair Nugent asked if there were anything else that is not compliant with the new code?

Mr. Symonds stated not to his knowledge.

Chair Nugent stated one of the criteria to the TWA was a limit to the length of the approval, how long it is in place before action is taken. Is there any problem with this system being installed within the 3 year limit?

Mr. Symonds stated no.

Ms. Butula asked for clarification of the pump from the D box to the field.

Mr. Symonds stated that it goes from the septic tank by gravity to the pump tank, and is pumped from the pump tank to the field. It is gravity distribution.

Chair Nugent asked if there were any further questions from the board.

There were no comments or questions.

A **MOTION** was made by Ms. Butula for approval of Block 67/Lot 1.04, Casey Lewis and Michael Shaw, 40 Thor Solberg Road, Whitehouse Station, NJ. Map "Septic Design for Casey Lewis and Michael Shaw, Block 67/Lot 1.04, Readington Twp, Hunterdon County, NJ, pages 1 – 8, dated 10/3/11, revisions 11/14/11 and 4/3/12, prepared by Jess H. Symonds, NJ licensed professional engineer. The topographical map is by Ray S. Oatley, licensed surveyor dated 6/25/11, report from Hunterdon County Health Dept., 12/22/11. This is an alteration, no expansion, 4 bedroom residence. Correspondence is from Jeff Edward, certified installer,

licensed HI contractor in NJ; permit to construct and operate treatment works from the NJDEP, 043487-4SG, 9/1/04; appendix to the TWA – infiltrator is approved, quick 4 standard; quick 4 standard chamber installment brochure; detailed installation instructions. This proposed system will engage a single 1,000 gallon tank with an effluent filter, pump tank to the D box, pumping for the dosing tank, mounded soil replacement system with a pump tank, pump and effluent filter with infiltrators to lower the top of the mound approximately 1'. It will incorporate a quick 4 standard chamber by the company infiltrator, installed by Jeffrey Edwards under the general TWA permit # 04-3487-4SG issued 9/1/04. The provisions of the TWA pages 1 – 6 must be followed. Primary done 6/22/11, soil log 1 @ 98", mottling 28 – 50", 50 – 98", no hydraulically restricted horizon, seepage @ 72", flooded @ 70" after 2 hours. Soil log 2 @ 122", mottling 33 – 122", no hydraulically restricted horizon, seepage @ 78", flooded @ 112" after 3 hours. Permeability was pit bail 1, 90" of 6/22/11, results 8.51"/hour. Regional water is determined by mottling in soil log 1 @ 28". LOI statement on record on pg. 2 of 8. There will be a pump used, the owner has received the information regarding the deed restriction and maintenance. There is an effluent filter involved in this system, the owner had previously stated he was aware of it. The County should get a copy of the updated map dated 4/3/12.

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

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

Time heard: 8:50

2. Block 44/Lot 2 – Bayer-Risse, Kimmel, Round Valley Rd.

Escrow fees paid 3/23/12, #3986, \$750.

Mr. Bill Jupinka, Bayer-Risse Engineering, NJ licensed engineer appeared before the board. This application is for a septic alteration for an existing 4 bedroom dwelling, no expansion or change in use proposed. It is not part of a real estate transaction. The existing system serving the home is currently malfunctioning, breaking out onto the ground surface. That area and the septic tank were replaced about three years ago. The property is 5.6 acres, there are no wetlands or wetland transition areas within 150' of the proposed area. A pit bail test was successful, based on the water levels will have a soil replacement fill enclosed system. There is enough topography to get gravity from the existing tank.

The existing tank is proposed to be upgraded with an effluent filter. The homeowner is aware of the maintenance of that. A riser will also be included.

Chair Nugent asked if the proposed design, dated 3/22/12, before the board fully compliant with the newly released state code?

Mr. Jupinka stated that he believed that there is nothing with this design that would not conform with the current code, new with the code as of April 2, 2012.

Chair Nugent asked if there were any further questions from the board.

There were no comments or questions.

A **MOTION** was made by Ms. Butula for approval for Block 44/Lot 2, 17 Round Valley Road, Readington Township. The map is "Septic System Alteration Design for Laura Kimmel, Block 44/Lot 2, Readington Township, Hunterdon County, New Jersey" dated 3/22/12, no revisions, by Stephen M. Risse, P.E.. A boundary survey by James Watson, licensed surveyor is dated 12/15/93. Topographical map is dated 3/22/12. Hunterdon County Health Dept. report is dated 4/3/12. This is an alteration with no expansion gravity distribution, soil replacement, fill enclosed with a slight mound. For the primary, soil testing was done on 2/28/12, soil log 228-1 @ 120", no mottling, no hydraulically restricted horizon, seepage @ 55" and below. Soil log 228-2 @ 120", no mottling, no hydraulically restricted horizon, seepage @ 56" and below. Permeability was pit bail 228-1, 2/28/12 @ 100" in soil log 228-1 with results $K=0.6$ "/hour. Regional water is determined by soil log 228-1, seepage @ 55". The engineer testified to notes 1 and 2 regarding no water and the distances involved. There will be an effluent filter used in this system. The owner is aware of the filter and the maintenance requirements. The engineer believes that the proposed design of this system meets the new code.

Chair Nugent asked if there were any further questions or comments from the board.

There were no comments or questions.

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

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

Time heard: 8:58

3. Block 63/Lot 69 – Bayer-Risse, Edwards, Foothill Rd.

Escrow fees paid 3/27/12, #2897, \$750.

Mr. Bill Jupinka, Bayer-Risse Engineering, NJ licensed engineer appeared before the board. This application is for a septic alteration for an existing 3 bedroom dwelling, no expansion or change in use proposed. This is part of a real estate transaction. The existing system is malfunctioning, it is saturated, holding water, it was repaired in 1993. The soils in the vicinity of the existing field are a sandy clay, a less permeable desirable for a septic field. The entire system is being revamped, there are no wetlands or wetland transition areas within 150' of the proposed disposal system, and no wells within 100' of the proposed system and no neighboring disposal fields within 50 of the proposed system. The entire system is being revamped from the tank all the way to the field, a new 1,000 gallon 2-compartment tank is proposed with an effluent filter the owner is aware of the maintenance requirements of the filter. The disposal area is towards the front yard where they did basin flood tests in a very loose permeable shale, successful basin floods were at a depth of 96' below ground surface. No mottling or ground water was encountered in either test hole for the primary area. This will be a gravity, soil replacement system, not mounded. The existing tank is an old Readington style tank, which is not cracked or leaking, but has started to deteriorate inside. A new tank will be easier to equip with an effluent filter.

Chair Nugent asked if Mr. Jupinka was aware that the new effluent filter were a minimum of 6" diameter.

Mr. Jupinka stated that he believed that it was a recommendation, most of the filters for residential homes of this size are 4".

There was some discussion of the interpretation of the new code.

Ms. Vaccarella stated that she would take the information back to the County.

Chair Nugent asked if every aspect of this application, dated 3/26/12, now compliant with the newly released state code?

Mr. Jupinka stated that he believed that this design meets all the requirements of the new code.

Ms. Vaccarella stated that they had discussed that the Division of Public Health will now be requiring any repairs, any alterations to have the septic tank brought up to code standards, including having a filter being put in.

Chair Nugent asked the board if there were any further questions?

There were no comments or questions from the board.

A **MOTION** was made by Ms. Butula for approval for Block 63/Lot 69, 142 Foothill Road, Stanton, NJ. Readington Township. This is an existing 3 bedroom residence. The map is "Septic System Alteration Design for Norman Edwards, Block 63/Lot 69, Readington Township, Hunterdon County, New Jersey" pages 1 – 10. Topographical map is dated 3/26/12. Hunterdon County Health Dept. report is dated 4/3/12. This is an alteration with no expansion gravity distribution, soil replacement, bottom lined system. For the primary, soil testing was

done on 3/6/12, soil log 306-1 @ 132", no mottling, no seepage, no hydraulically restricted horizon. Soil log 306-2 @ 132", no mottling, no seepage, no hydraulically restricted horizon.

Permeability was basin flood 306-1, 96" in 306-1, passing, done 3/6/12 – 3/7/12.

Testimony was given in notes 1 and 2 regarding absence of wetlands transition areas, and the distance to other neighboring wells and septic. There is an effluent filter being used in this system which the owner is aware of. There is a very minute maintenance requirement involved with that. The engineer testified to the best of his knowledge that this proposed design complies with the new regulations passed on 4/2/12.

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

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

Time heard: 9:09

4. Block 13/Lot 67 – Parker Engr., Carman, Carman Lane

Escrow fees paid 4/2/12, #1994, \$750.

Mr. Steve Parker, NJ licensed engineer, Parker Engineering appeared before the board. This is an alteration to an existing malfunctioning septic system. The system is for a home that is for sale. There is no expansion or increase in flow proposed. The tests conducted were performed in a fractured shale, permeable and worked out very well, no ground water. The system will be slightly mounded due to the level of infiltration will be within that zone of below and above grade in sections. It is a pump system due to the location of the existing sewer line out of the house. The existing system is located in the front yard, there is a stone driveway that crosses the front of the yard and one that goes along the right side. The force main which does cross under there is a 2" PVC line and will get sleeved in a 4" line to provide an extra level of protection, although it is 4' deep and shouldn't be a problem. It is pretty straightforward, no ground water issues. The existing well is more than 100' away from all the components. There are no septic systems on adjoining properties within 50', there are no wells within 100', and no wetlands within 150'.

Ms. Butula asked if Mr. Parker had walked the property.

Mr. Parker stated absolutely, he always does.

Chair Nugent asked what the specific distance was between the basin flood and the proposed bed?

Mr. Parker stated from basin flood 1 to the corner of the disposal field is 8'.

Chair Nugent asked if there were plans for an effluent filter?

Mr. Parker stated not on this plan. The new code requires that there be access to that effluent filter, over the top of the filter. It is his belief that this tank has a center man hole opening, and the effluent filter would go on the outlet side of that tank, you need to have access to that to maintain it. It is his understanding that the code states new tanks, not necessarily existing tanks which are to remain.

Chair Nugent stated that there was some discussion earlier in the meeting regarding all proposed maintenance requiring a filter.

Ms. Vaccarella stated that the decision would be made at the time of construction, that is the time when the tank is pumped out, for it to be brought up to as close to conformity of the code as possible.

Chair Nugent asked aside from that one portion of the code, were there any other aspects of this design that do not conform to the new code effective 4/2/12?

Mr. Parker stated that there may be one, this design allows for select fill under the old standard. This allows the old standard of 85 – 95% sand, etc.

Ms. Vaccarella stated that it comes to what is available at the time of installation, a lot of contractors are using the new type of select fill. There is a different certification of select fill itself after installation.

Mr. Parker stated that this is a pump system with the deed restrictions, and maintenance which the homeowner is aware of.

Chair Nugent asked the board if there were any further questions?

There were no comments or questions from the board.

A **MOTION** was made by Ms. Butula for Block 13/Lot 67, 3 bedroom residence at 8 Carman Lane, Readington Township. Map is entitled Septic System Design Tax Map Lot 67/Block 13, Readington Township, Hunterdon County, NJ, 3/21/12, pages 1 and 2, revision 3/30/12, prepared by Steven E. Parker, P. E. The surveyor was Daniel E. Parker, professional land surveyor. A boundary survey was done by Charles P. Craig in 1973. Hunterdon County Health Dept. report is dated 4/5/12. This is an alteration with no expansion, slightly mounded soil replacement system with a pump. The deed restriction must be filed with the Hunterdon County Clerk and a copy provided to the Board of Health secretary within 60 days. There is a maintenance requirement involved with this system. The primary was done on 3/21/12, soil log 1 @ 132", no seepage, no mottling hydraulically restricted horizon 8 – 62". Soil log 2 @ 129", no seepage, no mottling, hydraulically restricted horizon 8 – 72". Permeability test was basin flood 1 done @ 80" on 3/21/12, passing, 20' from soil log 1. The engineer testified to the absence of wetland issues, there are no wells or septic systems within 150'.

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

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

Time heard: 9:25

Chair Nugent stated that Ms. Vaccarella has requested that the board discuss the application for

Block 38/Lot 38.19.

Ms. Vaccarella stated as part of the motion for approval, an indemnity sign off was required by the applicant prior to approval from the County. The house is on the market for a short sale. The request today is for the motion to be reconsidered, and the indemnity be signed by the future owner of the property rather than the previous owner who is out of the country. It would be more sensible for the future owner to indemnify. There was some discussion of the approval under compliance with today's regulations, the indemnity agreement, and who would be the responsible party.

Ms. Vaccarella asked if that would be before application approval or before final certification of the system itself? Chair Nugent stated that he believed it was to assure this board of its non liability for the functioning of the system and thereby after installation, and prior to working, the board could not be held accountable.

There was some discussion of the intent of the original motion for approval.

Chair Nugent read into the minutes the following from the 12/15/10 minutes, page 6 "This indemnification agreement shall be given to Mr. Patel, signed, and the Board of Health would like it back within 10 business days." That is the wording in the sentence that the County is using to require it to have occurred prior to their approval of the actual application itself. So what the Board is suggesting is that the word "like" is a preference and not a requirement. Given that paragraph, does the Board have any opinion as to whether or not that is a correct interpretation?

Ms. Muir stated that it seems to be a correct interpretation, the wording should be clarified, so that it is acceptable at this time, that the 10 day specification with the word "like" has been extended to cover the existing situation. The following **MOTION** was made by Ms. Butula:

Ms. Butula stated for Block 38/Lot 38.19, Mr. Patel, North Honeyman Road, represented by ACT Engineering, that she is stating as the person who made the original motion, that the Board of Health would like to have had the indemnity contract back within 10 days. Because of unforeseen circumstance, the intent was that the board would like to have had the contract back, but it was not a requirement, but the Board of Health does need the indemnification agreement to be signed by the present and current owner, Mr. Patel, that the County can consider that the Board of Health will ask the bank to go ahead and get this agreement, this Board has put no stipulation to stop the County from agreeing to approve the design but this Board is absolutely requiring that no final approval be given to this system after or during installation without the signed indemnification agreement, being in their hands. This agreement must be signed by Mr. Patel and notarized, and that it fulfills the requirements of indemnification for the Readington Township Board of Health. In the final agreement, the Readington Township Board of Health will have a copy of the signed agreement, the Division of Public Health in the Public Safety Dept. will have a copy of it and no final approval will be given to this septic system until both parties have this in their hands.

This motion was seconded by Ms. Rohrbach.

Chair Nugent asked if there were any further discussion.

Ms. Butula stated that the bank should be made aware of all of this. They have to know the requirements of this.

Ms. Vaccarella stated ok.

Chair Nugent asked for a second on the amended motion.

The amended motion was seconded by Ms. Rohrbach.

On roll call vote the following was recorded:

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

F. ADJOURNMENT

A **MOTION** was made by Ms. Muir to adjourn at 9:58 pm, seconded by Ms. Butula with a vote of Ayes all, Nays none recorded.

Respectfully submitted:

Lorraine Petzinger
Board of Health Secretary