



State of New Jersey
Department of Environmental Protection

Revised: May 2018 Website: www.nj.gov/dep/landuse



FLOOD HAZARD AREA APPLICATION CHECKLIST
General Permit-by-certification 13—Placement of solar panels

CALL NJDEP AT (609) 777-0454 IF YOU HAVE ANY QUESTIONS

To apply for an authorization under general permit-by-certification 13, please visit the Department's online permitting system at www.nj.gov/dep/online.

Please prepare the following information prior to beginning the general permit-by-certification 13 online application (DO NOT submit paper copies of this information to the Department):

1. The number and subject matter of the general permit-by-certification under which the application will be made.
2. The name of or other identifier for the proposed project.
3. The location of the proposed activity or project, including address, city, state, zip code, municipality, State plane coordinates, lot, and block. The full length of the project and access should be depicted on a sketch or drawing.
4. Information specific to the proposed project (see section below and N.J.A.C. 7:13-8.13).
5. Contact information for both the applicant and the property owner, including: name, address, telephone number, e-mail address, municipality, county, organization, and organization type.
6. Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:13-19, as follows:

Notice to municipal clerk (N.J.A.C. 7:13-19.3(a))

A copy of the entire application, as submitted to the Department, must be provided to the municipal clerk in each municipality in which the site is located.

i. Documentation of compliance with this requirement shall consist of a copy of the certified United States Postal Service white mailing receipt, or other written receipt, for each copy of the application sent.

Notice to governmental entities and property owners (N.J.A.C. 7:13-19.3(b) and (c))

A brief description of the proposed project, a legible copy of the site plan, and the form notice letter described at N.J.A.C. 7:13-19.3(d)iii must be sent to the following recipients:

- A. The construction official of each municipality in which the site is located;
- B. The environmental commission, or other government agency with similar responsibilities, of each municipality in which the site is located;
- C. The planning board of each municipality in which the site is located;
- D. The planning board of each county in which the site is located;
- E. The local Soil Conservation District if the regulated activity or project will disturb 5,000 square feet or more of land; and
- F. Adjacent property owners:

Unless the application is for a project listed at N.J.A.C 7:13-19.3(c)1-6 (which require different notice to property owners as described in the rules), notice shall be sent to all owners of real property, including easements, located within 200 feet of the site of the proposed regulated activity.

The owners of real property, including easements, shall be those on a list that was certified by the municipality, with a date of certification no more than one year prior to the date the application is submitted.

ii. Documentation of compliance with this requirement shall consist of:

A. A copy of the certified United States Postal Service white mailing receipt for each public notice that was mailed, or other written receipt; and

B. A certified list of all owners of real property, including easements, located within 200 feet of the property boundary of the site (including name, mailing address, lot, and block) prepared by the municipality for each municipality in which the project is located. The date of certification of the list shall be no earlier than one year prior to the date the application is submitted to the Department.

iii. The form notice letter required under N.J.A.C. 7:13-19.3(d)1iii shall read as follows:

"This letter is to provide you with legal notification that an application for an authorization under flood hazard area general permit-by-certification 13 <<has been/will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Use Regulation for the development shown on the enclosed plan(s). A brief description of the proposed project follows: <<INSERT DESCRIPTION OF THE PROPOSED PROJECT>>

The complete permit application package can be reviewed at either the municipal clerk's office in the municipality in which the site subject to the application is located, or by appointment at the Department's Trenton Office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 30 calendar days of the date to the Department publishes notice of the application in the DEP Bulletin (<http://www.nj.gov/dep/bulletin/>) :

*New Jersey Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 420, Code 501-02A
Trenton, New Jersey 08625
Attn: (Municipality in which the property is located) Supervisor"*

Newspaper Notice (N.J.A.C. 7:13-19.4)

Please refer to this portion of the rules for guidance on providing newspaper notice for certain large scale linear, public, or commercial projects.

Notice for projects located in the Pinelands Area

For a project in the Pinelands Area as designated by Section 10(a) of the Pinelands Protection Act, N.J.S.A. 13:18-1 et seq., documentation showing that a copy of the completed application form has been provided to the New Jersey Pinelands Commission.

7. Certification that the applicant has obtained written consent from the property owner that the application can be made on the property owner's behalf. This certification is required regardless of whether the applicant and property owner are the same person. The Land Use Application form can be used to obtain the necessary signatures. The form is available at <http://www.nj.gov/dep/landuse/forms.html>

8. The PIN that was issued to the applicant upon registering with the Department's online permitting system.
9. The application fee for a general permit-by-certification set forth at N.J.A.C. 7:13-20.1.
10. An engineering certification, in accordance with N.J.A.C. 7:13-8.13(a)1 confirming that no panels or associated equipment will be placed in a floodway, the existing ground elevation is not being raised in any floodway or fluvial flood hazard area, and the flood storage displacement limitations of N.J.A.C. 7:13-11.4 are met. The contents of an engineering certification are set forth in the definition of "engineering certification" at N.J.A.C. 7:13-1.2.

To obtain an authorization under general permit-by-certification 13 for the placement of solar panels, it will be necessary to certify to the following concerning the proposed activity:

1. The site identified in the application is the actual location of the project site;
2. Public notice of the application has been provided in accordance with N.J.A.C. 7:13-19;
3. Written consent from the property owner that the application can be made on the property owner's behalf has been obtained by the applicant. This certification is required regardless of whether the applicant and property owner are the same person;
4. The project consists of the placement of solar panels and associated equipment, including poles, support structures, inverter pads, and electrical apparatuses;
5. A verification, in accordance with N.J.A.C. 7:13-5, of any flood hazard area design flood elevation, floodway limits, and riparian zone limits onsite, has been obtained;
6. An engineering certification has been obtained confirming that:
 - i. No panels or associated equipment will be placed in a floodway;
 - ii. The existing ground elevation will not be raised in any floodway or fluvial flood hazard area; and
 - iii. The flood storage displacement limitations of N.J.A.C. 7:13-11.4 are met;
7. Any panels placed in a flood fringe will be elevated to at least one foot above the flood hazard area design flood elevation. Associated equipment is permitted below this elevation where it is demonstrated that elevating the equipment is not feasible;
8. Within a 50-foot riparian zone, no disturbance will be located within 25 feet of any top of bank unless the project lies adjacent to a lawfully existing bulkhead, retaining wall, or revetment along a tidal water or impounded fluvial water;
9. Within a 150-foot riparian zone, no disturbance will be located within 75 feet of any top of bank;
10. Within a 300-foot riparian zone, no disturbance will be located within 150 feet of any top of bank;
11. No trees will be cleared, cut, and/or removed in a riparian zone unless they are completely surrounded by actively disturbed areas and growing in a hedgerow or confined within landscape islands, or similar structures, within a parking area;
12. No more than one-quarter acre of riparian zone vegetation will be cleared, cut, and/or removed;

13. Any new, reconstructed, enlarged, or elevated structure within a flood hazard area will be secured to resist flotation, collapse, and displacement due to hydrostatic and hydrodynamic forces from floodwaters;
14. All riparian zone vegetation that is cleared, cut, and/or removed to conduct authorized activities, access an area where authorized activities will be conducted, or otherwise accommodate an authorized activity will be replanted immediately after completion of the project, unless prevented by seasonal weather, in which case the vegetation shall be replanted as soon as conditions permit. Portions of the riparian zone occupied by an authorized structure need not be replanted;
15. All riparian zone vegetation to be replanted shall meet i and ii below, except as provided in iii:
 - i. Consist of vegetation of equal or greater ecological function and value as the vegetation that was cleared, cut, or removed. For example, herbaceous vegetation may be replaced with the same type of vegetation or with trees, but the trees in forested areas must be replaced with trees of equal or greater density and ecological function and value;
 - ii. Consist of native, non-invasive vegetation, except in an actively disturbed area. In an actively disturbed area, the vegetation may be replaced with the same type of vegetation that was cleared, cut, or removed, or with another kind of vegetation typical of an actively disturbed area. For example, lawn grass may be replaced with garden plants or agricultural crops; and
 - iii. Where replanting in accordance with 1 and 2 above would interfere with continued access to or maintenance of a structure that is required by Federal, State, or local law, the vegetation replanted shall meet the requirements of 1 and 2 above to the extent feasible; and
13. The activities authorized under this permit, in combination with all proposed activities, do not constitute a “major development” as defined in the Stormwater Management rules at N.J.A.C. 7:8-1.2.

Once the online application process is successfully completed, the authorization will be accessible through the Department’s online permitting system at www.nj.gov.dep/online. Please DO NOT submit paper copies of the certification to the Department.