

Post-Construction Compliance Form

For solar projects on contaminated sites and landfills

Introduction

In accordance with the Board of Public Utilities (“BPU”) rules for the Competitive Solar Incentive (“CSI”) Program (N.J.A.C. 14:8-11.5) and the Community Solar Energy Program (“CSEP”) (N.J.A.C. 14:8-9.5), following construction of a solar electric facility located on a contaminated site or landfill or mining site, the applicant must demonstrate compliance with all permits required by the New Jersey Department of Environmental Protection (“NJDEP”) for the construction and/or operation of the solar facility, as applicable. The decision of the BPU to issue a final approval in the CSI Program or CSEP is based on the NJDEP’s and the applicant’s certification and accompanying documentation.

The information and documents described below must be submitted by an authorized representative of the property owner AND an authorized representative of the developer of the solar electric power generation facility. The certification must identify that the applicant has received all relevant permits and is in compliance with all site remediation or site closure and post-closure maintenance requirements as provided by NJDEP.

Requirements for Certification of Compliance

The certification must include signed and dated original certifications. Photocopies will not be accepted.

The persons responsible for certifying information to BPU shall ensure that the certifications required are signed as follows:

- (a) For a corporation or a limited liability corporation, a principal executive officer that is lawfully authorized to act on behalf of the corporation;
- (b) For a partnership or sole proprietorship, a general partner or proprietor, that is lawfully authorized to act on behalf of the partnership or sole proprietorship;
- (c) For a municipality, State, Federal or other public agency, a principal executive officer or ranking elected official that is lawfully authorized to act on behalf of the municipality, State, Federal or other public agency.

A person is deemed to be a duly authorized representative only if:

- (a) The authorization is made in writing by a person described in (b) above;
- (b) The authorization specifies either an individual or a position having a responsibility for the overall operation of the site or activity, such as the position of plant manager, or a superintendent or person of equivalent responsibility (a duly authorized representative may be either a named individual or an individual identifiable by virtue of a title or position within the organization);
- (c) Documentation identifying the authorization is provided to BPU along with the certification; and
- (d) A statement identifying that in the event an authorization or certifying signature is no longer valid due to a change in authorization or individual or position, a new authorization satisfying the requirements of this section shall be submitted to BPU along with any reports, information, or applications required to be signed by an authorized representative.

Solar Applicant

Name of Developer: _____

Address of Facility: _____

CSEP or CSI Registration No.: _____

Instructions

List all NJDEP permits issued to allow for the construction and/or operation of the above facility and the compliance status for each of these permits. Permit identification and compliance is segregated below into those issued to the solar project/facility owner and those issued to the site owner. Attach additional sheets if necessary and provide copies of the permit cover letters and reference numbers issued by NJDEP for each listed permit.

Permits Issued to the Applicant/ Solar Project Developer and/or Solar Facility Owner:

Permit Description/Number	Date Permit Issued	Date Compliance Achieved
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Permit Description/Number	Date Permit Issued	Date Compliance Achieved
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Permit Description/Number	Date Permit Issued	Date Compliance Achieved
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Ongoing Permit Requirements of the Applicant / Solar Project Developer / Solar Facility Operator:

Permit Description/Number	Date Permit Issued	Ongoing Compliance

Permits Issued to the Property Owner:

Permit Description/Number	Date Permit Issued	Date Compliance Achieved

Certification of Applicant, Project Developer and/or Solar Facility Owner:

The undersigned warrants, certifies, and represents the following:

- 1) the information provided in this post-construction compliance package, including all attachments, has been personally examined, is true, accurate, complete and correct to the best of the undersigned's knowledge, based on personal knowledge or on inquiry of individuals immediately responsible for obtaining the information;
- 2) the system proposed in the CSEP or CSI registration dated [] was constructed, installed and operated as described in the application and in accordance with all BPU rules, applicable laws, and the CSI Program or CSEP;
- 3) for CSI projects, if the project as constructed deviates in any manner from the system conditionally certified by the Board, the applicant has notified the Board and NJDEP and obtained the appropriate permit modifications;
- 4) the system proposed in the application was constructed, installed and operated in compliance with the requirements more fully set forth in N.J.A.C. 14:8-9 or N.J.A.C. 14:8-11 and will continue to be operated in compliance these requirements;
- 5) the system proposed in the application received all required NJDEP permits and was constructed, installed and operated in compliance with all required NJDEP permits and will continue to be operated in compliance with these NJDEP permits and applicable laws;
- 6) the undersigned acknowledges that certain information in this certification is subject to disclosure under the Open Public Records Act;
- 7) the undersigned acknowledges that the submission of false information may be grounds for denial of full certification, and if any of the foregoing statements are willfully false, they are subject to punishment to the full extent of the law, including the possibility of fine and imprisonment;
- 8) the undersigned acknowledges that full certification is solely for the purpose of Community Solar Energy Program eligibility pursuant to N.J.A.C. 18:8-9 or CSI Program eligibility pursuant to N.J.A.C. 14:8-11, and is not intended to serve, nor does it serve, as an approval or certification of compliance with any state, federal, local or regional laws or obligations within the jurisdiction and enforcement authority of NJDEP or any other state, federal, local or regional authority;
- 9) the undersigned is aware that there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that they are committing a crime of the fourth degree if they make a written false statement which they do not believe to be true. They are also aware that if they knowingly direct or authorize the violation of any statute, they are personally liable for the penalties.

Solar Facility Developer/Facility Owner

Typed/Printed Name:

Title:

Signature:

Date:

Sworn to and Subscribed Before Me

on this Date of

Notary:

Certification of Property Owner(s):

The undersigned warrants, certifies, and represents the following:

- 1) the information provided in this post-construction NJDEP permit compliance package, including all attachments, has been personally examined, is true, accurate, complete and correct to the best of the undersigned's knowledge, based on personal knowledge or on inquiry of individuals immediately responsible for obtaining the information;
- 2) the system proposed in the CSEP or CSI registration dated [] was constructed, installed and operated as described in the application and in accordance with all BPU rules, applicable laws, and the CSI Program or CSEP;
- 3) for CSI projects, if the project as constructed deviates in any manner from the system conditionally certified by the Board, the applicant has notified the Board and NJDEP and obtained the appropriate permit modifications;
- 4) the system proposed in the application was constructed, installed and operated in compliance with the requirements more fully set forth in N.J.A.C. 14:8-9 or N.J.A.C. 14:8-11 and will continue to be operated in compliance these requirements;
- 5) the system proposed in the application received all required NJDEP permits and was constructed, installed and operated in compliance with all required NJDEP permits and will continue to be operated in compliance with these NJDEP permits and applicable laws;
- 6) the undersigned acknowledges that certain information in this certification is subject to disclosure under the Open Public Records Act;
- 7) the undersigned acknowledges that the submission of false information may be grounds for denial of full certification, and if any of the foregoing statements are willfully false, they are subject to punishment to the full extent of the law, including the possibility of fine and imprisonment;
- 8) the undersigned acknowledges that full certification is solely for the purpose of Community Solar Energy Program eligibility pursuant to N.J.A.C. 18:8-9 or CSI eligibility pursuant to N.J.A.C. 14:8-10, and is not intended to serve, nor does it serve, as an approval or certification of compliance with any state, federal, local or regional laws or obligations within the jurisdiction and enforcement authority of NJDEP or any other state, federal, local or regional authority;
- 9) the undersigned is aware that there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of any statute, I am personally liable for the penalties.

Property Owner

Typed/Printed Name: _____

Title: _____

Signature: _____

Date: _____

Sworn to and Subscribed Before Me

on this Date of _____

Notary: