

**MINUTES
BOARD OF HEALTH
TOWNSHIP OF CHATHAM
APRIL 12, 2005**

President James Brown called the regular meeting of the Board of Health to order at 7:33 p.m.

Answering present to the roll call were Mr. Hartford, Dr. Shelley, Mr. Nachtigal and Mr. Brown. Dr. Marano was absent.

Adequate notice of this meeting of the Board of Health was given as required by the Open Public Meetings Act as follows: Notice was given to both the Chatham Courier and the Morris County Daily Record on January 14, 2005; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 14, 2005; and notice was filed with the Township Clerk on January 14, 2005.

Approval of Minutes

Prior to approving the minutes of January 11, 2005, Mr. Brown noted one typo on page two. Mr. Brown moved to approve the minutes as amended. Dr. Shelley seconded the motion and it carried unanimously.

Reports

Registered Environmental Health Specialist – Irena Bairova gave the following reports:

January- Mrs. Bairova reported that all the retail food inspections done in January were satisfactory. A complaint about an employee at Gourmet Deli has been rectified. Mrs. Bairova reported she had done an inspection along with the State of St. Hubert's Giralda. Mrs. Bairova answered some questions from the Board concerning the disposal of pet waste. Complaints were received about a leak and carbon monoxide alarm at Cardinal Hill Apt. Complex and about dog fecal matter for a property on Longwood Avenue. Mrs. Bairova also advised she had attended a seminar about lead analyzer training.

February- Mrs. Bairova reported that all the retail food inspections done in February were satisfactory. A complaint was received about unsanitary conditions at Green Village Packing Company and referred it to the State Health Department. One dog bite was reported on River Road and a cat that had bitten an employee at St. Hubert's was tested for rabies. An issue concerning unsanitary living conditions at a Vernon Grove condo is still pending and another issue concerning a leak from an upstairs apartment was rectified by Taylor Management. Mrs. Bairova advised a letter was sent to residents in the surrounding area when a complaint was received about rats on Spring Road. Mrs. Bairova advised she had attended a Bioterrorism Seminar at the Picatinny Arsenal.

March- Mrs. Bairova reported that all the retail food inspections done in March were also satisfactory. Mrs. Bairova witnessed soil logs at 19 Britten Road and 552 River Road. Mrs. Bairova followed up on the complaints from the previous month. A complaint received about no hot water at Hallmark has been rectified. Mrs. Bairova advised she had done inspections of the grease traps at Green Village Packing Co. and Saladworks Café. Mr. Hartford also inquired about the dumpsters at Hickory Square Mall. Mrs. Bairova advised inspections are done twice a year. Mrs. Bairova also informed the Board that she had attended a seminar in Atlantic City in the beginning of March.

Registrar of Vital Statistics- Mrs. Wiley reported on the total amount of money collected for Marriage Licenses, Domestic Partnerships and certified copies of vital records for each month: January- \$160, February- \$80, and March- \$116.

Secretary- Mrs. Wiley reported that the only correspondence received were the letters written by President James Brown responding to Mr. & Mrs. Le Gendre and the letter to John Theese regarding the Environmental Commission letter. Mrs. Wiley also advised that all the retail food establishments that are presently open have complied and renewed their licenses. With regard to

the septic pumping requirement, two summonses will need to be issued. The names of the individuals have been provided to Mrs. Bairova.

Mr. Brown requested that discussion about the letter from the Environmental Commission be held until later in the meeting. Mr. Theese advised he has three other issues to discuss with the Board.

New Business

1. Septic Application, Block 63, Lot 20, 463 River Road was deferred to the next meeting.

2. Septic Application, Block 139, Lot 12, 158 Spring Valley Road- The owner, Peter Pizzi, was present.

Carrie Feuer P.E. of Metcalf & Eddy, Inc. (M&E) reviewed the comments in M&E's letter dated April 11, 2005. Mrs. Feuer advised the homeowner's septic system was designed in 1989 and that new regulations went into effect in 1990. The homeowner would like to expand the house from 4 to 5 bedrooms. Mrs. Feuer advised the existing septic system was reviewed to determine if it meets current codes relative to size, soils and setbacks. Mrs. Feuer said the system was designed for soils in the K2 and K3 range and that the bed size is still larger than it needs to be for a 5-bedroom house. Mrs. Feuer said that although Parker Engineering stated the owner had not observed or experienced any indications that the system is malfunctioning, Mrs. Feuer recommended that the septic system be inspected and tested. Mrs. Feuer advised the system has two 1000-gallon septic tanks. Following discussion about the flow and whether the septic system is adequately sized, the Board agreed with Mrs. Feuer's recommendation that it was acceptable and that the black water system alone was big enough for a 5-bedroom house. Mrs. Feuer also noted that the owner should provide a final architectural plan to be sure the setbacks between the septic system and the house are maintained. The Board also reviewed the wetlands delineation map Mr. Pizzi provided for the adjacent property to determine if wetlands impact the septic system. After a suitable discussion, the Board agreed that it appears unlikely that there is a transition area that would impact the septic system.

Mr. Brown moved to conditionally approve that the existing septic system for Block 139, Lot 12, 158 Spring Valley Road, is capable of handling a 5-bedroom house upon receipt of a satisfactory septic system inspection and final architectural drawings. Dr. Shelley seconded the motion.

Roll call: Dr. Marano, Absent; Mr. Hartford, Aye; Dr. Shelley, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

3. Septic Application, Block 48.18, Lot 145.03, 19 Britten Road- The homeowner, Lina Mall, was not present but was represented by her son, along with the engineer Vincent Facchino from Keller & Kirkpatrick who designed the plans. Also present was the perspective purchaser of the home.

Carrie Feuer P.E. noted that the design submitted for a new subsurface sewage disposal system to replace the existing malfunctioning system was a well-done, solid design and that it even met the criteria for a brand new house. Mrs. Feuer then reviewed the comments made in M&E's letter dated April 12, 2005. Several minor corrections were noted that need to be made to the drawings and that the fill material needs to be modified. The drawings also need to show the location of wells within 150 feet of the proposed system. Mrs. Feuer asked where the roofs drain. Mr. Facchino advised there is a swale in front of the system that should carry anything away from the septic system. Mrs. Feuer noted although no wetlands information was provided with the application, Sheet 2 of two, dated 6/12/97, revised 8/27/97 of the conceptual subdivision application for the same property submitted and approved in 1997 by Keller & Kirkpatrick indicated there were no wetlands on the property. The engineer, Vince Facchino, will reference that information.

Mr. Brown moved to conditionally approve the septic system application for Block 48.18, Lot 145.03, 19 Britten Road, contingent upon the comments noted in M&E's letter being submitted to the satisfaction of Metcalf & Eddy. Dr. Shelley seconded the motion.

Roll call: Dr. Marano, Absent; Mr. Hartford, Aye; Dr. Shelley, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

Discussion

1. Bioterrorism Exercise- John Theese, Health Officer, distributed some information to the Board and described the recent national terrorism response exercise. The exercise involved Local Health Departments and some of the people involved in the drill experienced pneumonic plague symptoms. The Commissioner declared a State of Emergency and the Office of Emergency Management was notified. The event was a week long, with a Point of Dispensing (POD) at Roxbury High School. Hospitals notified local health departments who in turn notified the epidemiologist. Mr. Theese spoke about language barriers, the need to know about allergies, medicine, as well as other issues involved with the exercise.

With regard to the Avian Flu, Mr. Theese said that the vaccine has not been tested yet. Mr. Hartford asked if Madison Board of Health could provide some statistics on Lyme Disease in the Township. It was also suggested that information about Lyme Disease be available to the public at the Municipal Building and that information be placed in the newsletter and on the town's web site.

2. Letter from the Environmental Commission- Mr. Theese also advised he had talked with Madison's Construction Official and asbestos must be removed by a licensed State contractor. Mr. Hartford recommended that a house be inspected for asbestos before it is demolished. Mr. Theese said lead is also released when a house is demolished. Following discussion, the Board agreed that the request received from the Environmental Commission about having a third party inspect for asbestos prior to demolition was reasonable and the Board should check with the Construction Official and Building Department to find out the present procedures. Mr. Hartford offered to look into this matter.

3. Noise Ordinance- With regard to the Noise Ordinance, Attorney Taormina advised she had researched the Noise Control Act, and although the Township would need DEP approval, a municipality can make stricter standards than the State. The State must approve decibel level issues. The Board thought the existing Noise Ordinance should include landscaping noise as another section. Mr. Hartford requested that the Noise Ordinance be placed on the web site.

4. Well Ordinance- With regard to the Well Ordinance, Mr. Brown thought all the changes discussed had been made to the well ordinance and that it was ready for introduction.

ORDINANCE BH-1-05

AN ORDINANCE OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CHATHAM TO PROVIDE REGULATIONS FOR THE CONSTRUCTION, LOCATION, USE AND DECOMMISSIONING OF INDIVIDUAL WATER SUPPLY SYSTEMS WITHIN THE TOWNSHIP, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

BE IT ORDAINED, by the Board of Health of the Township of Chatham in the County of Morris and State of New Jersey, as follows:

CHAPTER 1: ADOPTION OF STANDARDS BY REFERENCE

A code regulating the location, construction, alteration, use and supervision of individual water supplies, requiring certain permits, providing for the inspection of such supplies, the fixing of fees and prescribing penalties for the violation is hereby adopted pursuant to N.J.S.A. 26:3-69.1 to 3-69.6.

CHAPTER 2: TITLE

The code established and adopted by this ordinance is described and commonly known as "Standards for the Construction of Public Noncommunity and Nonpublic Water Systems", which is set forth in Chapter 7:10-12.1 through 7:10-12.43 of the New Jersey Administrative Code and the supplements and additions thereto

pursuant to N.J.S.A. 58:11-23 et seq., and N.J.S.A. 58:12A-1 et seq., and amendments and supplements thereto.

CHAPTER 3: DEFINITIONS

As used in this ordinance, the following terms shall include the meanings given herein:

ABANDONED WELL shall mean any well which is not in use, has been illegally installed or improperly constructed, has been improperly maintained or is damaged, has not been maintained in a condition that ensures that the subsurface or percolation water of the State are protected from contamination, has been replaced by another well or connection to a public supply, is contaminated, is nonproductive, or no longer serves its intended use pursuant to the State Act.

ABANDONMENT OR DECOMMISSIONING OF A WELL shall mean the permanent closure or sealing of a well in accordance with N.J.A.C. 7:9D-3 et seq.

ADMINISTRATIVE AUTHORITY means the Board of Health of the Township of Chatham

ALTER or ALTERATION means any physical change in the well including but not limited to deepening, modification or decommissioning, such that there will be a change in size, construction or installation (including, but not limited to, extension of casing).

APPLICANT shall mean a developer or property owner submitting an application for development or permit to install or use a well.

APPLICATION FOR DEVELOPMENT shall mean the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or N.J.S.A. 40:55D-36.

APPLICATION FOR WELL PERMIT shall mean the application form and all accompanying documentation required by the Township for approval to locate, construct or alter a water supply, as authorized by N.J.A.C. 7:10-12.40.

BOARD OF HEALTH means the Board of Health of the Township of Chatham.

“CERTIFICATE OF COMPLIANCE, INSTALLATION” shall mean a certificate issued by the Board of Health certifying that an individual water supply system has been installed in such manner as to meet the requirements of the Department of Environmental Protection’s Standards for the Construction of Public Noncommunity and Nonpublic Water systems and higher standards prescribed by this article and all terms and conditions of approval imposed by the Board with respect to such system upon the issuance of the “Certificate of Compliance, Location and Design” therefor.

“CERTIFICATE OF COMPLIANCE, LOCATION AND DESIGN” shall mean a certificate issued by the Board of Health certifying that a proposed individual water supply system, or an alteration of such system, is in compliance with the provisions of the DEP’s Standards for the Construction of Public Noncommunity and Nonpublic Water Systems, and any higher standards prescribed by the article.

CODE shall mean the New Jersey Administrative Code.

COMMUNITY WATER SUPPLY SYSTEM shall mean a source and distribution system for potable water subject to the requirements of N.J.S.A. 58:12A-1.1 et seq. and N.J.A.C. 7:10-1.1 et seq.

DEP shall mean the New Jersey Department of Environmental Protection.

DEVELOPER shall mean the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

LOCAL ENFORCEMENT OFFICER shall mean the Township health officer or other technical representative of the Township as may be designated by the Administrative Authority.

LOCAL AGENCY shall mean the Board of Health of the Township of Chatham, which is the agency responsible for review and approval of applications for well operation under the provisions of this Ordinance.

NJDEP shall mean the New Jersey Department of Environmental Protection.

PRIVATE OR NON-PUBLIC WELL shall mean any water system/well that provides potable water solely to a property or structure intended as a single-family residence.

PRIVATE WELL TESTING ACT shall mean The Private Well Testing Act as found at N.J.A.C. 7:9E et seq., as amended and/or supplemented.

PROFESSIONAL ENGINEER shall mean an engineer licensed to practice professional engineering in the State of New Jersey.

PUBLIC WELL shall mean any water system or well(s) that provide potable water to any property or structure, other than a property or structure served by a private or nonpublic well and other than a well intended to serve a single-family residence.

REPAIR means to fix, refurbish or replace one or more components of a well in a manner that will or is meant to restore and preserve the original location, design, construction, installation and/or operation of the system.

SAFE DRINKING WATER ACT or ACT shall mean The Safe Drinking Water Act as found at N.J.S.A.58:12A et seq., as amended and/or supplemented.

STRUCTURE shall mean a combination of materials to form a structure for occupancy, use or ornamentation, whether installed, constructed or assembled or erected on, above or below the surfaces of a parcel of land or upon another structure or building, and including fences and garden walls more than seven feet high.

CHAPTER 4: PROHIBITED ACTS

No individual water supply system shall be installed on a property served by a public water system approved by the DEP. No structure shall be served by both a public water supply and an individual water supply.

CHAPTER 5: PERMIT and CERTIFICATE OF COMPLIANCE

5.1 Permits.

- A. Well Permits. No person shall locate, construct, repair, deepen, abandon, decommission or alter any well, or utilize an existing well for

any non-essential use, without first receiving a well permit from the Board of Health. All abandoned wells must be decommissioned in accordance with the procedure set forth in N.J.A.C. 7:9D, "Well construction; maintenance and sealing of abandoned wells, Subchapter 3.1 General requirements and procedures for the decommissioning of wells." Inspections shall be scheduled and performed by the Board of Health as part of the permit requirements. Emergency activity due to "no water" may proceed without inspection and prior to the issuance of a permit in order to restore water to a property. However, the Board of Health must be notified of the activity as soon as possible but no later than the next business day. Applicant shall post all appropriate fees for the applicable permit, including fees for non-essential use and non-essential wells.

- B. Construction Permits. No construction permit for a new home, new septic system, or other structure shall be issued unless the well intended to serve the home(s) or structure(s) has been drilled, tested and certified by the applicant's engineer or well driller as complying with State Standards for the Construction of Public Noncommunity and Nonpublic Water Systems (N.J.A.C. 7:10-12.1 et seq.), subsections 16-6.6, 16-6.7 and 16-6.8 of this section, and approved by the Local Enforcement Officer.
- C. Construction Permits for Additions and Other Structures. No construction permit for an addition or other structure shall be issued unless the new or existing well is a minimum distance of twenty feet from the addition or other structure, including decks, patios or other improvements.
- D. Reports on the repair, replacement or abandonment of all wells and well pumps shall be submitted no later than thirty (30) days upon completion of the permitted activity.
- E. Permits Required. It shall be the responsibility of the Developer to obtain a permit prior to drilling. However, the Developer may carry out this responsibility through the owner or applicant.

5.2 CERTIFICATE OF COMPLIANCE, LOCATION AND DESIGN.

- A. No person shall locate, construct (drill, build, assemble and/or install) or alter an individual water supply system until the Board of Health has issued a "Certificate of Compliance, Location and Design", indicating that the water supply system has been located and designed in compliance with the requirements of the code.
- B. The Board of Health shall not be responsible for any harm or danger to persons or property resulting from the construction or maintenance of any well.
- C. A "Certificate of Compliance, Location and Design" shall expire one year from the date of issuance.

5.3 CERTIFICATE OF COMPLIANCE, INSTALLATION.

- A. No individual water supply system shall be placed in service or operation until the Board of Health or its duly authorized agent has issued a "Certificate of Compliance, Installation" with respect to such system. No such certificate shall be issued until the owner or developer has furnished to the Board of Health the following:
 - 1. An as-built plan of the system prepared and signed by a professional engineer or a New Jersey State licensed well

driller, which plan shall include the exact location (GPS coordinates) of any well in relation to the foundation of the structures served by the system and all other structures, driveways, etc., on the lot.

2. A DEP well record.

3. A written report by a New Jersey certified laboratory determining potability.

B. Drilling Requirements

Construction Criteria. All wells shall conform to the standards for the construction of nonpublic and noncommunity wells as promulgated by the New Jersey Department of Environmental Protection, N.J.A.C. 7:10-12.1 et seq., with the following amendments:

1. A minimum of fifty (50) feet of well casing shall be provided for all wells.
2. No wells shall be located within 100 feet of any other existing or proposed well.
3. Blasting for the construction or repair of any well is prohibited.
4. Hydrofracturing of the geologic formation to increase yields prior to aquifer testing is prohibited.
5. The well must be staked by a land surveyor or engineer for wells on vacant lots. The well driller may stake the well for replacement wells.
6. The casing of each well shall extend 18 inches above grade, and all pump and well installations shall include a pitless adapter and shall be properly vented.
7. Well caps or coverings shall be bonnet-type, heavy patten, and Harvard or Martinson brands are the types preferred. Other makes may be approved by the inspector.
8. The minimum distance between a new well and any component of a septic system shall be 100 feet. In the event a new well must be constructed to replace a preexisting well, in circumstances where the physical condition of the lot renders compliance with this requirement impossible, then the Board of Health may apply the less stringent distance standards set forth in N.J.A.C. 7:10-12.1 et seq., provided that the applicant shows to the satisfaction of the Board that those less stringent standards can be applied with safety.
9. The well line must be located a minimum of 48 inches below grade and must be bedded with six inches of clean sand below and six inches of clean sand above the well line.
10. If an existing septic system needs to be altered or constructed within 100 feet of a substandard well (well has less than 50 feet casing, is a spring, dug well, cistern, or Kelly concrete cased well), a new well must be drilled in compliance with N.J.A.C. 7:10-12.1 et seq. The old well must be properly sealed by a person who possesses a valid New Jersey well driller's license of the proper class as issued by the DEP pursuant to N.J.S.A. 58:4A-4.1 et seq.
11. All existing wells that are monitored, and all new wells shall be disinfected in accordance with the standards of the New Jersey Department of Environmental Protection.

C. Inspection of Individual Water Supply System Construction.

A duly authorized representative of the Board of Health shall make an inspection when the 50 feet of casing, and the grouting of the annular space between the borehole and the outermost casing is

being installed, and at any other time deemed necessary during the construction of an individual water supply system, to determine compliance with the terms of the "Certificate of Compliance, Location and Design" issued therefor. The Board of Health shall be notified at least 48 hours prior to the commencement of the construction of any such system. The final inspection of an individual water supply system shall include the collection of a sufficient number of samples for analysis to determine whether the water meets potable water standards adopted by the DEP. A "Certificate of Compliance, Installation" shall not be issued for a water supply system failing to satisfy the potable water standards, unless remediating measures are taken to correct the problem. This remediation method must be approved by the Board or Health.

D. Applications

1. All applications for certifications required by this Ordinance shall be made upon forms to be supplied by the Board of Health for that purpose. A separate application shall be filed and a separate certificate issued for each installation. Applications for each new installation must be signed by a professional engineer. Application for repairs or alterations to an existing system may be signed by a professional engineer, a New Jersey-licensed well driller or a New Jersey-licensed plumber, unless the Registered Environmental Health Specialist (hereinafter referred to "REHS") employed by the Board of Health determines that the proposed repairs or alterations are improper, unfeasible or too complex, in which event the installation shall be designed and the application shall be signed by a professional engineer. The REHS employed by the Board of Health is authorized to approve all applications, but may obtain the advice and guidance of the Chatham Township Engineer whenever appropriate. The Board of Health may impose reasonable conditions on its approval of such an application and may require that the applicant prepare and record a deed, subject to the approval of the Board or its attorney, setting forth the conditions as a restrictive covenant running with the land and enforceable by the Board.

2. Each application for a "Certificate of Compliance, Location and Design" shall contain, in addition to the information required by the DEP's Standards for the Construction of Public Noncommunity and Nonpublic Water Systems, a statement that the location and design of the proposed system will comply with the Safe Drinking Water Act's (N.J.S.A. 58:12A-1, et seq.) standards and any higher standards prescribed by this Ordinance. Such statement shall be signed by one of the following persons:

- (a) For a new installation, the professional engineer responsible for the location.
- (b) For an alteration or repair, a professional engineer, a New Jersey licensed well driller or a New Jersey licensed plumber, except when, pursuant to subsection D-1, the REHS requires a professional engineer to locate the installation and sign the application.
- (c) The Board of Health shall signify its certification and approval of the proposed location and that the proposed system complies with the aforesaid Act and standards and this Ordinance by the signature of its REHS or other duly authorized agent on the application.

CHAPTER 6: APPLICABILITY OF STATE STANDARDS TO INDIVIDUAL

WATER SUPPLY SYSTEMS.

6.1 The DEP's Standards for the Construction of Public Noncommunity and Nonpublic Water Systems (N.J.A.C. 7:10-12.1 et seq.) shall be in full force and effect in the Township of Chatham, except that the following regulations or higher standards are hereby prescribed:

1. Location of wells. Every wellhead shall be located at a higher level than any individual sewage disposal system serving the same property, unless site conditions peculiar to a property render this requirement unreasonable. New wells shall not be buried and shall not use well pits.
2. Storage of water. Water shall be stored only in impervious tanks protected against surface drainage. All tanks shall be provided with watertight covers, and any overflow or ventilation openings shall be covered with a metallic screen of not less than 16-mesh to prevent the entrance of insects and vermin. No storage tank shall have a drainage connection directly to a sewer.
3. General well construction requirements. The following general requirements shall apply to the construction of all wells and to the upgrading of any well which is required by the enlargement or change in use of an existing building:

(a). All water in the construction, alteration, repair or decommissioning of any well shall be potable, as defined in the Safe Drinking Water Act (N.J.S.A. 58:12A-1 et seq.).

(b). Once the well has been installed, the well casing shall be capped until the pump is installed and the well placed in service or until the well is properly decommissioned. The cap shall be either threaded onto the casing or be a friction type device which locks onto the outside of the casing or a blank sanitary well seal or any other type of cap as may be approved by the Department of Health.

(c). All annular space(s) between the well casing(s), and the annular space between the borehole and outermost casing where applicable, shall be grouted in place as soon as possible. This can be done either by the tremigROUT method or the displacement method.

(d). Unsuitable or nonproductive wells that cannot be used for their intended purpose shall be decommissioned in accordance with the requirements stated herein.

(e). When the drilling of a pilot hole for any well is temporarily suspended and the rig moves away from the drilling site, the hole shall be considered abandoned and subject to the decommissioning requirements of the Code, unless drilling operations are resumed within 72 hours of the initial date of suspension.

(f). All flowing wells shall be equipped with a watertight cap, either threaded, slip-on or welded, and a control valve or necessary appurtenances so that the flow of the water can be controlled so as to protect the integrity of the well construction and/or the wellhead.

(g). If the Board of Health determines that any well water system or any appurtenance thereto is not being properly maintained or has deteriorated to such an extent that contamination might enter the well or enter the groundwater

or constitute a physical hazard, the Board may order work to be performed on the well or appurtenances thereto as is deemed necessary to prevent contamination of the groundwater or to mitigate the physical hazard.

(h). Every well shall be maintained in a condition whereby it will conserve and protect the groundwater resources, and whereby it will not be a source of, or channel for pollution that may contaminate the water supply of that well, any water-bearing unit or any aquifer.

(i). Any new or existing well shall not be enclosed in a basement or cellar of a building, nor built over by any realty improvement that would inhibit access to the well for repair, replacement or decommissioning. All wells shall be at least 10 feet from any and all structures.

(j). All well casings for new wells shall extend a minimum of 18 inches above grade and shall be equipped with pitless adapters.

(k). Pitless adapters must be inserted within the well casing, and the casing must be extended 18 inches above final grade on any new or upgraded wells. A minimum of 50 feet of casing shall be installed and grouted by an approved method in the presence of a representative of the Board of Health in all new water systems.

4. General Requirements for the Decommissioning of a Well.

(a). The Board of Health may order the decommissioning of any well due to abandonment, improper maintenance, contamination, potential for contamination, unproductivity, unsuitability and/or well construction in violation of any provision of the DEP's Standards for the Construction of Public Noncommunity and Nonpublic Water Systems (N.J.A.C. 7:10-12.1 et seq.) or this Ordinance for new or upgraded wells.

(b). The Board of Health may require or allow a well to be decommissioned by a method other than set forth in this section.

(c). No well shall be decommissioned until:

1. The driller proposing to seal the well has secured the Board of Health's approval, provided an appropriate Well Abandonment Report; and
2. The well has been inspected by a representative of the Board of Health.

(d). All wells shall be decommissioned by a New Jersey licensed well driller or by a person under the direct and constant on-site supervision of a New Jersey licensed well driller.

(e). The driller shall calculate and have on site the amount of sealing material necessary to completely and appropriately decommission a well.

(f). Any hazardous materials (including but not limited to contaminated casings, cuttings, sediment, displaced water or free product) generated during the sealing shall be handled in accordance with the Board of Health and the DEP regulations.

(g). The well shall be cleared of pump, pipe debris and other obstructions that may impede proper sealing and decommissioning.

(h). If the well has been over-drilled so as to remove the entire casing, screen and gravel pack, the resulting bore hole shall be constructed to, and maintained at, the original depth of the well until the bore hole is properly sealed in accordance with this subsection.

(i). The Board of Health, at its discretion, may require additional information about a well prior to the well being decommissioned. Such information may include, but is not limited to, data gathered via geophysical logging, down hole television, photographing and/or water quality testing.

(j). If it is known that an ungrouted annular space exists between the outermost casing and the bore hole, the casing shall be perforated, ripped or removed to ensure that said space is sealed.

(k). All water used in the sealing process shall be of potable quality.

(l). The following materials shall be used to seal and decommission wells:

(1). A portland cement mixed as per the manufacturer's recommendations;

(2). Portland cement/high-grade bentonite mixed as per manufacturer's recommendations; or

(3). High grade bentonite mixed as per the manufacturer's recommendations.

(m). The Board of Health may approve or disapprove alternate or additional sealing materials at its discretion.

(n). Only those materials and/or additives specifically designed and recommended for well sealing by the manufacturer and approved by the Board of Health shall be used to decommission wells. The material shall have a maximum permeability of 1×10^{-7} centimeters per second when prepared in accordance with manufacturer's specifications.

(o). Sealing materials shall be pumped into the well under pressure through a tremie pipe which discharges at the bottom of the well. If an annular space is being sealed, the material must discharge at the bottom of the annular space. During sealing, the tremie pipe may be raised from the bottom of the space being filled in a manner which ensures that the discharge end of the tremie pipe is constantly submerged within the column of undiluted sealing material in the well.

5. Water Volume Requirements.

(a.) The pumping capacity from all available water sources for a public noncommunity or nonpublic water system shall meet the requirements set forth in N.J.A.C. 7:10-12.6.

CHAPTER 7: WATER QUALITY EVALUATION

7.1 Well water samples must be collected from all newly constructed or altered wells.

7.2. The samples must be collected in accordance with the NJDEP Field Procedures Manual.

7.3. Standards of potability shall be in accordance with the New Jersey Private Well Testing Act.

7.4. The Board of Health may take and test samples of water from any individual water supply system whenever the Board has reason to believe that the water supplied by such system fails to meet the potable water standards adopted by the Department of Environmental Protection. In the event that a sample does not meet such standards, the Board of Health may order that the use of the individual water supply system from which such sample was taken shall be immediately terminated.

7.5. The builder or property owner of newly constructed dwellings shall be responsible for the quality of the water produced by the individual water supply system until the issuance of a certificate of occupancy. The builder or property owner shall arrange for an initial water test in accordance with the requirements of the Private Well Testing Act, N.J.A.C. 7:9E, as soon as the water is available within the dwelling. The sample for this initial test must be collected prior to the installation of any treatment system. Prior to signing an application for a certificate of occupancy, the Board of Health shall confirm that all parameters are in compliance with applicable NJDEP standards. Treatment systems installed to correct parameters which fail the initial test, will be required. Re-testing for failing parameters after treatment will be required to ensure compliance with NJDEP standards.

7.6 When it becomes necessary to install a water treatment device on any potable water supply system in the Township of Chatham, it shall become the obligation of the owner or builder of said system to install the appropriate water treatment device. Once said device is installed, it must remain on the site and be utilized in conjunction with the water supply system.

7.7 The builder shall provide the Health Department with the list of water treatment devices installed on the water supply (if applicable), and list the reasons for the installation.

7.8 Wells drilled to service existing wells must be sampled in accordance with the Private Well Testing Act, N.J.A.C. 7:9E. Compliance for those parameters for which there is a primary standard will be required.

7.9. If site conditions indicate potential historic use of pollutants, such as heavy metals, pesticides, herbicides, and/or other volatile or semi-volatile organic compounds at or near the site, analysis for the above pollutants must be conducted.

7.10 Based on past historical operations at the site or at nearby

properties, the Board of Health may require additional analyses of groundwater to assess potential future and current impacts.

7.11 The results of the water sample analyses will be used to assess water quality.

CHAPTER 8: TRANSFER OF TITLE:

8.1 All real property upon which a private well is located, and which is the subject of a contract for sale, shall be subject to the parameters set forth in the New Jersey Private Well Testing Act, N.J.A.C. 7:9E et seq.

CHAPTER 9: FEES, VIOLATIONS AND PENALTIES

9.1 For the filing of an application and plans for the issuance of a permit to locate and construct a new water supply system, the fee shall be \$200.00, plus, if applicable, the cost to the Department of Health of initial water supply testing. The permit shall be valid for one year from the date of issuance, but may be renewed upon payment of an annual renewal fee of \$25. No permit may be renewed more than four times.

9.2 For the filing of an application and plans for the issuance of a permit to alter an existing water supply system, the fee shall be \$50, plus, if applicable, the cost to the Department of Health of the initial water supply testing. The permit shall be valid for one year from the date of issuance, but may be renewed upon payment of an annual renewal fee of \$25. No permit may be renewed more than four times.

9.3 For each re-inspection of a water supply or part thereof caused by the failure of the permittee to locate and construct or alter the same in accordance with the terms of the permit issued or the terms of the aforesaid code, the fee shall be \$100.00.

9.4 The witness fee for inspecting well casing shall be \$100.00.

9.5 Only a New Jersey licensed well driller or a New Jersey licensed well pump installer may install a new well pump. A permit will be required to install a well pump in either a new well or an existing well. The applicant must note the approved individual who will be performing the work. The fee for this permit shall be \$50. After the well has been chlorinated and the chlorine has dissipated, total coliform bacteria test results shall be provided to the Board of Health and kept on file by a State certified laboratory.

9.6 Any relocation, changes, alterations or repairs to a well line must be permitted and inspected by the Department of Health. The fee for this permit will be \$50. This fee includes a total coliform bacteria test, which may be taken by the applicant or the Board of Health, or its representative.

9.7 Any person who violates the provisions of this article shall be subject to a fine not to exceed \$1,000 for each offense and an additional penalty of not more than \$100 for each day the violation continues to exist.

CHAPTER 10: STOP WORK ORDER

10.1 The Board of Health may order all further work in and about any individual water supply system which is being constructed or installed

in violation of the DEP's Standards for the Construction of public Noncommunity and Nonpublic Water systems, or in violation of any provision of this Ordinance, to be stopped forthwith, except such work as shall be necessary to remedy such violation, and thereafter to continue such work without any violation of any of the provisions of the regulations. After issuance of any such order and the service of a copy thereof upon any person connected with or working in and about the construction or installation of any such water supply system, or any part thereof, no further work shall be done thereon except as aforesaid.

CHAPTER 11: HEARING ON DENIAL OF PERMIT OR CERTIFICATE

11.1 If any person or certificate required by this Ordinance is denied by the Board of Health, a hearing shall be held thereon before the Board within 15 days after request is made by the applicant. Upon such hearing, the Board of Health shall affirm, alter or rescind its previous determination with written findings and conclusions.

CHAPTER 12: MISCELLANEOUS

12.1 No employee of the Board of Health shall have the authority to make exceptions to the requirements established by the DEP's Standards for the Construction of Public Noncommunity and Nonpublic Water Systems, the Standards of the Safe Drinking Water Act, the standards of the Private Well Testing Act, or the higher standards established by this Ordinance.

12.2 If the provision of any Chapter, section, subdivision, paragraph or clause of this ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgement shall not effect or invalidate the remainder of any such Chapter, section, subsection, paragraph or clause, and, to this end, the provisions of this Ordinance are hereby declared to be severable.

12.3 All other provisions of the said ordinance shall remain in full force and effect.

12.4 All Ordinances of the Board of Health of the Township of Chatham that are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

12.5 This Ordinance shall take effect 30 days after first publication, in accordance with the laws of the State of New Jersey.

Mr. Brown moved to introduce Ordinance BH-1-05. Dr. Shelley seconded the motion.

Roll call: Dr. Marano, Absent; Mr. Hartford, Aye; Dr. Shelley, Aye; Mr. Nachtigal, Aye; Mr. Brown, Aye.

Public hearing will be scheduled for May 10, 2005.

5. Local Health Evaluation Reports- Mr. Theese also mentioned local health evaluation reports need to be submitted to the State. Mr. Theese reviewed the evaluation report with the Board and explained the sections and results to the Board.

Mr. Brown moved to adjourn at 11:00 p.m. Mr. Nachtigal seconded the motion and it carried unanimously.

Joy M. Wiley,
Board of Health Secretary

