

BOARD OF PUBLIC UTILITIES
44 S. Clinton Avenue, 9th Floor
PO Box 350
Trenton, NJ 08625-0350

***Renewable Energy Compliance Certification Forms
For the State of New Jersey***

INSTRUCTIONS

New Jersey's renewable energy portfolio standards at N.J.A.C. 14:8-2.4 through 2.6 require electricity supplier/providers (load serving entities) and Class I and II renewable energy generation facility operators to file an annual affidavit with the Board of Public Utilities certifying that their generating facility continues to operate in conformity with their respective sections; i.e. N.J.A.C. 14:8-2.4 through 2.6. The relevant provisions are attached on pages 5-15. Affidavit forms that must be used to show compliance with these requirements are attached on pages 2-4.

There are three forms attached:

- The Solar Renewable Energy Certificate form is for electricity supplier / providers that use Solar RECs for compliance with 14:8-2.4. Compliance information for solar facilities is satisfied via the NJ SREC registration and PJM EIS account creation process, therefore no certification form is required of solar generators.
- The Class I Renewable Energy Certification form is for electricity supplier/providers or facility operators that generate electricity through the use of Class I renewable energy including biomass.
- The Class II Renewable Energy Certification form is for supplier/providers or facility operators that generate electricity through a resource recovery facility.

See the attached rule provisions for the definitions of solar electric, class I and class II generators. Be sure to choose the correct certification form for the type of generation facility, and to provide all supporting documentation specified on the applicable form. The certification forms, air permits, and other accompanying documentation must be mailed to the New Jersey State Board of Public Utilities at the following address:

Board of Public Utilities
Office of Clean Energy
44 S. Clinton Ave., 7TH Floor,
P. O. Box 350
Trenton, New Jersey 08625-0350

Please note that the NJDEP may, based upon existing regulatory authority, impose a fee for review of information submitted with the annual affidavit.

Solar Renewable Energy Certification Form

Reporting year: From _____ to _____

Load Serving Entity:

Street Address: _____

City: _____ State: _____ Zip: _____

Contact person: _____

Telephone Number: _____

E-Mail Address: _____

I _____ (print name), hold the position of _____ (position held) at the Load Serving Entity (LSE) referenced above. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this affidavit and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I certify that the Solar RECs described below meet the mandates covering S-RECs in the NJRPS at N.J.A.C. 14:8-4.2.

Specifically, I certify that:

- The S-RECs retired for NJRPS compliance were obtained from the Generation Attribute Tracking System (GATS);
- The S-RECs have never been sold for any other purpose or use;
- The S-RECs were generated during the eligible reporting year, and

I certify under penalty of law the submitted information is true, accurate and complete. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information, including the possibility of fine and/or imprisonment.

_____ Date: _____

(Signature)

Class I Renewable Energy Certification Form

Reporting year: From _____ to _____
Name of Facility: _____
Street Address: _____
City: _____ State: _____ Zip: _____
Contact person: _____
Telephone Number: _____
E-Mail Address: _____

I _____ (print name), hold the position of _____ (position held) at the generation facility referenced above. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this affidavit and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I certify that the biomass generation facility described above continues to operate in compliance with the requirements of the Department of Environmental Protection biomass sustainability determination as issued on _____ (date).

Specifically, I certify that:

- The facility named above has continued to operate in conformity with the information provided in the original application for the sustainability determination, throughout the previous year since the DEP issued the determination;
- All suppliers of the biomass used in the generation facility continue to meet the biomass sustainability criteria as provided in the initial application;
- Where new biomass suppliers have been added, a letter from each new supplier is attached, documenting their feedstock source;
- All of the ash reuse/recycling contracts to which the generation facility is a party continue to meet the biomass sustainability criteria as stated in the initial application to the DEP; and
- Where new ash reuse/recycling contracts have been added, a letter from those end-use contractors is attached, documenting their recycling practices.

Enclosed is a copy of the generator's current NJDEP sustainability determination or the generator's host-state air permit.

I certify under penalty of law the submitted information is true, accurate and complete. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information, including the possibility of fine and/or imprisonment.

(Signature) Date: _____

Class II Renewable Energy Certification Form

Reporting year: From _____ to _____
Name of Facility: _____
Street Address: _____
City: _____ State: _____ Zip: _____
Contact person: _____
Telephone Number: _____
E-Mail Address: _____

I _____ (print name), hold the position of _____ (position held) at the generation facility referenced above. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this affidavit and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I certify that the resource recovery facility described above, continues to operate in compliance with the requirements of the Department of Environmental Protection environmental compliance determination as issued on _____ (date).

Specifically, I certify that:

- The facility named above has continued to operate in conformity with the information provided in the original application for the environmental compliance determination, throughout the year since the DEP issued the determination;
- The operation and composition of fuel for the resource recovery facility continues to meet the criteria provided in the initial application;
- Where there has been a change in the operation of the facility or composition of fuel, a new environmental compliance determination has been issued by the DEP, and documentation is attached demonstrating that the resource recovery facility continues to operate in compliance with Class II renewable energy requirements.

Enclosed is a copy of the generator's current NJDEP sustainability determination or the generator's host-state air permit.

I certify under penalty of law the submitted information is true, accurate and complete. I am aware that there are significant civil and criminal penalties for submitting false, inaccurate or incomplete information, including the possibility of fine and/or imprisonment.

(Signature) Date: _____

14:8-2.4 Energy that qualifies for an SREC; registration requirement

(a) To be eligible to form the basis for an SREC usable for compliance with this subchapter, electricity shall meet all requirements in this section, as well as all other applicable requirements in this chapter. The registration process required in this section for construction of new solar electric generation facilities is intended to provide advance notice to the public and the renewable energy markets when increases in solar electric generation capacity in New Jersey are planned. The registration process shall be administered by Board staff or the Board's designee.

(b) To be eligible for issuance of an SREC usable for compliance with this subchapter, electricity shall:

1. Meet the definition of solar electric generation at N.J.A.C. 14:8-1.2;
2. Be generated at a facility that has been issued a New Jersey State Certification Number by Board staff;
3. Be generated during the generating facility's qualification life, as defined at N.J.A.C. 14:8-2.2. Solar electric generation produced after the end of a facility's qualification life shall not be used as the basis for an SREC, but may be used as the basis for a class I REC under N.J.A.C. 14:8-2.5; and
4. Be generated using equipment that meets either of the following criteria:
 - i. The equipment is new, that is, none of the equipment has been used prior to the installation of the solar electric generating facility; or
 - ii. The equipment was previously used in a solar facility with an unexpired qualification life and all of the following criteria are met:
 - (1) The previous solar facility was located in New Jersey;
 - (2) The previous solar facility was issued a New Jersey State Certification Number by Board staff;
 - (3) There are at least 12 full months left in the qualification life of the previous solar facility; and
 - (4) Any sale or other transfer of the equipment during the qualification life of the previous solar facility is recorded with the Board and with PJM-EIS through submittal of a PJM-EIS system change form.

(c) To comply with (b)2 above, a solar electric generating facility that was not issued a New Jersey State Certification Number prior to June 4, 2012, shall obtain a New Jersey State Certification Number through the registration process

set forth in this section. The registration process includes three important deadlines:

1. The submittal of an initial registration package under (f)1 below shall occur no later than:

i. Ten business days after execution of the contract for purchase or installation of the photovoltaic panels to be used in the solar facility;

ii. If a contract for purchase and/or installation of photovoltaic panels for the solar facility was executed prior to June 4, 2012, the deadline for submittal of an initial registration package shall be July 4, 2012; or

iii. In a case where a conditional registration or extension was previously issued but expired before construction of the solar facility was substantially completed, a new registration package shall be submitted prior to completion of construction;

2. Construction of the solar facility shall not begin until Board staff has issued a conditional registration for the facility under (f)5 below; and

3. Construction of the solar facility shall be completed and local code approval granted prior to the expiration of the conditional registration or any extension granted under (g) below.

(d) A solar electric generating facility, and all equipment included in or appurtenant to the solar facility, shall permanently retain the qualification life originally assigned to the solar facility, regardless of any interruption in the solar facility's operation, or any relocation, sale or transfer of the facility or of any of the equipment.

(e) If the applicable submittal deadline in (c)1 above is met, SRECs, based on electricity generated by the solar facility, shall be usable for compliance with this chapter immediately upon the issuance of a New Jersey State Certification Number for the facility, subject to any other applicable limits on use of SRECs. If the applicable deadline is not met, any SRECs based on electricity generated by the solar facility shall not be usable for compliance with this chapter until 12 months after the solar facility has received authorization to energize in accordance with the Board's interconnection rules at N.J.A.C. 14:8-5.

(f) Registration of a solar electric generating facility requires completion of the following process:

1. The registrant shall submit an initial registration package to the Board, completed in accordance with (j) below, within the applicable deadline at (c)1 or 2 above;

2. Upon receipt of an initial registration package, Board staff shall review the package for completeness. If the initial registration package is incomplete or deficient, Board staff shall notify the registrant in writing of the deficiencies;

3. Once the registration package is complete, Board staff shall review the package to determine whether the solar facility meets the SREC eligibility requirements of this subchapter. If the facility does not meet these requirements, Board staff shall notify the registrant. The registrant shall revise the package and resubmit it within one year of this notice. Failure to resubmit within this time will result in cancellation of the registration process, in which case a complete new registration process shall be required for the solar facility to obtain a New Jersey State Certification Number;

4. If the solar facility as described in the initial registration package meets SREC eligibility requirements, Board staff shall issue notice to the registrant of a conditional registration for the facility. The notice of the conditional registration shall:

i. State that, if the solar facility is constructed as described in the initial registration package, Board staff will issue a New Jersey State Certification Number for the solar facility upon construction completion and inspection; and

ii. Include an expiration date 12 months after the date of the notice; and

5. After issuance of the notice of conditional registration, construction of the solar facility as described in the initial registration package may begin.

(g) Construction of the solar electric generating facility shall be completed prior to expiration of the conditional registration. The registrant may request one extension prior to the expiration of the conditional registration, and shall include an updated schedule for completion. Board staff may authorize one extension for the project on a case-by-case basis, based on the likelihood of timely and successful completion of the solar facility. An extension shall provide a new expiration date, six months from the expiration of the original conditional registration. If the conditional registration, or extension, expires before construction is complete, the registrant shall begin the entire registration process again by submitting an initial registration package. Board staff shall treat the new registration package as if it were a first-time submittal, with no reference to the previous registration process.

(h) Each initial registration package shall be completed in accordance with the instructions found on the Board's New Jersey Clean Energy Program website at www.njcleanenergy.com. The registration instructions shall require the following basic types of information:

1. Information identifying and describing the owner, host location, builder/installer and operator of the solar electric generating facility;
2. Basic information describing the solar facility, including its capacity, manufacturer and expected output;
3. A technical worksheet, in a form provided on the Board's NJCEP website, detailing the technical specifications of the solar facility;
4. A construction schedule for completing the solar facility, including significant milestones;
5. A signed contract between the owner and installer of the solar facility, or other binding legal document that provides reasonable assurance that the solar facility will be constructed;
6. Basic information regarding the cost of equipment and installation, presented as a simple budget;
7. A site map of the land upon which the generating facility will be located, including all features that may affect the construction and/or performance of the solar facility; and
8. Any other data or information necessary for Board staff to determine whether the solar electric generation from the facility will meet the requirements for SRECs under this chapter.
 - (i) When construction of the solar electric generating facility is complete, the facility owner shall submit a post-construction certification package that meets the requirements of (j) below, and shall request an inspection of the facility by Board staff, or an inspection waiver, through the Board's NJCEP website at www.njcleanenergy.com.
 - (j) A post-construction certification package shall include all of the following:
 1. A copy of the conditional registration notice issued by the Board under this section;
 2. A final "as built" technical worksheet, detailing the technical specifications of the completed solar electric generating facility, including any changes from the technical worksheet submitted as part of the initial registration package;
 3. Digital photographs of the site and the completed solar facility;
 4. A shading analysis, detailing any shade that will affect the facility;

5. An estimate of the electricity production of the solar facility;
 6. Where applicable, documentation of compliance with all applicable Federal, State and local law, including eligibility for any tax incentives or other government benefits;
 7. A copy of the EDC's initial application to interconnect the facility to the corresponding EDC's distribution system, as well as the EDC or PJM approval to interconnect and energize the facility; and
 8. A statement that an inspection of the solar facility, or an inspection waiver, has been requested through the Board's NJCEP website, and the date of the request.
- (k) After receiving the inspection request and complete final documentation required under (j) above, Board staff shall conduct an inspection or shall notify the registrant that no inspection is required.
- (l) If no inspection is required, or if the inspection indicates that the solar electric generating facility has been constructed in accordance with the conditional registration, and/or any Board-authorized changes made under (m) below, Board staff shall assign a New Jersey State Certification Number to the solar facility for use in obtaining SRECs from PJM-EIS GATS.
- (m) If, after submittal of an initial registration package, an increase or decrease of more than 10 percent in the solar electric generating facility's generating capacity is planned, the registrant shall notify Board staff by e-mail to oce@bpu.state.nj.us. The e-mail shall be sent within 10 business days after the execution of the change order for the increase or decrease, or the contract for purchase, installation or removal of the photovoltaic panels included in the capacity increase or decrease.
- (n) Board staff shall publish the registrations on the Board's Clean Energy Program website at: <http://www.njcleanenergy.com/renewable-energy/program-activity-reports/program-status-reports/srec-registration-program-status-reports>.
- (o) A registrant may elect to file a request for confidentiality for any information submitted under this chapter, by using the procedures set forth in the Board's Open Public Records Act (OPRA) rules at N.J.A.C. 14:1-12.

14:8-2.5 Energy that qualifies for a class I REC

(a) This section sets forth the types of energy that qualify as class I renewable energy for the purposes of issuance of a class I REC usable for compliance with this subchapter. The Board has determined that energy listed at (b) below qualifies as class I renewable energy, with no prior approval required. Energy listed at (d) and (e) below shall qualify as class I renewable energy if the conditions specified in those subsections are met.

(b) The following qualify as class I renewable energy for the purposes of this subchapter, with no prior approval required:

1. Solar electric generation in the form of solar RECs;
2. Electricity derived from wind energy;
3. Electricity derived from wave or tidal action;
4. Electricity that is geothermal energy, as defined in N.J.A.C. 14:8-2.2;
5. Electricity generated by the combustion of methane gas captured from a landfill;
6. Electricity generated by a fuel cell powered by methanol, ethanol, landfill gas, digester gas, biomass gas, or other renewable fuel. Electricity generated by a fuel cell powered by a fossil fuel shall not qualify as class I renewable energy for the purposes of this subchapter; and
7. Electricity generated by the combustion of gas from the anaerobic digestion of food waste and sewage sludge at a biomass generating facility.

(c) For purposes of this section, the term "combustion of biomass" includes both the burning of captured methane gas derived from biomass, as well as the direct firing of biomass.

(d) Electricity produced through combustion of the following types of biomass shall qualify as class I renewable energy, provided that the NJDEP provides Board staff with a biomass sustainability determination for the biomass in accordance with (f) and (g) below:

1. A bioenergy crop, as defined at N.J.A.C. 14:8-2.2, including wood produced at a biomass energy plantation;
2. Wood from the thinning or trimming of trees and/or from a forest floor, provided that the wood is not old-growth timber, as defined at N.J.A.C. 14:8-2.2; and that the wood is unadulterated by non-cellulose substances or material;

3. Gas generated by anaerobic digestion of biomass fuels other than food waste and sewage sludge, including bioenergy crops and agricultural waste; and

4. Either of the following types of wood, provided that the wood is unadulterated by non-cellulose substances or material:

i. Ground or shredded pallets or other scrap wood, with all nails and other metal removed, produced at a facility that is classified as a Class B recycling facility by the New Jersey Department of Environmental Protection's Bureau of Landfill and Recycling Management, or at an equivalent recycling facility approved by the State environmental agency in which the facility is located; or

ii. Wood shavings and/or scrap from a lumberyard or a paper mill, excluding black liquor, as defined at N.J.A.C. 14:8-2.2.

(e) Electricity produced through combustion of a type of biomass not described in this section may qualify as class I renewable energy for the purposes of this subchapter, provided that the NJDEP provides Board staff with a biomass sustainability determination for the biomass in accordance with (f) and (g) below.

(f) To support a biomass sustainability determination, a supplier/provider or biomass facility operator shall demonstrate all of the following:

1. The generation facility meets NJDP requirements for state-of-the-art (SOTA) air pollution control at N.J.A.C. 7:27-8;

2. The generation facility's ash management practices comply with NJDEP requirements; and

3. All plant matter used directly as biomass fuel was cultivated and harvested in a sustainable manner, in accordance with a management plan approved by the State environmental agency or agricultural agency in the state in which the plant was grown. If the plant matter is not used directly as biomass fuel, but is subject to alteration after its harvest and before its use as biomass fuel, this determination is not required.

(g) To obtain a biomass sustainability determination, a supplier/provider or biomass facility operator shall submit a request for the determination, including any documentation required by NJDEP. The request shall be submitted to the NJBPU Office of Clean Energy, PO Box 350, Trenton, New Jersey 08625. The supplier/provider or biomass facility operator shall simultaneously provide a copy of the request to the NJDEP's Office of Innovative Technology, PO Box 409, Trenton, New Jersey 08625.

(h) If a biomass sustainability determination is required for class I renewable energy used to comply with this subchapter, the supplier/provider shall submit the determination as part of the annual report required under N.J.A.C. 14:8-2.11, or the biomass facility operator shall submit the determination by September 1 of each year. If the determination is not submitted annually, the energy shall not qualify for use to comply with this subchapter, and the supplier/provider shall submit RECs or ACPs to make up the shortfall. A determination submitted to board staff after the due date of the annual report shall not be accepted, and the electricity shall not be counted towards the supplier/provider's compliance with this subchapter.

(i) A supplier/provider that uses electricity generated through use of biomass to comply with this subchapter shall maintain documentation that the biomass meets the requirements of this section. If the supplier/provider or biomass facility operator obtained an NJDEP biomass sustainability determination, the supplier/provider or biomass facility operator shall maintain the request for the determination and all supporting documentation on file for five years, and shall produce that documentation upon request by the Board or its designee. In addition, the supplier/provider or biomass facility operator shall annually provide to the Board an affidavit from the operator of the generating facility, certifying that the generating facility continues to operate in conformity with the request and documentation originally provided.

(j) If a generating facility that uses biomass is covered by a NJDEP biomass sustainability determination, and there is a change in the operation of the facility or in the composition of the biomass used as fuel, including in its cultivation and harvesting, any supplier/provider that intends to rely on the facility in the following year for RPS compliance shall do one of the following:

1. Submit a new application for a biomass sustainability determination to the Board. The new application shall be submitted as part of the annual report required under N.J.A.C. 14:8-2.11; or
2. Ensure that the biomass facility operator submits a new determination within 30 days after the change is made, and no later than the date upon which the annual report is due under N.J.A.C. 14:8-2.11.

(k) Failure to submit the information required under (j) above shall disqualify the electricity produced from the facility from use as class I renewable energy as of the date the change in the operation or fuel was made.

(l) Electricity produced through combustion of the following substances shall not qualify as class I renewable energy for the purposes of this subchapter:

1. Treated, painted or chemically coated wood;

2. Municipal solid waste;
3. Tires;
4. Sewage sludge;
5. Wood waste, including demolition waste and construction waste;
6. Old-growth timber, as defined at N.J.A.C. 14:8-2.2; and
7. Wood harvested from a standing forest, except for a forest that is part of a bioenergy plantation.

14:8-2.6 Energy that qualifies for a class II REC

(a) This section sets forth the types of energy that qualify as class II renewable energy for the purposes of issuance of a class II REC usable for compliance with this subchapter. The Board has determined that energy listed at (b) below qualifies as class II renewable energy, with no prior approval required. Energy described at (c) below shall qualify as class II renewable energy if the conditions specified in (c) are met.

(b) The following qualify as class II renewable energy for the purposes of this subchapter:

1. Electricity generated by a hydroelectric facility that has a maximum design capacity of 30 megawatts or less from all generating units combined; and
2. Electricity generated by a resource recovery facility located in New Jersey, covered by all required NJDEP approvals, and operating in compliance with all applicable New Jersey environmental laws.

(c) Electricity generated by a resource recovery facility located outside of New Jersey shall qualify as class II renewable energy if both of the following criteria are met:

1. The facility is located in a state with retail competition, as defined at N.J.A.C. 14:4-1.2; and
2. NJDEP makes an environmental compliance determination, stating that the facility meets or exceeds all NJDEP requirements that would apply to the facility if it were located in New Jersey, or meets equivalent environmental requirements.

(d) To obtain an NJDEP environmental compliance determination for a resource recovery facility, a supplier/provider or facility operator shall submit a request for the determination, including the documentation listed at (e) below, to the NJBPU Office of Clean Energy, PO Box 350, Trenton, New Jersey 08625. The supplier/provider or facility operator shall simultaneously provide a copy of the request to the NJDEP's Office of Innovative Technology, PO Box 409, Trenton, New Jersey 08625.

(e) A request for an environmental compliance determination regarding a resource recovery facility shall include all information required by NJDEP, including, but not limited to, the following:

1. The most recent stack test data reports, or summary reports, for all criteria pollutants emitted by the facility, including any stack test data for mercury emissions from the facility. If stack test data are available on a quarterly basis, the most recent four quarters shall be submitted. These data, if available, should provide, at a minimum, the mercury inlet and outlet concentration for each unit, in addition to the percent removal;

2. A description of the municipal solid waste (MSW) recycling program in the jurisdictions that provide solid waste to the facility, including any solid waste from an industry source. This description shall state the entities that administer the recycling program(s), the percentage of MSW provided through local government contracts and/or agreements, the company providing any industry source MSW, and the amount of solid waste purchased on the spot market, if any; and

3. Residual ash testing data from the most recent 12-month period, including data reports or summary reports for total metals, Toxicity Characteristic Leaching Procedure (TCLP), or other leveling tests performed, and the total amount of tetrachlorodibenzo-p-dioxins (TCDD) in the ash.

(f) If an environmental compliance determination is required for electricity to qualify as class II renewable energy, the determination shall be obtained prior to generating the electricity. If a supplier/provider delivers electricity generated at a facility that requires an NJDEP environmental compliance determination, but did not obtain such a determination prior to the generation of that electricity, the electricity shall not be counted towards the supplier/provider's compliance with this subchapter.

(g) A supplier/provider that uses electricity generated from a resource recovery facility to comply with this subchapter shall:

1. Maintain documentation showing that the facility meets the requirements of this section; and

2. If the supplier/provider or facility operator obtained an NJDEP environmental compliance determination, the supplier/provider or facility operator shall:

i. Maintain the request submitted to NJDEP for the environmental compliance determination and all supporting documentation on file for five years;

ii. Produce the request and documentation upon request by the Board or its designee; and

iii. Annually provide to the Board an affidavit from the operator of the resource recovery facility, certifying that the facility has not violated its Federal or State environmental permits in the previous year, and continues to operate in conformity with the request and documentation originally provided to NJDEP.

(h) If there is a change in the operation of a resource recovery facility or in the composition of its fuel, the supplier/provider or facility operator shall submit the following information to the Board within 30 days after the change is made. Failure to submit the following shall disqualify the electricity produced by the facility from use as class II renewable energy as of the date of the change:

1. Documentation demonstrating that, after the change, the resource recovery facility continues to meet the requirements of this section for class II renewable energy; and

2. In the case of a facility covered by an NJDEP environmental compliance determination, a new determination shall be obtained from NJDEP and filed with the Board.

(i) In addition to the other types of energy that qualify as class II renewable energy under this section, any energy that qualifies as class I renewable energy under N.J.A.C. 14:8-2.4 may be used to satisfy the requirements for class II renewable energy.