

DRAFT February 18, 2009

New Jersey Department of Environmental Protection Priority Permit Application Evaluation Guidance Manual

On March 18, 2008, Commissioner Lisa Jackson issued Administrative Order 2008-06 creating the [DEP Permit Efficiency Review Task Force](#). The Commissioner asked the task force to review the current permitting process and to make recommendations on how to make the permit process more timely, predictable, consistent and transparent to the regulated community.

A finding the Task Force included in their final report was that the DEP currently does not have a process to prioritize projects that advance state objectives. As a result, the Task Force recommended that the DEP develop a priority system to manage permit application processing according to a specified list of criteria. Some of the recommended project prioritization criteria include ensuring water and sewer service capacity, no adverse impact on natural resources and incorporation of meaningful sustainable design features that reduce greenhouse gas emissions. The full list of recommended criteria may be found on pages 24 and 25 of the Task Force's [Final Report](#).

This guidance manual was developed to establish more detailed definition against which projects will be reviewed to determine whether they will be treated as a priority by the Department. The manual is based on the Task Force's recommended prioritized criteria, but has been modified somewhat to reflect changing State priorities such as attaining green house gas emission limits established by legislation and Executive Order and maintaining and creating job opportunities.

For more information on the [Permit Efficiency Task Force](#) Process and [Final Report](#) go to: <http://nj.gov/dep/permittf/> and http://www.state.nj.us/dep/permittf/docs/final_report_8_7_08.pdf

In order to apply as an NJDEP Priority Permit, the applicant has two options.

Option One - All criteria numbered 1 to 5 AND one of the criteria numbered 6 to 8 and one of the criteria numbered 9 to 11.

Option Two - All criteria numbered 1 to 5 AND criteria number 12.

I. Threshold Criteria – Mandatory - Must Meet ALL Five requirements

The following five following criteria are mandatory.

1. Readiness Checklist Completed

Completion of the Readiness Checklist and submission to the Office of Permit Coordination is mandatory. The Readiness Checklist was created as a business practice improvement to help applicants and DEP program staff/managers to better understand project readiness. Use of the

readiness checklist will help identify, before the start of the regulatory process, if a planned project is ready for detailed review by the DEP and to identify regulatory issues that may need to be addressed. In addition to framing the project site (lot and block information, acreage, topographic mapping), the checklist will address project ownership, local zoning consistency, water supply, wastewater capacity, the need for additional internal and external governmental approvals, and proposed environmental enhancements. A "score" is not actually tabulated, but the identification of regulatory consistency issues will help the applicant and the DEP to determine, before a proposed project is submitted to DEP for review, whether the project will easily meet DEP technical and policy requirements, or if it will require a more complicated review and/or project modifications.

Criteria

The checklist is organized into a series of questions that help to identify project readiness. The applicant is expected to complete the readiness checklist and provide the Department with appropriate documentation and maps as necessary.

Documentation / Submittal

A [Readiness Checklist](#) must be submitted to the DEP's Office of Permit Coordination and Environmental Review with a short description of project and schedule goals, map of location, site map with development plan, and any wetlands delineation completed to date.

References

- [Readiness Checklist](http://www.nj.gov/dep/opppc/PCER/Checklist1207.xls) - <http://www.nj.gov/dep/opppc/PCER/Checklist1207.xls>
- [DEP's Office of Permit Coordination and Environmental Review](#)
401 East State St. P.O. Box 423, Trenton, NJ 08625, (609) 292-3600
<http://www.state.nj.us/dep/opppc/permitcoor.htm>

2. Water and Waste Water Capacity

For a project to benefit from the DEP's prioritization system there needs to be reasonable expectation that there are not significant environmental capacity constraints. Two clear environmental capacity limits that need to be evaluated prior to prioritizing a project include the availability of drinking water and wastewater capacity (sewer system or septic). The DEP will expect the applicant to demonstrate that there is adequate water supply and wastewater capacity to meet the needs of the proposed project. Projects will need to be consistent with an up to date DEP approved Wastewater Management Plan (WMP) (within a SSA or complies with the zoning requirements that meet nitrate dilution standards outlined in the WMP) and the State Water Supply Master Plan released by the DEP January 2009. Where an up-to-date WMP is not available, then projects may be prioritized where there is demonstration that public sanitary sewer lines are already in the ground and treatment capacity is available.

The DEP administers the Statewide Water Quality Management (WQM) Planning rules, N.J.A.C. 7:15 in conjunction with the Statewide WQM Plan (WQMP), which together constitute the *Continuing Planning Process* conducted pursuant to the Water Quality Planning Act, N.J.S.A. 58:11A-1 *et seq.*, the Water Pollution Control Act, N.J.S.A. 58:10A-1 *et seq.*, and N.J.S.A. 13:1D-1 *et seq.*, and as required by Sections 303(e) and 208 of the Federal Clean Water Act (33 U.S.C. 1251 *et seq.*). According to these rules, the Commissioner of the DEP shall not undertake, or authorize through the issuance of a permit, any project or activity that affects water quality and conflicts with the applicable sections of adopted WQM Plans or the Statewide WQM Planning rules.

The DEP's Division of Water Supply is responsible for managing New Jersey's water supply, to ensure adequate, reliable, and safe water is available. The Division of Water Supply has created a database to manage each public water system's surplus or deficit (firm capacity and Water Allocation Permit). The database also includes information such as the public water system's available water supply limits, water demand, and firm capacity. This information can be accessed for a specific public water system at <http://www.nj.gov/dep/watersupply/pws.htm>.

The DEP is responsible for the development of the New Jersey State Water Supply Plan (NJSWSP) and its periodic revision, mandated by the 1981 Water Supply Management Act (N.J.S.A. 58:1A-1 et. Seq.) The DEP adopted the first plan in 1982 with the first major revision in 1996. The plan recently underwent major revisions prior to release in January 2009. The revision included an effort to guarantee water availability during periods of relative stress, including weathering the drought of record in addition to developing water budgets for the watershed and confined aquifer planning areas to determine which areas have exceeded or are in danger of exceeding the planning thresholds identified in this Plan.

Criteria

- Demonstrate consistency with an adopted County Wastewater Management Plan or municipal WMP or that there are sanitary sewer pipes already in the ground
- Demonstration that sewer service provider (if applicable) has capacity to serve and will serve the development's projected wastewater flow.
- Demonstration that water purveyor (if applicable) has allocation remaining to serve and will serve the development's projected water use.
- Demonstration that a development's projected water use for on-site wells is within the safe-yield of the aquifer and is not located within a water deficit area.

Documentation / Submittal

In order to qualify for this criterion, the project planners should provide:

- Documentation of projected wastewater flows.
- Statement and proof of consistency with adopted Wastewater Management Plan, including (as applicable) but not limited to: maps, septic suitability test, location of pipes, utility right-of-ways.
- Maps showing sanitary sewers are already in the ground and able to serve the project
- Documentation of projected water usage for the development.
- "Will serve" letters from prospective wastewater service and/or water utility demonstrating capacity to meet the project's wastewater and/or water needs.
- Any other documentation demonstrating consistency of the project with the adopted Wastewater Management Plan, Water Supply Master Plan, or other plans that encompass the location of the development.
- Additional documentation showing water conservation strategies to reduce water usage.

References

- Statewide Water Quality Management Planning Rules, N.J.A.C. 7:15
- NJDEP Statewide Water Issues Office, <http://www.nj.gov/dep/watersupply/statewidewater.htm>
- NJ Clean Water Council, *Meeting Highlights*, January 2, 2008. http://www.state.nj.us/dep/cleanwatercouncil/pdf/Minutes_01_08_08.pdf

3. Development Footprint and Areas of Disturbance do not Adversely Impact Natural Resources

While many regulations are designed to minimize the impact of development on natural resources on-site, development footprints, including areas of disturbance, can be planned to avoid impacting natural resources in an adverse manner, going beyond the regulated minimum. For the purposes of prioritizing projects, the development footprint is the shape and orientation of the ground floor of a structure plus any areas of disturbance. Projects will need to provide information on the existing conditions on-site and demonstrate and provide evidence that the development footprint, including areas of disturbance, do not adversely impact natural resources.

Criteria

Project applications cannot be prioritized where the development footprint, including any areas of disturbance, will adversely impact natural resources, such as dedicated open space, floodplains, steep slopes, stream corridors, threatened and endangered species habitat and wetlands, except as follows:

- i. Any impacts are limited to those permissible under the General Permits of the Land Use Division, listed in Exhibit 3 herein, except for the following:
 - CAFGP7 (Voluntary Reconstruction);
 - CAFGP8 (Single Family or Duplex);
 - CAFGP18 (Bulkhead Construction);
 - FWGP4 (Hazard Site Invest/Cleanup);
 - FWGP6 (Filling of NSWC);
 - FWGP9 (Airport Sightline Clearing);
 - FWGP13 (Lake Dredging);
 - FWGP23 (Expand Cranberry Growing Operations); and
 - FWGP27 (Redevelop Disturbed Site).

On a case by case basis, the DEP may determine that a project requiring one of these excluded General Permits may still qualify as a priority based on the anticipated environmental impact of that project, as long as the impact is from the ancillary (e.g., road crossings, utility crossings and outfall structures) and not from the primary development footprint; or

- ii. The impacts to a natural resource result in an improvement to the environmental conditions of the specific resource impacted. Where the project involves site remediation, the resource to be cleaned up is exempt from the impacts analysis.

Documentation / Submittal

In order to qualify for this mandatory criterion, the project planners should provide:

- Site plan of the development site and environs, where necessary. This must be prepared, that is signed and sealed by a N.J. licensed Engineer or Surveyor, at a scale of no less than 1 inch equaling 30 feet, clearly labeled which depicts the following information:
 - the limits of disturbance (LOD) including, vegetation clearing and any soil disturbance due to clearing, grading, excavation or deposition for any aspect of the development, including areas temporarily disturbed for the installation of utilities;
 - the location of any public or privately dedicated open space on the project site or with 200 feet of the site, and any portions of the site that contain or lie adjacent to lands with slopes greater than or equal to 15%;

- the extent of any calculated 100 year flood hazard area, including spot elevations onsite or with 200 feet of the site;
- the extent of freshwater wetlands and associated standard transition area as determined by a currently valid Letter of Interpretation;
- the extent of the any riparian zone as described by the Flood Hazard Area regulations at N.J.A.C. 7:13-8 ;
- the extent of any habitats for Threatened or Endangered species (Rank 3,4 or 5) as indicated by the most current NJDEP Landscape Project mapping;
- the limits of any proposed activities undertaken under a General Permit authorized pursuant to the Freshwater Wetlands Protection Act at N.J.A.C. 7:7A-5;
- water bodies, such as, streams, rivers, lakes, etc located on or within 300 feet of the proposed project site; and,
- the location and limits of any site remediation activities.

Where, due to the size or complexity of a project, the depiction of these multiple features on a single map would not be suitably legible, the information may be depicted at a larger scale upon additional sheets as necessary.

- For projects meeting the impact threshold above regarding General Permits and included in Exhibit 3 of the “Final Report”¹, documentation should be provided indicating that the project meets the requirements of the perspective General Permit.
- If improving the environmental conditions or site remediation is proposed, submit required documentation as prescribed in the perspective criterion sections seven and eight within these guidelines.

References

- Permit Efficiency Task Force. “Final Report”. New Jersey Department of Environmental Protection, Trenton, NJ: August 7, 2008.
- NJDEP Rules and Regulations: http://www.state.nj.us/dep/legal/nj_env_law.htm
- *The Sustainable Sites Initiative: Guidelines and Performance Benchmarks*, Draft 2008
Interdisciplinary partnership led by the American Society of Landscape Architects, the Lady Bird Johnson Wildflower Center, the United States Botanic Garden and a diverse group of stakeholder organizations, including the US EPA. <http://www.sustainablesites.org/report>

4. Building and Site Design Incorporate Meaningful Sustainable Design Features and Reduce GHG Emissions and Conserve Critical Resources

To provide for meaningful sustainable design features, buildings and sites must be designed to address three areas – the environment, the economy and society. Economic and meaningful sustainable design features must include a consideration for the services provided by the ecosystem, including goods and services of benefit to humans and other organisms. Development projects, whether a large subdivision, shopping mall, park or home, have the potential to improve and to regenerate the natural benefits and services provided by ecosystems in their undeveloped state.

General information on how to satisfy this section are listed in the reference section. These include the New Jersey Green Homes Office – Green Future Program, the Sustainable Sites Initiative (Draft 2008), the US Green Building Councils LEED Green Building Rating Systems and the Living Building Challenge. Additional information on each of these can be found in the references section.

¹ Also available in the appendix to this guide.

Criteria

Applicant must describe in detail how they plan to incorporate meaningful sustainable design features into the project. The following actions are of particular interest to the DEP. Please describe if any of the below actions are being considered on the project. Provide details on how the project will achieve these sustainable design features and if the project will realize reductions in GHG emissions as a result.

Design Team Approach – Describe how the project team will work together to achieve a meaningful sustainable design. Indicate if a design charrette is planned or has taken place where the owner, developer, users will discuss the sustainable design goals of the project and how they will work together.

Site

- Building orientation – Will passive solar, ventilation and shading be applied? Is the building oriented to take advantage of renewable solar energy. Describe landscape features that will be used to minimize building heating and cooling requirements through orientation and vegetation,
- Site Preservation
 - Protect or Restore Habitat On-Site – identify how much and methods to restore.
 - Provide for Open Space – identify how much and general location on site.
 - Preservation of viable existing trees and vegetation?
 - Will there be public access to open space?
- Stormwater – describe use of Low Impact Design techniques used.
- Reduce Heat Island Impact – describe how and where, e.g. on roof or site.
- Will the project reduce night light pollution?
- Will pedestrian paths and bike trails be incorporated into the project.
- Will there be a range of housing opportunities and choices?
- Will Smart Growth Principles be employed?

Energy

- Will the project go beyond current energy code to achieve energy efficiency and how?
- Will the project use Renewable Energy? What type and how much?

Water

- Will the project reduce potable water use inside the building? How and to what level?
- Will the project eliminate the use of potable water for landscaping / irrigation. Will it use native vegetative species?

Indoor Air Quality

- Will the project use low-emitting VOC materials for the following products? If yes, what standards will be used?
 - Adhesives and Sealants
 - Paints and Coatings
 - Carpet System
 - Composite Wood and Agrifiber

Materials

- Will construction waste be recycled? – identify to what level.
- Will Regional Materials located within 500 miles be used?

Education

- Educational materials about the performance and operation of the project must be provided to the occupants of the building/site and visitors, if appropriate, to share successful solutions and to motivate others to make change.

Documentation / Submittal

In order to qualify for this criterion, the project planners should describe in detail how they will incorporate meaningful sustainable design features and reduce GHG emissions. This must include a description of the approach and specifics on how they will be achieved. If the project proposes to use one of the relevant rating systems listed in the reference section, please submit the appropriate checklist, a brief description of the strategy and approach.

References

- New Jersey Green Homes Office – Green Future Program
http://www.state.nj.us/dca/hmfa/biz/devel/gho/downloads/gfuture/08_gfuture.pdf
<http://www.state.nj.us/dca/hmfa/biz/devel/gho/>
- *The Sustainable Sites Initiative: Guidelines and Performance Benchmarks*, Draft 2008
Interdisciplinary partnership led by the American Society of Landscape Architects, the Lady Bird Johnson Wildflower Center, the United States Botanic Garden and a diverse group of stakeholder organizations, including the US EPA. <http://www.sustainablesites.org/report>
- USGBC LEED Rating Systems - <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=222>
- The Living Building Challenge, version 1.3, August 2008 -
<http://www.cascadiagbc.org/resources/living-buildings/living-building-challenge/>

5. Located in one of the following areas: Urban Aid Municipality; Transfer of Development Rights Receiving District; Urban Center or Urban Complex; an approved Redevelopment Plan; or in a Growth Area or Center of a State Plan Endorsed Plan approved by DEP or other State Supported Growth Program

New Jersey has implemented several planning initiatives at the State level that provide guidance and legal parameters for identifying *smart growth areas*. Under the State Plan, centers and metropolitan planning areas are primary growth areas, and suburban planning areas are identified as suitable for growth. In a State where land is becoming scarcer, infill within center and metropolitan areas to create work and home connections has become increasingly more popular and less expensive to implement for both the user and municipalities. Infrastructure costs, including transportation improvements, have become increasingly more costly and keeping these costs down is a State priority that provides savings to the average citizen and municipalities. Other State policies have identified other areas as suitable and priority areas for growth, including urban aid municipalities, urban centers or complexes, and transit-oriented development. State moneys are spent on these areas, and the DEP supports these efforts by providing this incentive for projects to be located in these areas.

Criteria

Demonstrate that the project is within one of the areas identified by the State as an area appropriate for growth, *smart growth area*. This includes but is not limited to:

- Metropolitan Planning Area

- State Plan Designated Center within a DEP approved Endorsed Plan (Urban, Regional, Town, Village, and Hamlet Centers)
- Suburban Planning Area
- Redevelopment Area (must be part of an approved Redevelopment Plan)
- Transit-oriented Development/ Transit Village
- Urban Center or Complex
- Urban aid municipality

Documentation / Submittal

In order to qualify for this criterion, the project planners should provide:

- Maps showing the location of the project and corresponding *smart growth area* boundaries.
- Description of how the project meets the requirements of the *smart growth area* and how it is consistent with the intent of the planning area.
- Statement of consistency with municipal and county Master Plan and the State Development and Redevelopment Plan.
- For redevelopment areas, provide map of Redevelopment Plan and show location of the project and demonstrate consistency with the Redevelopment Plan.

References

- New Jersey State Development and Redevelopment Plan, *Office of Smart Growth*
- NJTransit, *Transit-Friendly Land Use*
- NJ Department of Transportation, *Community Programs*
- NJ Department of Environmental Protection, *Office of Planning and Sustainable Communities*

II. Evaluative Criteria – Site Performance

Must satisfy at least ONE criteria listed in 6 to 8

6. Improves Existing Water Quality

Water covers approximately 70% of the earth's surface and 75% of our bodies consist of water. It helps to regulate climate, is vital to the survival of plants and animals, and is a part of every ecosystem. As a naturally occurring resource, water is an most important resource to our survival and the survival of the earth's natural systems. Many human activities degrade the quality of water, both surface and ground water. Most obvious are surface water supplies as many of the pollutants are often visible (such as, leafs, oil, sediment, and garbage), but ground water contamination (from leaking underground storage tanks, contaminated soils, or septic failures, etc.) also has harmful effects on the environment and our drinking supplies. However, water quality can be improved using a number of techniques. At a minimum projects are required by law to address many sources of water pollution, but where a project offers additional protections for water quality, it may qualify for this criterion.

Criteria

Demonstrate that the project goes beyond general regulations regarding water quality and supports one or more of the following techniques:

Nonpoint Sources

- New or retrofit of stormwater and nonpoint source controls for water quality protection

- nonstructural controls or site design techniques such as reducing impervious cover, minimizing disturbance, native vegetation, reuse
- preserves existing topography
- manages water on-site
- minimizes exposure of rainwater to pollutants

Remediation

- Use of technologies or measures that restore ground water, surface water, and ecosystems impacted by man-made and natural processes.

Restoration

- restores and or preserves the ecological health of streams and riparian zones as well as improve water quality
- protects and restores floodplain functions of riparian and coastal zones
- repairs or restores damaged or lost streams, wetlands, and coastal habitats

Wastewater

- Cleanses water onsite
- Eliminates failing septic
- Separates combined stormwater and sanitary systems

Drinking water

- Implements Source Water and/or well head protection
- Reduce potable water consumption for non potable water uses

Documentation / Submittal

In order to qualify for this criterion, the project planners should provide:

- Documentation and data supporting the technique(s) to be used to improved water quality on-site and/or the surrounding area.
- Site plans or other type of documentation showing the extent of the techniques to be used and provide evidence that they will improve water quality.

References

- NJ Stormwater Best Management Practices Manual
http://www.nj.gov/dep/stormwater/bmp_manual2.htm
- *The Sustainable Sites Initiative: Guidelines and Performance Benchmarks*, Draft 2008
Interdisciplinary partnership led by the American Society of Landscape Architects, the Lady Bird Johnson Wildflower Center, the United States Botanic Garden and a diverse group of stakeholder organizations, including the US EPA. <http://www.sustainablesites.org/report>
- Obropta, Christopher, Ph.D., William J. Sciarappa, Ph.D., and Vivian Quinn. *Rain Gardens Factsheet*. Rutgers Cooperative Research & Extension, (NJAES), Rutgers, The State University of New Jersey. February 2006. http://www.water.rutgers.edu/Fact_Sheets/fs513.pdf

7. Remediate, Restores or Adaptively Reuses a Brownfield, Grayfield or Contaminated Site

Known or suspected contaminated properties, a.k.a. "brownfields," exist in New Jersey's urban centers, older suburbs and rural towns. Revitalizing these sites can eliminate or greatly reduce the need to construct costly new infrastructure, put new residences closer to jobs, thereby possibly reducing both the reliance on the automobile and new sprawl creation. Successful reuse of these sites into new homes, businesses, services, and parks requires investigation and cleanup to assure protectiveness of human health and the environment. Successful remediation and redevelopment of

each acre of brownfield property in New Jersey is reported to prevent development from occurring on approximately 4 acres of greenfield space.

The DEP provides a list of sites that are known to be contaminated. However, the universe of brownfield and greyfield sites is not limited to this Known Contaminated Sites list. Previously developed or disturbed sites in already developed areas may also qualify as brown- or grayfields and be eligible for assistance from the various State programs geared towards promoting the remediation, restoration, and reuse of these sites. Project planners can contact the DEP's Office of Brownfields Reuse or the State's "Site Mart", which is a searchable on-line multiple-listing service managed by the New Jersey Redevelopment Authority. Users need to register at the website to view the listed properties, and registration is free and available to anyone. For more information please contact the New Jersey Redevelopment Authority (NJRA) at 609-292-2659.

Criteria

A brownfield is defined under NJ state law (N.J.S.A. 58:10B-23.d) as "any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant." Projects seeking prioritization based on this criterion will need to demonstrate that the site(s) is currently a brownfield, grayfield, or contaminated site.

Documentation / Submittal

- Maps, photos, and documentation showing the area of the proposed project
- Description of the known or suspected contamination
- Any additional supporting evidence, e.g. listing on the Known Contaminated Site List or on Site Mart

References

- NJDEP's Office of Brownfield Reuse - <http://www.nj.gov/dep/srp/brownfields/>
- New Jersey Redevelopment Authority Site Mart
<http://www.njsitemart.com/sitemart/cwp/view.asp?A=325&Q=208449>

8. Restores and / or Improves Natural Resources and Habitat on Site

Development regulations are designed to minimize harmful impacts on natural and habitat resources on any particular site. Projects that go beyond minimizing the impact on natural and habitat resources and restores or improves the site will satisfy this criterion. Restoring or improving habitat and natural resources can involve a number of options including but not limited to: replanting of native vegetation, stream and/or wetland restoration, removal of invasive plants, preserving special status trees, planting of vegetation that provides habitat for species of concern, avoids disturbing existing habitat for threatened and endangered species, preserving existing topography, and soil restoration. Projects will need to provide information regarding the existing conditions on-site and demonstrate and provide data that proves how the *mitigation efforts* will improve or restore the ecological value of habitat or other natural resources on the site.

Criteria

- Demonstrate that the proposed project's negative impact to habitat and natural resources will be minimized to the greatest extent possible.

- Demonstrate that the actions performed to improve the characteristics, habitat and functions of the natural resources on site will have higher resource values and function similar to an undisturbed area of natural habitat.
- Demonstrate that the natural resources or habitat preserved or enhanced are native to the area and will realistically provide additional and/or improved vegetative or aquatic habitat for species native to the area.
- Demonstrate consistency with the area's applicable Wildlife Management Plan (State, regional, county, municipal).
- The following are examples of on-site habitat and natural resource enhancements:
 - Riparian restoration
 - Wetland restoration
 - Reforestation
 - Natural habitat restoration or construction
 - Contamination clean-up
 - Lake restoration

Documentation / Submittal

In order to qualify for this criterion, the project planners should provide:

- Maps and description of the current conditions of habitat and natural resources on-site.
- Detailed landscaping scheme, including but not limited to: site plan, list of native species being used, grading and drainage sheet, Limit of Disturbance (LOD), Contract Limit Line, and description of the natural function of the landscaping scheme.
- Detailed documentation and data that demonstrates that the proposed project will improve the existing condition of the natural resources and habitat on-site.
- Monitoring and reporting methods to be used to determine if the project performs and continues to provide the ecological benefit it was designed to provide.

References

- The Sustainable Sites Initiative. *Guidelines and Performance Benchmarks, Draft 2008*. American Society of Landscape Architects, Lady Bird Johnson Wildflower Center, University of Texas at Austin, and United States Botanic Garden, Austin, TX: 2008.
- Coastal Zone Management Rules, N.J.A.C. 7:7E. New Jersey Department of Environmental Protection, Trenton, NJ: October 2, 2006.

III. Evaluative Criteria – State Priorities

Must satisfy at least ONE criteria listed in 9 to 11

9. Creates or Maintains Significant Jobs

Due to the effects of the national recession, the Garden State is experience substantial employment losses. In November of 2008, employment in New Jersey was down substantially by 19,600 jobs, indicating an unemployment rate of 6.1 percent. In December 2008, employment numbers were lower by 15,200 jobs, and the state's unemployment rate rose to 7.1 percent. Job reductions in December 2008 were recorded in both the private (-14,600) and public sectors (-600) of New Jersey's economy. Substantial private sector job losses in December occurred in the following employment sectors: professional and business services (-5,000), trade, transportation and utilities (-4,500),

construction (-3,000), manufacturing (-1,900), and education and health services (-1,900). The only sectors to record job gains were leisure and hospitality (+1,300) and other services (+900).

As part of a campaign to not only increase employment opportunities, but to move the State towards a "greener" way of living, Governor Corzine has launched a campaign to increase "green" jobs in the state. *Green collar jobs involve environmentally friendly products and services or businesses and organizations that concern themselves with improving the environment. Anticipated State investment in New Jersey energy infrastructure as a result of the Energy Master Plan is estimated to result in the creation of 20,000 jobs between now and 2020. These jobs will consist of operations and maintenance jobs, and construction jobs directly related to the State's energy infrastructure.* - Governor's Initiative to promote a "Green Economy" in New Jersey

Criteria

Projects will be prioritized that maintain existing and provide New Jersey residents with new jobs, job training, support, and work experience so that they can independently pursue careers in all sectors, and specifically in the new "green" economy sector. It will need to be demonstrated that the end-user of the project will be creating and/maintaining employment opportunities. New employment opportunities do not include, jobs given to relatives of the employer or employees currently working for the employer. Projects necessary to maintaining existing jobs may include expansions. Projects will need to demonstrate a significant impact that the project will have on employment opportunities in New Jersey, and specifically, if it provides opportunities for "green" employment. Additionally, all employers shall participate in the development of affordable housing by purchasing affordable housing for their municipality, building affordable housing within the community or meeting the development fee requirements set forth by the COAH rules or other regulations pertaining to non-residential development and affordable housing.

Documentation / Submittal

- Identify the number of jobs within the appropriate employment sector, specifically identifying green jobs, created or maintained by the project and note the type of training, support and work experience gained by workers.
- Provide narrative describing the impact that the job creation will have on the community and its consistency with Master Plans or other regional economic plans.
- Provide information on any grants or other State incentive that the employer will be applying for to justify the creation of jobs.
- Documentation that the project will meet affordable housing requirements for non-residential development.

References

- State of New Jersey, Office of the Governor, Green Economy in New Jersey
http://www.state.nj.us/governor/home/media_green.html
- NJ Department of Labor and Workforce Development – Employer Services
http://lwd.dol.state.nj.us/labor/employer/employer_svcs_index.html
- Work Opportunity Tax Credit (WOTC) Program
<http://lwd.dol.state.nj.us/labor/employer/content/wotc.html>

- Lincoln Park Coast Cultural District Green Collar Apprenticeship Program (GreenCap)
<http://www.lpccd.org/>

10. Includes Affordable Housing Set-aside of at Least 20 Percent of all Units for Residential Developments

Providing affordable housing for New Jersey's low to median income families is a State priority. As such, the DEP supports this effort by including this as criteria for receiving priority within its permitting processes. Affordable housing guidelines are provided and implemented by the Council on Affordable Housing (COAH). As such, the DEP will expect that projects seeking prioritization will at a minimum meet the requirements set forth by COAH. Housing or mixed-use developments should provide housing for low to median income families (or individuals) as set forth in the COAH rules. The DEP will evaluate if the project meets the site suitability requirements of the COAH rules and at least twenty percent of the dwelling units (or minimum required by the rules) are affordable as prescribed for the project's region. Additionally, the location of affordable units will be evaluated as the affordability of the units on the site also depends on the access to jobs, infrastructure (wastewater, water, schools and roads), and transit.

Criteria

- Demonstrate consistency with an approved and adopted Fair Share Plan and/or consistency with municipal housing plan and COAH's site suitability requirements 5:97-3.13(a).
 - Site has a clear title and is free of encumbrances which preclude development of affordable housing;
 - Site is adjacent to compatible land uses and has access to appropriate streets;
 - Site has access to water and sewer infrastructure with sufficient capacity, and is consistent with the applicable area wide water quality management plan (including the wastewater management plan)
- As provided in the COAH rules 5:97-3:13(b), sites designated to produce affordable housing shall conform to the State Development and Redevelopment Plan and shall be in compliance with the rules and regulations of all agencies with jurisdiction over the site, including but not limited to:
 - Sites that are located in Planning Areas 1 or 2 or located within a designated center or located in an existing sewer service area are the preferred location
 - Sites located in Planning Areas 3, 4, 4B, 5 or 5B that are not within a designated center or an existing sewer service area shall have the burden of demonstrating that the site is consistent with sound planning principles and the goals, policies and objectives of the State Development and Redevelopment Plan.
 - Sites within the areas of the State regulated by the Pinelands Commission, Highlands Water Protection and Planning Council, Division of Coastal Resources of DEP and the New Jersey Meadowlands Commission, shall adhere to the land use polices designated by the appropriate land-use regulations.
- Demonstrate that the project meets the minimum required number of affordable units as prescribed in the COAH's rules. Projects that provide not only for the minimum required units but also provide additional units and/or mixed-income housing will receive additional consideration by the DEP for meeting this criterion.

Documentation / Submittal

- Documentation and maps showing that the site(s) are included in an approved Fair Share Plan and/or municipal housing plan and meet the site suitability requirements of N.J.A.C. 5:97-3.13.

- Building site plans and description of location and types of housing provided on-site including the number of affordable units as well as income breakdown, where appropriate.
- Affordability controls shall be placed on affordable units as prescribed by the UHAC (Uniform Housing Affordability Controls) rules, N.J.A.C. 5:80-26.1 et. seq.
- Statement of consistency with affordable housing goals of the applicable municipality, County and State.

References

- New Jersey State Development and Redevelopment Plan - <http://www.nj.gov/dca/osg/plan/>
- COAH Rules N.J.A.C. 5:97 and Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. <http://www.state.nj.us/dca/affiliates/coah/index.html> and <http://www.state.nj.us/dca/affiliates/coah/regulations/>

11. Provides Public Benefits, e.g. Cultural, Community Amenities, Mixed use, Pedestrian Oriented, Approved by the Municipality or County

Project features and design elements that offer opportunities for public exercise, leisure, recreation, cultural and educational experiences, gathering and assembly, and generally enhance the well-being of residents may be considered as providing public benefits.

Criteria

- Projects seeking credit for this criterion should provide a meaningful benefit that is available to the public at large and is consistent with municipal and county policies and planning activities.
- Community facilities such as recreation centers, open space, plazas, libraries, educational centers, or bike paths clearly fall into this category.
- Public facilities should be provided a no or minimal cost.
- The public benefit should satisfy a clear need, and/or address an unmet demand and/or significantly enhance an existing public amenity.
- The proposed amenity should incorporate or advance green design to the greatest extent feasible.

Documentation

In order to qualify for this criterion, the project planners should provide:

- Site development plans clearly displaying the proposed amenity, including location and dimensions
- Sufficient narrative that describes the proposed public amenity, including why it provides a public benefit; demographics and profile of users, including accessibility pursuant to Americans with Disability Act criteria; consistency with overall project design and use.
- Demonstration of adequate signage, lighting, safety measures and any other supplemental and complementary features that will optimize use of the public amenity.
- Any actions or plans to encourage use of the public amenity.
- Description of green design elements.

References

- Congress for New Urbanism - <http://www.cnu.org/>
- Project for Public Spaces - <http://www.pps.org/>

IV Evaluative Criteria

12. Improves Public Infrastructure Affecting Public Health, Safety and Welfare

- a. Severe environmental degradation will occur if permits are not issued and/or there is an immediate and extraordinary risk to property or the public health, safety and welfare; and
- b. There is a high probability that environmental degradation or impact to property or the public health, safety and welfare will occur before a permit or general permit authorization could be obtained without a prioritization of the applicable permit reviews.

Appendix

EXHIBIT 3

LAND USE REGULATION GENERAL PERMITS 2

Highlands N.J.A.C. 7:38-14

HPAAGP 1/ Habitat Creation/Enhance
HPAAGP 2 Bank Stabilization

CAFRA N.J.A.C. 7:7-7

CAFGP5 / Amusement Pier Exp
CAFGP6 / Beach/Dune Maintenance
CAFGP7 / Voluntary Reconstruction
CAFGP8 / Single Family or Duplex
CAFGP9 / Expand Single Family/Duplex
CAFGP10 / Bulkhead/Fill Lagoon
CAFGP11 / Revetment
CAFGP12 / Gabions
CAFGP13 / Support Facilities/ Marina
CAFGP14 / Reconstruct Bulkhead
CAFGP15 / Hazard Waste Clean-up
CAFGP16 / Landfill of Utilities
CAFGP17 / Recreational Facility Public Park
CAFGP18 / Bulkhead Construction
CAFGP21 / Shoreline Stabilization
CAFGP22 / Avian Nesting Structures
CAFGP23 / Electrical Sub Facility
CAFGP24 / Legalize Filling of Tidelands
CAFGP25 / Construct Telecom Tower
CAFGP26 / Tourism Ind Construction
CAFGP27 / Geotechnical Borings
CAFGP29 / Habitat Creation/Enhance

Waterfront Development N.J.A.C. 7:7-7

WDGP10 / New Bulkhead/Fill Lagoon
WDGP14 / Reconstruct Bulkhead
WDGP18 / Bulkhead Construct w/ Fill
WDGP19 / Jet, Dock/Piers, Boat Lifts
WDGP20 / Minor Maintenance Dredge
WDGP21 / Shoreline Stabilization

Freshwater Wetlands N.J.A.C. 7:7A-5

FWGP1 / Main. & repair Exist Feature
FWGP2 / Utility Crossing
FWGP3 / Discharge of Return Water
FWGP4 / Hazard Site Invest/Cleanup
FWGP5 / Landfill Closure
FWGP6 / Filling of NSWC
FWGP7 / Fill ditch / swale
FWGP8 / House Addition
FWGP9 / Airport Sightline Clearing
FWGP10A / Very Minor Road Crossing
FWGP10B / Minor Road Crossing
FWGP11 / Outfalls / Intakes
FWGP12 / Survey / Investigation
FWGP13 / Lake Dredging
FWGP14 / Water Monitoring
FWGP15 / Mosquito Control
FWGP16 / Habitat Create / Enhance
FWGP17 / Trails / Boardwalks
FWGP18 / Dam Repairs
FWGP19 / Dock or Pier
FWGP20 / Bank Stabilization
FWGP21 / Above Ground Utility
FWGP23 / Expand Cranberry Growing Operations
FWGP24 / Spring Developments
FWGP25 / Malfunction Septic System
FWGP26 / Channel / Stream Cleaning
FWGP27 / Redevelop Disturbed Site

Flood Hazard Area N.J.A.C. 7:13-8

FHAGP1A/Chan Clean w/o Sediment Removal
FHAGP1B/ Chan Clean w/Sediment Removal
FHAGP2A / Ag - Bank Restoration
FHAGP2B / Ag - Channel Cleaning
FHAGP2C / Ag - Road Crossing
FHAGP2D / Ag - Wetlands Restoration
FHAGP2E / Ag - Livestock Ford
FHAGP2F / Ag - Livestock Fence
FHAGP2G / Ag - Livestock Water Intake
FHAGP3 / Bridge/Culvert Scour Protection by Public Entity
FHAGP4 / Stormwater Maintenance by Public Entity
FHAGP5 / Building Relocation
FHAGP6 / Rebuild Damaged Residence
FHAGP7 / Residential in Tidal FHA
FHAGP8 / Utility Crossing w/ Drainage Area <50acres
FHAGP9 / Road/Footbridge Crossing w/ Drainage Area <50acres
FHAGP10 / Stormwater Outfall w/ Drainage Area <50acres

² Permit Efficiency Task Force. "Final Report". New Jersey Department of Environmental Protection, Trenton, NJ: August 7, 2008. p35