

MINUTES
FRANKLIN TOWNSHIP BOARD OF HEALTH
THURSDAY, JANUARY 23, 2014
8:00 P.M.

Upon recessing the Township Committee meeting, the Franklin Township Board of Health convened at **8:00 P.M., Thursday, January 23, 2014** at the Municipal Building. This meeting has been properly noticed in accordance with the Open Public Meetings Act.

Chairman Bruce Polkowitz called the meeting to order.

Roll Call: James Fania PRESENT Susan Soloway PRESENT
Timothy Wintermute PRESENT Daniel Connor ABSENT Bruce Polkowitz PRESENT

Also present: Katrina L. Campbell, Municipal Attorney
 C. Richard Roseberry, Municipal Engineer
 Marilyn Mroz, Engineer for the Applicant, Oak Grove Plantation

ADOPTION OF MINUTES

Motion to adopt minutes of January 6, 2014 Reorganization Meeting.

Moved Soloway Second Wintermute All present in favor. Motion carried.

OAK GROVE PLANTATION, SEPTIC SYSTEM/HOLDING TANK, BLOCK 42 LOT 4

Mr. Roseberry said this is a unique application. Most of the time an applicant is seeking either a waiver or a variance from the septic code. This is actually an application for a holding tank but it is not a holding tank being proposed under the septic regulations. It is being proposed under the industrial regulations and what we're here tonight for is to get testimony from the applicant and put on the record what the actual use is and that in fact it is industrial use. The septic system regulations prohibit the use of holding tanks except in an emergency or a malfunctioning septic system with very strict criteria. In this case what is presented is an industrial use solely for food processing and since it doesn't meet the definition of sanitary sewage then it falls under a different regulation for treatment works approval. Under the treatment works regulations there is an exemption for holding tanks. We will get some testimony and make a decision. The County Department of Health has reviewed the application but there hasn't been a memo issued from them yet. Mr. Roseberry said there has been a lot of communication with the County and the DEP to determine whether or not this is an exempt application and he has some email correspondence from both agencies.

At this time Marilyn Mroz identified herself as the engineer for the applicant, Oak Grove Plantation. One of the owners, Susan Blew, was unable to be present this evening. Ms. Mroz said she spoke with the County Health Department a couple of weeks ago and had verbal comments on the plans that were turned in this Tuesday. Basically the kitchen is proposed in an existing building primarily for the purpose of on-farm processing. Basically they make pies and currently do it off site and are seeking to do it on their own property. Ms. Mroz evaluated the septic system and soils were extremely limiting as well as a very small area available. It was determined it was not feasible to put in a normal or conventional in-ground or sub-surface system sewage disposal system. The application submitted to the County is for a

permanent holding tank. Frequency of use would be once a week for baking purposes and the volume is pretty small. In terms of jurisdiction, applicant doesn't meet the septic code so one is normally sent to the State for treatment works approval ; however, there are several exceptions and one for which they are applying is that it qualifies that flow will be less than 8,000 gallons and the two primary technical requirements are to install an aerator and an alarm which would go off at three-quarters capacity of the tank. Ms. Mroz said she sized out the volume and spec'd a 1,000 gallon tank and located it directly on the north side of the building for the kitchen waste to go by gravity into that tank and then be pumped out on an as-needed basis.

Mr. Roseberry asked for clarification on the type of waste because under the definition of sanitary sewage it defines sinks as meaning sanitary sewage. Ms. Mroz said washing is done in the commercial sink. Mr. Roseberry said this is the problem in that it says "sinks" and water from sinks is sanitary sewage and under the definition it would put the application under NJAC 7:9A. Ms. Mroz said when she's looking at NJAC 7:14A which was under the suggestion of Mark Miller of the DEP and when she goes through the definitions under industrial it is non-domestic and because of this being on-farm processing, she is going by those definitions. Mr. Roseberry said that NJAC 7:9A regulates sanitary sewage and it specifically excludes any industrial waste. Industrial is fine but they can't meet the definition of sanitary sewage. The issue is if they are solely doing industrial food processing you meet the exemption but if you have a sink for processing things than contain vegetable matter it's sanitary sewage and falls under NJAC 7:9A. Mr. Roseberry said the applicant is under NJAC 7:9A whether they like it or not and they have to prove they aren't under 7:9A.

Mr. Fania asked what they are processing in the sink. Ms. Mroz said they have baking pans along with an oven for baking. Ms. Mroz asked if there was a hood in the kitchen and Ms. Mroz stated she didn't recall seeing one there. Ms. Mroz also wasn't sure about waste from mixing bowls and food processed in them. Asked whether the kitchen has already been installed Ms. Mroz said she understands it is under construction. The Municipal Attorney stated that it is her understanding that this kitchen is completely built. Ms. Mroz said she was there a couple of months ago and saw the sink and the outlet pipe. Need to clarify whether or not they can have a sink under industrial and if they do have one they need to show the type of waste. Washing dishes and cleaning pans is sanitary sewage. Mr. Roseberry gave an example of industrial discharge: cooling water for maybe a plastic extrusion operation that uses water as a cooling process where the water doesn't get mixed with any solubles. Ms. Mroz said she followed the definition of non-household and that's how she is pursuing this.

The Mayor suggested adjourning this meeting and coming back with more information to prove what Ms. Mroz is saying and a more on-site in-depth site look at it. There is a need to prove it is industrial.

Ms. Mroz asked if there were other issues. Mr. Roseberry said no, but he has some recommendations for the Board of Health as far as where the waste will be discharged.

Ms. Campbell recommended adjourning until the next Board of Health meeting and suggested the applicant be present to give testimony. It is her understanding this kitchen is completely built and they know what it is being used for.

Mr. Fania asked if Ms. Mroz could provide can photos for a visual look and she said she would go back to the applicant about this. The Board of Health would like interior and exterior photos to see what they

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are talking about. Ms. Mroz began commented on the volume of waste and Ms. Campbell said we'll get to the volume when we determine if in fact it is industrial.

Mr. Roseberry has an email from Mr. Miller where he basically concurred that an industrial holding tank is an exemption but there was nothing in the email regarding what the applicant presented to him. Mr. Roseberry said he will contact Mark Miller of the DEP.

ADJOURNMENT

Motion to adjourn the Board of Health at 8:20 P.M. in order to reconvene the Township Committee regular meeting.

Respectfully submitted,

Ursula V. Stryker, Secretary

DATE OF ADOPTION: _____