

BOARD OF PUBLIC UTILITIES
TWO GATEWAY CENTER
NEWARK, NEW JERSEY 07102

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 5-10. 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 by the submission of an attestation, 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
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 NJ BTM REC system at www.njcleanenergy.com/srec or 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.

_____ Date: _____

(Signature)

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.

_____ Date: _____

(Signature)

14:8-2.4 Compliance with solar electric generation requirements

(a) The requirements in Table A in N.J.A.C. 14:8-2.3 for solar electric generation shall be met through the submittal of solar RECs, as defined at N.J.A.C. 14:8 - 2.2; or submittal of SACPs in accordance with N.J.A.C. 14:8-2.10.

(b) A supplier/provider shall not use a solar REC that has been used to satisfy another state's renewable energy requirements, or used for any other purpose, market or program, for compliance with the requirements at N.J.A.C. 14:8-2.3 for solar electric generation.

14:8-2.5 Compliance with class I renewable energy requirements

(a) This section sets forth the types of energy that qualify as class I renewable energy for the purposes of 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 NJDEP 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, P.O. 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, P.O. 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 a 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 by 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 Compliance with class II renewable energy requirements

(a) This section sets forth the types of energy that qualify as class II renewable energy for the purposes of 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 a 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, P.O. 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, P.O. 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 tetracholrodibenzo-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 a 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 a 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.