

## Guidance for Municipal Plan Conformance with the Highlands Regional Master Plan Septic System Design and Maintenance Conformance Standards

### New Jersey Highlands Council

COMPONENT	STATUS <sup>1</sup>	STANDARDS	COMMENTARY
Environmental Resource Inventory		<p><b>BASIC PLAN CONFORMANCE STANDARDS:</b></p> <ol style="list-style-type: none"> <li><b>General:</b> Incorporate by reference the Highlands Council maps of Land Use Capability Zones, the Preservation and Planning Areas, Existing Areas Served for Highlands Domestic Sewerage Facilities, the Wellhead Protection Areas, Prime Ground Water Recharge Areas, Septic System Yield Map, and Highlands Open Water Buffer Area (specify date of the version used). Discuss the municipal or Board of Health programs, standards, and ordinances (or applicable county/regional Board of Health programs) implemented or available to improve the maintenance of existing and new residential septic systems and to address the long-term maintenance needs of new residential development that relies on septic systems. Include reference to the NJDEP Water Quality Management Planning Rules, N.J.A.C. 7:15, and Standards for Individual Subsurface Sewage Disposal Systems (N.J.A.C. 7:9A).</li> <li><b>LUC Zones:</b> Septic System Design and Maintenance standards do not differ by LUC Zone.</li> <li><b>Preservation Area Special Provisions:</b> Not applicable</li> </ol>	NOTE: The Highlands Council will be providing mapped information in digital form through its Municipal Mapping Tool, which can be used by a municipality to meet these requirements.
		<p><b>PLAN CONFORMANCE STANDARDS:</b></p> <ol style="list-style-type: none"> <li><b>Mapping:</b> Map areas where septic systems exist at a density that exceeds an average nitrate concentration of 10 mg/L using drought ground water recharge, or are within a Wellhead Protection Area, Prime Ground Water Recharge Area or Highlands Open Water Buffer Area.</li> <li><b>Narrative:</b> Identify through an accompanying narrative the areas mapped in step #1.</li> </ol>	See the Wastewater System Maintenance Program of Chapter 5 of the RMP. This material is the scientific foundation of the regulation and is critical to the establishment of a legal defense. A municipality is required to develop an independent ERI for full Plan Conformance, but not for Basic Conformance.
Municipal Master Plan Utility Services & Conservation		<p><b>BASIC PLAN CONFORMANCE STANDARDS:</b></p> <ol style="list-style-type: none"> <li><b>General (Background Statement):</b> Adopt by reference the Highlands Council maps of Wellhead Protection Areas, Prime Ground Water Recharge Areas, Existing Areas Served for Highlands Domestic Sewerage Facilities, Septic System Yield, and Highlands Open Water Buffer Areas. Adopt by reference the background statements in the RMP, Chapter 3, Part 2.</li> </ol>	

<sup>1</sup> This column is for the municipal self-assessment. C = fully complete. P = partially complete, with a need for improvement. IP = in progress. NS = not started. NA = not applicable (e.g., for a municipality for which this component is not relevant).

<p><b>Plan Elements</b></p>		<p>Water Resources, Subpart F Septic System Capacity.</p> <ol style="list-style-type: none"> <li><b>Policy Statement:</b> Adopt by reference RMP Policies 2L1 and 2L5 into the policies, goals, objectives section of the Master Plan. Relate the policies to MLUL purposes as appropriate.</li> <li><b>LUC Zones:</b> Septic System Design and Maintenance standards do not differ by LUC Zone. The target concentrations of nitrates in ground water differ between Planning and Preservation Area and between Planning Area Zones.</li> <li><b>Preservation Area Special Provisions:</b> Specifically cite and indicate the applicability of NJDEP Preservation Area rules at N.J.A.C. 7:38 in regulation of nitrate thresholds in ground water in the Preservation Area</li> </ol>	
		<p><b>PLAN CONFORMANCE STANDARDS:</b></p> <ol style="list-style-type: none"> <li><b>Master Plan Requirements:</b> Establish Policies 2L1 and 2L5 as policies and objectives of the municipality, enumerating the purposes and benefits as cited in the Conservation Plan Element.</li> <li><b>Conservation Plan Element Requirements:</b> Establish importance of septic system development, maintenance, design, operation, placement, and monitoring. Use the Environmental Resource Inventory as the basis where appropriate, and then discuss the values served by septic system development, maintenance, operation, placement, monitoring, and design. Use these statements as the basis for Master Plan policy in keeping with the RMP.</li> </ol>	
<p><b>Institutional Capability</b></p>		<ol style="list-style-type: none"> <li><b>Planning:</b> The Council will provide assistance should the Board of Health and/or governing body, planning board and zoning board of adjustment staff and members require assistance with this issue to ensure that planning and the Septic System Design and Maintenance requirements are properly implemented and made part of the municipal health code or general code as appropriate, that conformance with the RMP is maintained, and that exceptions and waivers to the septic system development and maintenance ordinance are limited to those situations allowed by the RMP, are the minimum necessary and do not damage municipal values for proper septic system development, maintenance, operation, design, placement, or monitoring.</li> </ol>	<p>The municipality should verify septic system locations, areas requiring advanced septic system maintenance, and the most cost-effective methods of ensuring maintenance.</p>
		<ol style="list-style-type: none"> <li><b>Project Review:</b> Municipality must have capacity to interpret digital and surveyed data on target septic system densities for the LUC area and apply the ordinance requirements to the Septic System Design and Maintenance Plan identified for a property.</li> </ol>	
		<ol style="list-style-type: none"> <li><b>Site Visit Authority:</b> Municipality staff and development review boards must have ability to conduct site visits to visually verify existing site conditions such as soil suitability, soil class, topography, and proper operation, design, maintenance, placement, development, and monitoring of the septic system and related resources.</li> </ol>	<p>Ensure that the appropriate review body and staff have the ability to visit the site in support of project review, planning and other activities</p>
		<ol style="list-style-type: none"> <li><b>Independent Projects:</b> The municipality must periodically and in a timely manner inform the Highlands Council of special or independent projects (e.g., hydrology studies) developed and implemented regarding ground water quality protection and regulation, as related to Plan Conformance or RMP implementation.</li> </ol>	
<p><b>Development Review Checklists</b></p>		<p><b>PLAN CONFORMANCE STANDARDS:</b></p> <ol style="list-style-type: none"> <li><b>General:</b> As a minimum condition of completeness, require for all applications addressed by “Septic System Design and Maintenance Regulations, #4 Applicability” (see below):             <ol style="list-style-type: none"> <li>Highlands Council consistency determination.</li> </ol> </li> </ol>	

		<ul style="list-style-type: none"> <li>b. Narrative and mapped description of the extent to which the application exhibits compliance with the municipal ordinance provisions developed in accordance with RMP as to location, size, and site suitability for proposed individual septic disposal systems, with the applicable requirements of N.J.A.C. 7:9A.</li> <li>c. Where the applicant claims a Highlands Act exemption, require submittal of information necessary for municipal decision, or of a determination by NJDEP or the Highlands Council, as a condition for completeness. (See “Development Review Ordinance, #5 Exemptions” below.)</li> <li>d. Plans showing the proposed location and configuration of the septic system, including required separation distances as set forth in N.J.A.C. 7:9A. Plan notes must indicate that the septic system shall be designed in accordance with N.J.A.C. 7:9A, and that design plans and details are subject to the approval of the applicable Administrative Authority of the municipality. In addition, plans must designate a reserve septic disposal field having suitable soils, location, size and configuration sufficient to also achieve compliance with N.J.A.C. 7:9A. .</li> <li>e. Plans showing the proposed area of disturbance for all aspects of the development, including roads, utilities, building sites, driveways, landscaped areas, and all appurtenant structures.</li> <li>f. Plans showing the proposed grading, soil conservation plan, and sediment and soil erosion control plan.</li> <li>g. Plans and accompanying narrative providing proposed deed restrictions to be imposed through the development approval to prohibit the installation or construction of any permanent improvements within the reserve disposal area, and to require that it be shown on all plans and/or referenced within any future applications for permits or improvements to the property.</li> <li>h. Plans documenting baseline conditions in all areas designated for conservation easements, deed restrictions or other means of resource preservation.</li> <li>i. Architectural elevation renderings, if structures are proposed (preliminary for subdivision applications).</li> <li>j. A list of any encumbrances affecting the property (i.e., easements, deed restrictions, covenants).</li> <li>k. Copies of any related surveys, site plans, and professional and/or environmental site assessments.</li> </ul>	
<p><b>Land Use Ordinance</b></p>		<p><b>PLAN CONFORMANCE STANDARDS:</b></p> <ol style="list-style-type: none"> <li>1. <b>General:</b> Septic system density limitations must be incorporated into the municipal zoning ordinance for application to future non-exempt development in the municipality.</li> <li>2. <b>LUC Zones:</b> RMP density provisions vary by Area and Zone.</li> <li>3. <b>Preservation Area Special Provisions:</b> Cite and indicate the applicability of NJDEP Preservation Area rules at N.J.A.C. 7:38 in the regulation of septic system density</li> </ol>	
		<p><b>SUBDIVISION &amp; SITE PLAN ORDINANCES:</b></p> <ol style="list-style-type: none"> <li>1. <b>General:</b> Incorporate the following requirements pertinent to development projects reliant</li> </ol>	

		<p>upon installation of individual subsurface septic disposal systems:</p> <ol style="list-style-type: none"> <li>a. Design of such systems shall be in compliance with the Standards for Individual Subsurface Sewage Disposal Systems at N.J.A.C. 7:9A and any other requirements of the applicable municipal Administrative Authority and shall be subject to that Authority’s approval.</li> <li>b. All subdivision and site plan applications shall demonstrate that the proposed lot(s) and/or site plan incorporate the applicable requirements of N.J.A.C. 7:9A with respect to soils suitability, location, size, separation distances, and capacity.</li> <li>c. All subdivision and site plan applications shall incorporate reserve septic disposal areas which are sufficient with respect to soils suitability, location, and size to meet the requirements of N.J.A.C. 7:9A.</li> <li>d. All reserve disposal areas shall be protected by deed restrictions prohibiting the construction or installation of permanent improvements and preserving the area (and its soils) for future installation of a replacement disposal field.</li> <li>e. All new individual septic disposal systems shall be subject to the applicable septic system management and maintenance requirements of the municipal Administrative Authority.</li> </ol> <p>2. <b>LUC Zones:</b> N/A.</p> <p>3. <b>Preservation Area Special Provisions:</b> N/A.</p>	
<b>Municipal Ordinances</b>		<b>SEPTIC SYSTEM DESIGN AND MAINTENANCE REGULATIONS:</b>	
		<p>1. <b>Statement of Purpose:</b> Specify at a minimum that the purpose of the ordinance is to implement RMP Policy 2L5. Make a direct link between the ordinance and municipal policy emphasizing the goals of protecting the public health and welfare.</p>	
		<p>2. <b>Special Definitions:</b> Include definitions set forth under N.J.A.C. 7:9A and at N.J.A.C. 7:38, best management practices, site disturbance, and soil suitability and stability based on the RMP. Provide references to the NJDEP Preservation Area rules at N.J.A.C. 7:38, and the NJ Erosion Control Standards at N.J.A.C. 2:90-1.</p>	
		<p>3. <b>Special Standards:</b> Cite and indicate applicability of the standards for septic system maintenance in the Water Quality Management Planning Rules, N.J.A.C. 7:15, and incorporate by reference the Standards for Individual Subsurface Sewage Disposal Systems at N.J.A.C. 7:9A.</p>	
		<p>4. <b>Applicability:</b> The ordinance must apply to any project for which a permit from, or determination by, the municipality or the board of health is required (including any application for development as defined under the MLUL (N.J.S.40:55D-3)) and which involves the proper maintenance, development, design, placement, operation, and monitoring of septic systems, other than exemptions as specified below.</p> <ol style="list-style-type: none"> <li>a. <b>Highlands Applicability Determinations:</b> <ol style="list-style-type: none"> <li>i. Major Highlands Developments – In the Preservation Area, require compliance with the NJDEP Preservation Area rules at N.J.A.C. 7:38 and with RMP Policy 2L5.</li> <li>ii. Other Developments – Require compliance with the RMP Policy 2L5.</li> </ol> </li> <li>b. <b>Municipal Requirements:</b> Require compliance with the NJ Erosion Control Standards at N.J.A.C. 2:90-1. Additional requirements as determined by the municipality.</li> </ol>	

		<p>5. <b>Exemptions:</b> Incorporate the Highlands Act exemptions as listed at N.J.A.C. 7:38-2.3.</p> <p>a. <b>Highlands Act Exemptions Addressed by N.J.A.C. 7:38-2.4(b)</b></p> <p>i. Local Action: Where a municipality can conclude that a proposed project qualifies for an exemption under the NJDEP Preservation Area rules at N.J.A.C. 7:38-2.4(b) (which relate to Highlands Act (N.J.S.A. 13:20-28) Exemptions 5, 7, 9, 10 and 15), the municipality may process the application without formal determination by the NJDEP or the Highlands Council. A decision to process an application under this provision does not constitute, and the applicant may not rely upon, municipal action under this provision as constituting a municipal decision regarding Highlands Applicability Determination.</p> <p>ii. NJDEP or Highlands Council Determination: A determination by NJDEP or the Highlands Council regarding applicability of these exemptions in the Preservation or Planning Area, respectively, may be relied upon regarding applicability of these exemptions.</p> <p>b. <b>Highlands Act Exemptions Not Addressed by N.J.A.C. 7:38-2.4(b)</b></p> <p>i. Local Action: The municipality shall not consider an application complete for review that proposes the use of any other Highlands Act exemptions, unless a NJDEP or Highlands Council Applicability Determination is provided with the application in the Preservation or Planning Area, respectively.</p> <p>ii. NJDEP or Highlands Council Applicability Determination: A determination by NJDEP or the Highlands Council regarding applicability of these exemptions in the Preservation or Planning Areas, respectively, must be provided prior to municipal consideration of the proposed activity.</p>	<p>The Highlands Rules exempt or have special provisions for many single-family dwellings and agriculture/horticulture activities. Municipality may want to consider including some of these actions within the municipal regulations. The RMP does not and cannot require that municipalities be more stringent than the RMP or the Highlands Act, including exemption provisions. Because eligibility for the “legal shield” under the Highlands Act is linked to conformance with the Regional Master Plan, and the RMP cannot address exempt projects, municipalities that include exempt development in their ordinance will not benefit from the legal shield for that portion of the ordinance. However, a municipal ordinance may, under the Highlands Act at N.J.S.A. 13:20-15a(5), be more stringent than the RMP standards for non-exempt development, and still will be eligible for the legal shield.</p>
		<p>6. <b>Septic System Design and Maintenance Approval:</b> Provide for a septic system design and maintenance approval process applicable to all covered projects. Require submission of the materials required under the Development Review Checklist for review by the municipal engineer or other qualified professional if the application does not otherwise require approval by the Planning Board or Zoning Board of Adjustment as an “application for development” under the Municipal Land Use Law. If the application is consistent with all requirements pertinent to the Highlands RMP, the ordinance may authorize the reviewing professional to grant an approval. If the application is inconsistent with RMP policies, the reviewing professional must clearly identify the deviations. The ordinance must require that approval of such deviations be authorized only by grant of waivers or exceptions from the Planning Board or Zoning Board of Adjustment through the procedures at #10, Waivers and Exceptions, below. The ordinance must require that the Board of Health be consulted and approves the septic system design as required.</p>	<p>Review by the municipal engineer may entail professional fees. The municipality should consider its fee and escrow ordinances. Review procedures may provide for completeness determination, timeframes for review and decision-making, and options for conditional approvals.</p>
		<p>7. <b>Requirements:</b> The ordinance must include the following minimum requirements regarding</p>	<p>These are the key standards for site</p>

		<p>the proper operation, design, development, monitoring, placement and maintenance of septic systems:</p> <ul style="list-style-type: none"> <li>a. A “major Highlands development” in the Preservation Area as defined by the NJDEP Preservation Area rules at N.J.A.C. 7:38 that involves the use of septic systems shall not be approved by the municipality unless conditioned upon or subsequent to NJDEP approval of a Highlands Preservation Area Approval (HPAA) for the project.</li> <li>b. All regulated development shall not be approved by the municipality unless it meets the requirements of 10.c through f for septic system density and project design.</li> <li>c. <b>Routine Maintenance of Residential Septic Systems:</b> Adopt Board of Health programs and ordinances (or participate in regional Board of Health programs) to achieve the maintenance of existing and new residential septic systems. The following maintenance standards apply:             <ul style="list-style-type: none"> <li>i. Implement at a minimum the septic system maintenance programs required under the Water Quality Management Planning Rules, N.J.A.C. 7:15</li> <li>ii. Maintenance shall be ensured through a regulatory system requiring prove proof of proper maintenance, including but not limited to septic system pump-out, methods to prevent solids and grease migration into the distribution systems, and no evidence of chemical disposal that disrupts the biological treatment of wastes, where septic systems:                 <ul style="list-style-type: none"> <li>- Exist at density that exceeds an average nitrate concentration of 10 mg/L using drought ground water recharge, or</li> <li>- Are within a Well Head Protection Area, Prime Ground Water Recharge Area, or Highlands Open Water Buffer area.</li> </ul> </li> </ul> </li> <li>d. <b>Life-cycle Maintenance of Residential Septic Systems:</b> Require conformance with the Standards for Individual Subsurface Sewage Disposal Systems (N.J.A.C. 7:9A). Adopt municipal or Board of Health ordinances (or participate in regional Board of Health programs) addressing the long-term maintenance needs of new residential development that relies on septic systems, by requiring that each developed lot include a specified and sufficient location for a replacement disposal field.</li> <li>e. <b>New Residential Septic Systems:</b> new residential development utilizing septic systems shall be designed in a manner that ensures that the untreated water meets the State drinking water quality standards and minimizes the risk of well contamination due to the flow of septic systems plumes within or between developed lots, addressing general background water flow patterns, major fracture systems and other appropriate geological, geophysical, hydrogeological issues.             <ul style="list-style-type: none"> <li>i. New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density based on nitrate dilution target appropriate for the LUCM Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L or any more stringent requirements as required by N.J.A.C. 7:15.</li> </ul> </li> <li>f. <b>Upgrading and Replacement of Residential Cesspools and Other Inadequate Wastewater Systems:</b> Adopt Board of Health ordinances addressing the upgrade of</li> </ul>	<p>development regarding the resources affected by the ordinance. The provisions of the NJDEP rules should be included in the municipal ordinance either by reference or in whole. However, the municipality will make the findings under 10.b through 10.f, not the NJDEP.</p> <p>The ordinance may include provisions in addition to and/or that are more restrictive than those required pertinent to the RMP. While RMP policies must be regulated as zoning requirements (requiring variance relief for any deviation), any additional provisions may, at the option of the municipality, be treated as design standards with allowances for waivers.</p> <p>All septic system disposal fields eventually fail as solids and microbial growth clog the field, and therefore require replacement field to ensure that the system will not fail without potential for rehabilitation at great cost.</p>
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		<p>8. <b>Reporting Requirements:</b> Require that prior to issuance of a final Certificate of Occupancy or Approval and/or to release of any performance bonding held in relation to the project, that the applicant provide an “as-built” survey depicting the final site conditions.</p>	
		<p>9. <b>Municipal Approvals Conditioned On State Approvals:</b></p> <ul style="list-style-type: none"> <li>a. <b>General:</b> Require that the approved development demonstrate compliance where applicable with the NJ Erosion Control Standards at N.J.A.C. 2:90-1.</li> <li>b. <b>Applicable to Preliminary Approvals:</b> Preliminary approval shall be conditioned such that land modification affecting the proper septic system design and maintenance shall not occur until such time as the Highlands Council has either not called up the approval for review, or has reviewed the approval pursuant to N.J.S.A. 13:20-17(a)1 and either finds that the approval meets RMP requirements or finds that the approval must be modified and the municipality has so modified the approval. Preliminary approval shall also be conditioned</li> </ul>	<p>The purpose of this provision is to ensure that applicants do not assume approval prior to the legal fact of final approval, and that site disturbance based on preliminary findings does not harm resources that might be protected through a Highlands Project Review, Highlands Council “call up,” or</p>

		<p>upon review and approval by the municipal or board attorney of the language to be included in a deed restriction pertinent to any conservation easement that is a part of the approval.</p> <p>c. <b>Applicable to Final Approvals:</b> Final approval shall be conditioned such that land modification affecting the proper design and maintenance of septic systems shall not occur unless the Highlands Council has either not called up the approval for review, or has reviewed the approval pursuant to N.J.S.A. 13:20-17(a)1 and either finds that the approval meets RMP requirements or finds that the approval must be modified and the municipality has so modified the approval. Final approval shall also be conditioned upon the filing of a deed restriction, as approved by the municipal or board attorney pertinent to any conservation easement that is part of the approval.</p> <p>d. <b>Applicability of Highlands Council Review.</b> The ordinance must require that in the case of any development application involving the potential disturbance of two (2) acres, or more, or a cumulative increase in impervious coverage of one (1) acre, or more, the reviewing board shall provide a certified copy of the fully-executed resolution memorializing its final decision in the matter to the Highlands Council within ten (10) days of its adoption. The reviewing board must require the applicant to provide a copy of the final site plan and subdivision plats to the Highlands Council in digital format that meets the Highlands Council standards for digital submissions, where such plans and plats have been prepared in digital form. All resolutions memorializing a final decision shall include conditions requiring these submittals, and that no local decision shall be deemed final until the Highlands Council has received the information required in this paragraph.</p> <p>e. <b>Applicable to Building Permits:</b> The ordinance must require that no building permit shall be issued and no other land modification affecting the maintenance and development of septic systems shall commence until the municipal development approval is final. If the building permit is the only applicable municipal approval, the building permit shall not be approved unless the applicant has proved that the project is in compliance with the standards of this ordinance, that the project is eligible for a Highlands Act exemption, that the Highlands Council has determined that the building permit will not result in the disturbance of the proper design and maintenance of septic systems, or that the project has received an HPAA or HPAA with waiver from the NJDEP.</p>	<p>HPAA permit process.</p> <p>The Highlands Council has “call up” rights under N.J.S.A. 13:20-17.c, allowing for a determination, “within 15 days after any final local government unit approval, rejection, or approval with conditions thereof,” on whether to review “any application for development in the preservation area.” Once a municipality comes into conformance in the Planning Area, the same approach applies. Because disturbance of regulated resources based on <u>preliminary</u> municipal approval would contradict the clear intent of the Act to allow Council review upon <u>final</u> approval, conditions on local preliminary and final approval are necessary. In addition to Council review authority for specific projects, the Council may determine that a municipal decision does not conform to the RMP as agreed to under Plan Conformance, and may act to determine that the municipality is no longer in conformance. Doing so would trigger provisions of the Act regarding loss of the legal shield, funding priorities and return of any prior funding provided by the Council.</p>
		<p>10. <b>Waivers and Exceptions:</b> The ordinance must provide clear guidance to the reviewing Board, specifying that any waivers for a development project may be granted only in cases where the following review standards are met:</p> <p>a. <b>Highlands Act Waiver Provisions:</b> For applications other than major Highlands developments in the Preservation Area, and for any applicable approval in the Planning Area, no development involving a waiver may be approved by the development review board for septic system development and maintenance unless the applicant has received approval by the Highlands Council of a Highlands Act Waiver under the provisions of the</p>	<p>NJDEP Highlands Rules may provide for certain waivers – the municipality may wish to more clearly define the limits of exceptions to the ordinance provisions where they won’t conflict with the NJDEP rules or the RMP, which incorporates the same</p>

		<p>RMP.</p> <p>b. <b>Exception Provisions:</b> For applications other than major Highlands developments in the Preservation Area, exceptions may be approved by the development review board for septic system design and maintenance only where the applicant can demonstrate that: (a) the deviation is unavoidable and represents the minimum feasible under the particular circumstances surrounding the project proposal, and the grant of relief is reasonable, necessary, and supports the general purpose and intent of the applicable development regulations; or (b) the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. The approval of an exception must be accompanied by a detailed justification, and is subject to review by the Highlands Council. The justification must include at a minimum an explanation of how and to what extent the following conditions are addressed:</p> <ul style="list-style-type: none"> <li>i. no alternative exists that will allow for at least a minimum practical use of the property;</li> <li>ii. the exception is for road or utility access to another part of the site where the actual development would occur (if applicable);</li> <li>iii. the exception provides relief only to the minimum extent necessary;</li> <li>iv. other environmental features are not damaged in the process of protecting ground water quality.</li> </ul> <p>c. <b>Additional Provisions:</b> No exception may be approved that violates the NJ Erosion Control Standards at N.J.A.C. 2:90-1. All exceptions granted by the review board must be reported to the Highlands Council upon local approval.</p>	<p>waivers with regard to the Planning Area.</p> <p>Exceptions are applicable where site-specific conditions prevent complete application of a standard. Exceptions are not available for factors other than site conditions, such as any scheduling or financial constraints of the applicant. The mandatory statement of justification for an exception shall be used by the Highlands Council as the basis for its review of a municipal approval under the call-up provisions.</p>
<b>Enforcement</b>		<p>1. <b>Site Inspections:</b> Provide a responsibility to specific municipal and board of health officials to periodically inspect the site throughout construction for compliance with the development approval, including provisions for:</p> <ul style="list-style-type: none"> <li>a. Verification of baseline conditions in all areas designated for conservation easements, deed restrictions or other means of resource preservation.</li> <li>b. Sequencing of compliance inspections to ensure the protection of on-site and off-site resources, achievement of site construction and environmental impact requirements, placement of conservation easement monuments, etc.</li> <li>f. Verification of “as built” conditions including compliance with conservation easements, deed restrictions or other means of resource preservation.</li> </ul>	<p>Specific provision for site inspections is critical to the protection of the features protected by this ordinance and all other sensitive environmental features.</p>
		<p>d. <b>Administrative Compliance:</b> Provide for issuance of a stop-work order, revocation of building permits, refusal to approve further work, or denial of certificates of occupancy, plus mandatory remedial and corrective measures including full restoration of any resources that are improperly disturbed.</p>	<p>Standard MLUL authorities for administrative compliance will apply to enforcement of this ordinance.</p>
		<p>c. <b>Penalties:</b> Provide for civil and criminal penalties for violations.</p>	<p>In most cases, standard penalty provisions under the MLUL will be sufficient.</p>
<b>Recommended</b>		<p>1. “So, You Need a Septic Management Plan...” available from NJDEP at:</p>	<p>Model and example ordinances are</p>

<p><b>Model or Example Ordinances</b></p>	<p>http://www.nj.gov/dep/watershedmgt/DOCS/WQMP/smp_flyer.pdf</p> <p>2. Township of Byram. Township Codes, Chapter 272, Sewage Disposal Systems. ARTICLE II Septic Management Program [Adopted 4-26-2005 by Ord. No. BH1-2005.] § 272-12 et seq. Available from Byram Township Web site at: <a href="http://byramtwp.org/upclose/govmnt/Township%20Codebook/Township%20Code%20Book%20Links.htm">http://byramtwp.org/upclose/govmnt/Township%20Codebook/Township%20Code%20Book%20Links.htm</a> and from General Code e-Library at: <a href="http://e-codes.generalcode.com/codebook_frameset.asp?ep=fs&amp;t=ws&amp;cb=0627_A">http://e-codes.generalcode.com/codebook_frameset.asp?ep=fs&amp;t=ws&amp;cb=0627_A</a>.</p> <p>2. West Amwell Township Board of Health Ordinance Amending Chapter 173 and Adding Reserve Disposal Areas to the Code of the Township, January 2006</p>	<p>listed for informational purposes only. Specific language from each ordinance must be reviewed by competent legal and planning experts to determine what is most appropriate for use in complying with the Highlands Council standards for Plan Conformance.</p>
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