

ORDINANCE NO. 21-01-2021

AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND, SUPPLEMENT AND REVISE CHAPTER 153, "SEWAGE DISPOSAL SYSTEMS; NONPUBLIC WATER SYSTEMS AND WELLS," ARTICLE II "NONPUBLIC WATER SYSTEMS AND WELLS," OF THE CODE OF THE TOWNSHIP OF KINGWOOD TO AMEND THE REQUIREMENTS RELATED TO WELL CONSTRUCTION AND TESTING.

WHEREAS, the Township of Kingwood currently has a Code section within the Board of Health Code which purports to regulate sewage disposal systems and nonpublic water system and wells; and

WHEREAS, the Township Board of Health wishes to revise the Code section to amend some requirements related to well construction and testing; and

NOW, THEREFORE BE IT RESOLVED that Chapter 153 "Sewage Disposal Systems; Nonpublic Water Systems and Wells, Article II "Nonpublic Water Systems and Wells," of the Code of the Township of Kingwood should be amended as follows:

Section 1:

The following subsections of §153-23 "Well construction permit" shall be amended, the rest shall remain unchanged.

§153-23

A. Prohibition. No person shall locate, construct or alter any water supply system or well within the Township of Kingwood until a permit for the location, construction or alteration of such well has been issued by the administrative authority. However, additional water usage not associated with the operation of a dwelling up to ~~400~~ 200 gpd will be permitted without the requirement of the issuance of a well construction permit.

C. Map. Scale to fit on 8.5-inch-by-eleven-inch paper, prepared by a licensed surveyor or engineer. All applications shall include three copies of a plot plan showing the location measured from at least two property or main structure corners, of all new well(s), all preexisting well(s), all existing subsurface disposal areas and all soil test points (e.g., percolation test pits) for potential subsurface disposal areas. All identifiable preexisting wells and existing subsurface disposal areas shall include those on adjoining properties that are located within ~~200~~ 100 feet of the boundary of the subject property, whether located on the subject property or on an adjoining property and shall be depicted on the plot plan or at the applicant's option, by depicting the same on a survey based on as-built information obtained from Hunterdon County records that show the location of any such wells and subsurface disposal area. Latitude and longitude for the new and preexisting wells shall be recorded. If the lot that is the subject of the application is a flag lot, the distance indicated previously in this subsection shall be measured from the main body of the lot, and the "stem" of the flag shall not be included in calculating such distance.

Section 2:

The following subsections of §153-24 "Certification of well" shall be amended, the rest shall remain unchanged.

§153-24 (A)

- (1) New water supplies, new water wells or altered water wells constructed in the Township of Kingwood shall not be placed in service, nor shall new dwellings or buildings or additions to existing buildings, which require an increased water demand, be used or occupied, until the administrative authority shall have issued a certificate indicating that said water supply has been located and constructed in compliance with the terms of the well construction permit. However, additional water usage not associated with the operation of a dwelling up to ~~400~~ 200 gpd will be permitted without the requirement of the issuance of a well construction permit. A construction permit shall be issued if a newly drilled well delivers ~~40~~ 5 or more gallons of water per minute and a well-water sample is analyzed for the parameters required by the

state (See N.J.A.C. 7:10-12.6.) and the sample complies with the indicated water quality standards. (See N.J.S.A. 58:12A-26 et seq. and N.J.A.C. 7:9E-1.1 et seq.). However, a seasonal pump test must thereafter be completed during the next testing period of July 1 through October 31.

- (2) If any of the analyses are not within the required water quality limits, a treatment plan, prepared by a qualified hydrogeological consultant or certified professional engineer must be supplied to the Kingwood Township Board of Health within 30 days. If the water supply is less than ~~40~~ 5 gallons per minute, the applicant must wait for the seasonality period for testing. If the well yields one gallon a minute or less, a storage plan, as further described in § 153-26K, prepared by a qualified hydrogeological consultant, must be provided to the Kingwood Township Board of Health within 30 days. The well yield results must be witnessed by a Township-appointed witness. The New Jersey Geological Survey Ground-Water Report Series No. 1, Two-Part Pump Test for Evaluating the Water Supply Capabilities of Domestic Wells, worksheets pages 10 and 11, must be completed by the certified well driller. All measurements for gallons per minute will be done using a volumetric method (calibrated bucket and stopwatch) and three different measurements and will be conducted to average the tested well yield.

Section 3:

The following subsections of §153-29 “Aquifer test and hydrogeologic report” shall be amended, the rest shall remain unchanged.

§153-29 E (1) Table 3 shall be replaced with the following:

Table 3: Number of Test Wells Required

Number of New Lots	Number of Test Wells*
2 <u>6-7</u>	1 pumping well and 1 observation well
3 to 5 <u>8-10</u>	2 on-site test wells, for pumping and observation. Minimum of 1, up to 3 off-site existing wells ***
6 to 15 <u>11-20</u>	4 on-site test wells, for pumping and observation. Minimum of 3, up to 5 off-site existing wells ***
16-40 <u>21 or More</u> site	6 on-site test wells, for pumping and observation. Minimum of 5 <u>3</u> , up to 7 <u>5</u> off-site existing wells ***
Greater than or equal to 50**	6 on site test wells, for pumping and observation. Minimum of 7, up to 10 off-site existing wells ***

- * Subject to §153-29F(7)
- ** Proposed water withdrawals greater than or equal to 100,000 gpd must also be submitted to NJDEP for review and approval.
- *** At the discretion of the Township Hydrogeological Consultant

§153-29 F

- (1) Property owner notification. Owners of existing wells on lots located within ~~2~~ 1,500 feet of the subdivision/site plan boundary shall be given an opportunity to have their wells monitored during the aquifer test. The applicant shall obtain a certified list of all property owners within ~~2~~ 1,500 feet from the Township Tax Assessor. Notification of such opportunity shall be given by the applicant in letter form,

which form is available from the administrative authority, titled "Notice of Aquifer Test," via certified mail and regular mail, and shall give the time and place of the aquifer test. The applicant shall submit to the administrative authority the certified mail receipts. The notice shall indicate that such existing well may be monitored if agreed to by the well owner, provided the well is readily accessible. Such notice shall indicate that the existing well owner must respond within 14 days of the mailing, and the applicant's responsibility is to monitor up to the number specified in Table 3 for off-site observation wells.

- (2) Response. If the owner(s) of the lot within ~~2,500~~ 1,500 feet of the subdivision/site plan boundaries agrees to have their existing well monitored, they shall execute the access agreement and return it to the applicant by certified mail within 14 days of receipt of the certified notice from the applicant. If the applicant receives no response within the time provided, the response shall be deemed to be negative. If more homeowners agree to participate than the required number of observation wells, the selection of wells will be made by the Township's hydrogeological consultant. A return response for notification of the selected well owners and date and time of the well pump test(s) shall be delivered by the applicant via certified mail to those interested lot owners within ~~2,500~~ 1,500 feet of the subdivision/site plan boundaries. The return response must be received by the homeowner at least four weeks prior to the well test(s).
- (7) Selection of wells for monitoring. When property owners within ~~2~~1,500 feet of the subdivision/site plan boundaries decide to participate and have their wells monitored, it is the applicant's responsibility to monitor up to the number of wells specified in Table 3. However, if any of the property owners requesting monitoring have wells that are supported with public records to have been completed to a depth less than 100 feet, these wells must also be monitored in addition to the requirements for observation wells in Table 3. The observation wells on neighboring properties shall be selected to assess if the drawdown from the pumping well will extend beyond the subdivision/site plan boundary in any direction.

§153-29 G

- (1) Map: scale of one inch equals 100 feet, prepared by a licensed surveyor or engineer. The map must show the geology; surface and groundwater features (i.e., any known fractures, faults and recharge areas); location(s) of proposed test wells and observation wells; location(s) of proposed water quality monitoring wells; existing wells on lots located within 500 feet of the subdivision/site plan boundary; all septic systems and hazardous waste disposal areas active or abandoned within 500 feet of the boundary; and the location of all soil tests for potential subsurface sewage disposal areas on lots located within 500 feet of the subdivision/site plan boundary.
- (3) Nearby wells: documentation of all well-drilling results from the records of the Hunterdon County Health Department on lots located within 500 feet of the proposed well. ~~of the subdivision/site plan boundary~~. Well failures within 0.5 mile of the subdivision/site plan boundary must be identified.

Section 4:

§153a (1) Table 1 shall be replaced with the following:

SEWAGE DISPOSAL SYSTEMS
153 Attachment 1
Township of Kingwood
Table 1
Applicability and Timing for Types of Water Use

Type of Water Use and Daily Demand Value	Applicability for Certification of Well	Timing of Well Certification
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	§ 153-28 Three-Part Pump Test	§ 153-29 Aquifer Test and Hydrogeologic Report	
Existing improved or unimproved residential lot with a proposed daily demand of less than or equal to 900-1,200 ¹ gallons ³	N/A	N/A	Prior to issuance, renewal or extension of building permit
Existing improved or unimproved residential lot with a proposed daily demand of greater than 900-1,200-20,000 gallons ³	Yes	N/A	
Existing improved or unimproved residential lot with a proposed daily demand of greater than 20,000 gallons ³	N/A	Yes	
Residential lot that is part of an approved subdivision with an approved hydrogeological report	N/A	N/A	
Change in use ² that requires additional water when the total daily demand will be greater than 900-1,200 gallons, unless the well has been previously certified for the amount of water proposed	Yes	N/A	Prior to approval of change in use ²
Change in use ² that requires additional water when the total daily demand will be greater than 2,000 gallons, unless the well has been previously certified for the amount of water proposed	N/A	Yes	
Subdivision creating one 1-3 new lot ⁴	N/A	N/A	Prior to issuance, renewal or extension of building permit
Subdivisions creating two or more 4-7 new lots ⁴	Yes	N/A	Prior to approval as to suitability of subdivision
Subdivisions creating 8 or more new lots ⁴	N/A	Yes	
Agricultural subdivision creating one 1-3 new lot ⁴	N/A	N/A	Prior to issuance, renewal or extension of building permit
Agricultural subdivision creating two or more 4-7 new lots ⁴	Yes	N/A	
Agricultural subdivision creating 8 or more new lots ⁴	N/A	Yes	
Nonresidential or multiple residence uses less than or equal to 900-2,000 gpd	N/A	N/A	Prior to preliminary site plan approval
Nonresidential or multiple residence uses greater than 900-2,000-10,000 gpd	Yes	N/A	

Nonresidential or multiple residence uses between 10,000-100,000 gpd	N/A	Yes	
Any use greater than or equal to 100,000 gpd	Obtain NJDEP water allocation permit		
Public water systems			

NOTES:

- 1 An equivalent of four bedrooms (200 gpd/bedroom) as per New Jersey Geological Survey Ground-Water Report Series No. 1, Two-Part Pump Test for Evaluating the Water Supply Capabilities of Domestic Wells.
- 2 Any new or expanded water use that was not part of the original well certification (i.e., providing an off-site water supply, addition of bedroom(s), and other noncertified water uses), or in addition to the estimated water use (based on N.J.A.C. 7:10-12.6) if no certification was required at the time the well was installed. Off-site water supply shall only be conveyed to an adjacent single-family residence.
- 3 Exemption for the construction of an ECHO unit of a three-part pump test.
- 4 For purposes of determining the number of new lots involved in a proposed subdivision, the number of proposed new lots and the number of new lots created from the subject property since August 31, 2019, shall be added together, and that total shall be the number of new lots used to determine the requirements to be satisfied under Table 1.

Section 5:

Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 6:

Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 7:

Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township of Kingwood Board of Health held on January 20, 2021, at 7:30 PM and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Board of Health to be held on February 17, 2021, at 7:30 PM, or as soon thereafter as the Township Board of Health may hear this Ordinance at the Municipal Building, 599 Oak Grove Road in Kingwood Township, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Diane Laudenbach, Board Secretary