

Community Solar Energy Pilot Program Application Form

Section A: Application Form Requirements, Instructions, Terms and Conditions

The following Application Form is intended only for entities submitting a community solar project for consideration by the New Jersey Board of Public Utilities (“Board” or “BPU”). Projects selected by the Board will be approved for participation in the Community Solar Energy Pilot Program, pursuant to the rules at N.J.A.C. 14:8-9.

This Application Form is valid only for the following Program Year and Application Period:

Program Year 1, Application Period 1

Application Period Opens: April 9, 2019 at 9:00 A.M.

Application Period Closes: September 9, 2019 at 5:00 P.M.

I. Minimum Qualification Requirements

The Community Solar Energy Pilot Program is open to projects that meet the following minimum requirements, and the full requirements defined in N.J.A.C. 14:8-9 (available for reference at the following link: [http://njcleanenergy.com/files/file/R_2019%20d_021%20\(51%20N_J_R_%20232\(a\)\).pdf](http://njcleanenergy.com/files/file/R_2019%20d_021%20(51%20N_J_R_%20232(a)).pdf)).

1. The proposed community solar project must be located in the electric service territory of an Electric Distribution Company (“EDC”) in the State of New Jersey.
2. Existing solar projects may not apply to requalify as a community solar project. An existing solar project, as defined in N.J.A.C. 14:8-9.2, means a solar project having begun operation and/or been approved by the Board for connection to the distribution system prior to February 19, 2019. Projects having received a subsection (t) conditional certification from the Board prior to February 19, 2019 should refer to section B. XIII. Special Authorizations and Exemptions for additional information.
3. The Board will not consider Applications for EDCs to develop, own, or operate community solar project(s).
4. The Board will not consider Applications for projects sited on preserved farmland, as defined in N.J.A.C. 14:8-9.2.
5. The Board will not consider Applications for projects exceeding the capacity limit for individual community solar projects, set at 5 MW as defined in N.J.A.C. 14:8-9.4(g).

II. Instructions for Completing the Community Solar Energy Pilot Program Application Form

1. Each solar project applying to participate in the Community Solar Energy Pilot Program requires the submission of an individual Application Form. Do not apply for more than one (1) project per Application Form. There is no limit to the number of Application Forms that can be submitted by any one Applicant (see the definition of an “Applicant” in section A. III. Terms and Conditions).

2. Complete sections B and C, and Appendix A in full. All questions are required to be answered, unless explicitly marked as optional. All attachments are required, unless explicitly marked as optional. All attachments must be attached to the end of the Application Form, therefore forming a complete application package. Note that attachments marked as optional will be considered if included, but their absence will not penalize an Application.
3. Original signatures on all forms and certifications of this Application Form are required. The certifications contained in section C must be notarized.
4. Specific exemptions are identified throughout the Application Form which apply only if: 1) the Applicant is a government entity (municipal, county, or state), AND 2) the community solar developer will be selected by the Applicant via a Request for Proposals ("RFP"), Request for Quotations ("RFQ"), or other bidding process. If this is the case, the Applicant must include a letter describing the proposed bidding process, and the Applicant should complete all sections of the Application Form based on the project as it will be designed in the bidding process. The Applicant must further commit to issuing said RFP, RFQ, or other bidding process within 90 days of the proposed project being approved by the Board for participation in the Community Solar Energy Pilot Program (see section B. XIII. Special Authorizations and Exemptions).

III. Terms and Conditions

General Terms and Conditions

1. The "Applicant" is defined as the entity that submits the Community Solar Energy Pilot Program Application Form (for example, an Applicant may be a project developer, project owner, project operator, property owner, contractor, installer, or agent thereof).
2. Prior to completing the Application Form, the Applicant must carefully review the rules at N.J.A.C. 14:8-9, and any other rules, regulations, and codes applicable to the design, construction, and operation of a community solar project in New Jersey. All Applications must be in compliance with all local, state and federal rules, regulations and laws.
Furthermore, submission of an Application Form does not obviate the need for compliance with all applicable local, state, and federal laws and regulations at any time during the design, construction, operation, and decommissioning of a community solar project including, but not limited to, regulations by commissions such as the New Jersey Highlands Council and the New Jersey Pinelands Commission.
3. By submitting an Application, the Applicant acknowledges notice on behalf of all project participants that the information included in the Application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Aggregated information may be used by the Board and/or other state, federal, county, regional or local agencies in reports and evaluations, and the geographic location may be used to update Geographic Information System ("GIS") mapping. Applicants may identify sensitive and trade secret information that they wish to keep confidential by submitting them in accordance with the confidentiality procedures set forth in

N.J.A.C. 14:1-12.3. Furthermore, the Applicant understands that the list of approved community solar projects will be published on the Board of Public Utilities website.

4. Amendments or supplements to the Community Solar Energy Pilot Program Application Form will be made available via the New Jersey Clean Energy Program ("NJCEP") website at www.njcleanenergy.com. This Application Form may be modified for future Application Periods at any time without prior notification.

Evaluation of Applications and Approval of Projects

5. Only Applications that are administratively complete by the close of the Application Period will be considered for participation in the Community Solar Energy Pilot Program during that Program Year. An application will be deemed administratively complete if: 1) All questions are completed, except those explicitly marked as optional, 2) All required attachments are included (see Appendix B for a checklist of required attachments), and 3) All required signatures are included. Applicants will be notified if an Application is deemed administratively incomplete. An incomplete Application may be amended and resubmitted during the following Application Period without advantage or disadvantage.
6. The Applicant may be required to supplement the information provided in the Application Form upon request from the Board or Board Staff.
7. Following the close of the Application Period, each Application will be reviewed and evaluated by a dedicated Evaluation Committee.
8. In reviewing each application, Board Staff may consult with the New Jersey Department of Environmental Protection ("NJDEP"), the New Jersey Department of Agriculture, or other state agencies and consultants as are relevant to the Application. Any information marked and submitted as confidential will be treated as such by the receiving agency, and used for the sole purpose of evaluation.
9. The criteria for evaluation of Applications are presented in Appendix C (Evaluation Criteria). Projects must score a minimum 30 points total in order to be considered for participation in the Community Solar Energy Pilot Program. Projects that score above 30 points will be presented to the Board for approval for participation in the Community Solar Energy Pilot Program in order, starting with the highest-scoring project and proceeding to the lowest-scoring project, and until the allocated program capacity for that Program Year is filled.
The allocated program capacity for Program Year 1 is 75 MW. At least 40% of program capacity (i.e. at least 30 MW) will be allocated to LMI projects.
10. Board Staff may reject Applications that are incomplete at the close of the Application Period, that are not in compliance with the rules and regulations established in N.J.A.C. 14:8-9, or that do not meet a minimum standard for selection, as set forth in this Application Form.

Milestones and Follow-Up for Approved Projects

11. Should the proposed community solar project be approved by the Board for participation in the Community Solar Energy Pilot Program, such approval will be contingent on the project being constructed and operated as was proposed in its Application.

Furthermore, pursuant to the rules at N.J.A.C. 14:8-9.3(c), approved projects are expected to begin construction within 6 months of their approval by the Board, and are expected to become fully operational within 12 months of their approval by the Board. Extensions may be granted by Board Staff at its discretion, based on its assessment of the specific circumstances of each project approved.

In order to monitor compliance, approved projects will be required to submit updates to the Board:

- a. Prior to the beginning of construction, the Applicant must provide evidence that commitments in the following categories have been met: project location, community and environmental justice engagement, other benefits.
- b. Prior to applying for permission to operate (“PTO”), the Applicant must provide evidence that commitments in the following categories have been met: siting (other than location), all permits received.
- c. Prior to applying to the EDC for allocation of bill credits, the Applicant must provide evidence that commitments in the following categories have been met: product offering, subscriber type, geographic limit within EDC service territory.

If the approved project fails to be completed as proposed in the Application, and the Applicant fails to remediate the failure or provide an equivalent modification within a reasonable timeframe, the project may be penalized up to and including a withdrawal of the permission to operate in the Community Solar Energy Pilot Program.

Special Considerations for Project Siting

12. Unless the proposed community solar facility is located on a rooftop, parking lot, or parking structure, the Applicant must meet with the NJDEP’s Office of Permit Coordination and Environmental Review (“PCER”) to determine what permits may be required and to identify other potential issues. More information is available at: <http://www.nj.gov/dep/pcer>. The Applicant must have completed the NJDEP Permit Readiness Checklist and submitted said Checklist to NJDEP PCER prior to submitting the Application to the Board (see section B. VIII. Permits). The Permit Readiness Checklist is available at the following link: <https://www.nj.gov/dep/pcer/introchecklist.htm>.
13. Special attention should be paid when siting a project on a landfill, a brownfield, or an area of historic fill. For reference, NJDEP’s *Guidance for Installation of Solar Renewable Energy Systems on Landfills in New Jersey* can be found at the following link: <https://www.nj.gov/dep/dshw/swp/solarguidance.pdf>.
14. The Applicant should review the environmental compliance history at the proposed site and the various operations that were conducted there. Satisfaction of all outstanding NJDEP regulatory

compliance obligations, if applicable, will be required prior to applying for permission to operate. The Applicant should identify any outstanding compliance and enforcement issues associated with the property on which the proposed project is to be sited and resolve them accordingly before submitting the Post Construction NJDEP Compliance Form, if applicable.

15. If the proposed project is sited on Green Acres preserved open space, as defined in N.J.A.C. 14:8-9.2, or on land owned by NJDEP, the Applicant must receive special approval for the project from NJDEP prior to submitting the Application to the Board, and attach proof of approval to their application package (see section B. VII. Community Solar Facility Siting).

Submitting an Application

Applications must adhere to all of the following instructions for submission. Applications must be received no later than 5:00 P.M. on the date of the close of the Application Period in order to be considered.

Mail or hand-deliver the original complete Application package plus three copies of the complete Application package to:

New Jersey Board of Public Utilities
44 South Clinton Avenue, 7th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
Attn: Office of Clean Energy
Community Solar Energy Pilot Program Application Package

In addition, submit an electronic version of the complete Application package to both of the following email addresses: communitysolar@njcleanenergy.com and board.secretary@bpu.nj.gov.

Questions and Further Information

Please address all questions pertaining to the Application Form to communitysolar@njcleanenergy.com.

Additional guidance and Frequently Asked Questions will be available on the NJCEP website at: <http://njcleanenergy.com/renewable-energy/programs/community-solar>.

Section B: Community Solar Energy Project Description

Instructions: Section B must be completed in its entirety. Any attachments should be placed at the end of the Application package.

I. Applicant Contact Information

Applicant Company/Entity Name: _____
 First Name: _____ Last Name: _____
 Daytime Phone: _____ Email: _____
 Applicant Mailing Address: _____
 Municipality: _____ County: _____ Zip Code: _____

Applicant is: ☐ Community Solar Project Owner ☐ Community Solar Developer/Facility Installer
☐ Property/Site Owner ☐ Subscriber Organization
☐ Agent (if agent, what role is represented) _____

II. Community Solar Project Owner

Project Owner Company/Entity Name (complete if known): _____
 First Name: _____ Last Name: _____
 Daytime Phone: _____ Email: _____
 Mailing Address: _____
 Municipality: _____ County: _____ Zip Code: _____

III. Community Solar Developer

This section, "Community Solar Developer," is optional if: 1) the Applicant is a government entity (municipal, county, or state), AND 2) the community solar developer will be selected by the Applicant via a RFP, RFQ, or other bidding process. In all other cases, this section is required.

Developer Company Name (optional, complete if applicable): _____
 First Name: _____ Last Name: _____
 Daytime Phone: _____ Email: _____
 Mailing Address: _____
 Municipality: _____ County: _____ Zip Code: _____

The proposed community solar project will be primarily built by:
☐ the Developer ☐ a contracted engineering, procurement and construction ("EPC") company

If the proposed community solar project will be primarily built by a contracted EPC company, complete the following *(optional, complete if known)*:

If the EPC company information is left blank and the proposed project is approved by the Board for participation in the Community Solar Energy Pilot Program, the Applicant must inform the Board of the information below once the EPC company becomes known.

EPC Company Name *(optional, complete if applicable)*: _____
 First Name: _____ Last Name: _____
 Daytime Phone: _____ Email: _____
 Mailing Address: _____
 Municipality: _____ County: _____ Zip Code: _____

IV. Property/Site Owner Information

Property Owner Company/Entity Name: _____
 First Name: _____ Last Name: _____
 Daytime Phone: _____ Email: _____
 Applicant Mailing Address: _____
 Municipality: _____ County: _____ Zip Code: _____

V. Community Solar Subscriber Organization *(optional, complete if known)*

If this section, "Community Solar Subscriber Organization," is left blank and the proposed project is approved by the Board for participation in the Community Solar Energy Pilot Program, the Applicant must inform the Board of the information below once the Subscriber Organization becomes known.

Subscriber Organization Company/Entity Name *(optional, complete if applicable)*: _____
 First Name: _____ Last Name: _____
 Daytime Phone: _____ Email: _____
 Mailing Address: _____
 Municipality: _____ County: _____ Zip Code: _____

VI. Proposed Community Solar Facility Characteristics

Community Solar Facility Size (as denominated on the PV panels):
 _____ MW AC _____ MW DC

Community Solar Facility Location (Address): _____
 Municipality: _____ County: _____ Zip Code: _____
 Name of Property *(optional, complete if applicable)*: _____
 Property Block and Lot Number(s): _____

Community Solar Site Coordinates: _____ Longitude _____ Latitude _____

Total Acreage of Property Block and Lots: _____ acres

Total Acreage of Community Solar Facility: _____ acres

Attach a delineated map of the portion of the property on which the community solar facility will be located. In the electronic submission, two copies of the delineated map should be provided: 1) as a PDF document, and 2) as a design plan in drawing file format (.dwg) or as a shapefile (.shp), in order to facilitate integration with Geographic Information System (GIS) software.

EDC electric service territory in which the proposed community solar facility is located: *(select one)*

- ☐ Atlantic City Electric
 ☐ Jersey Central Power & Light
☐ Public Service Electric & Gas
 ☐ Rockland Electric Co.

Estimated date of project completion* *(The Applicant should provide a good faith estimate of the date of project completion; however, this data is being collected for informational purposes only.):* _____
 (month) _____ (year) _____

Project completion is defined pursuant to the definition at N.J.A.C. 14:8-9.3 as being fully operational, up to and including having subscribers receive bill credits for their subscription to the project.

The proposed community solar facility is an existing project* ☐ Yes ☐ No

If "Yes," the Application will not be considered by the Board. See section B. XIII. for special provisions for projects having received a subsection (t) conditional certification from the Board prior to February 19, 2019.

*Existing project is defined in N.J.A.C. 14:8-9.2 as a solar project having begun operation and/or been approved by the Board for connection to the distribution system prior to February 19, 2019.

VII. Community Solar Facility Siting

1. The proposed community solar project has site control* ☐ Yes ☐ No

If "Yes," attach proof of site control.

If "No," the Application will be deemed incomplete.

*Site control is defined as property ownership or option to purchase, signed lease or option to lease, or signed contract for use as a community solar site or option to contract for use as a community solar site.

2. The proposed community solar facility is located, in part or in whole, on preserved farmland* ☐ Yes ☐ No

If "Yes," the Application will not be considered by the Board.

*Preserved farmland is defined in N.J.A.C. 14:8-9.2 as land from which a permanent development easement was conveyed and a deed of easement was recorded with the county clerk's office pursuant to N.J.S.A. 4:1C-11 et seq.; land subject to a farmland preservation program agreement recorded with the county clerk's office pursuant to N.J.S.A. 4:1C-24; land from which development potential has been transferred pursuant to N.J.S.A. 40:55D-113 et seq. or N.J.S.A. 40:55D-137 et seq.; or land conveyed or dedicated by agricultural restriction pursuant to N.J.S.A. 40:55D-39.1.

3. The proposed community solar facility is located, in part or in whole, on Green Acres preserved open space* or on land owned by the New Jersey Department of Environmental Protection (NJDEP) ☐ Yes ☐ No

If "Yes," the Applicant must attach special authorization from NJDEP for the site to host a community solar facility. The Board will not consider Applications for projects located, in part or in whole, on Green Acres preserved open space or on land owned by NJDEP, unless the Applicant has received special authorization from NJDEP and includes proof of such special authorization in the Application package.

*Green Acres preserved open space is defined in N.J.A.C. 14:8-9.2 as land classified as either "funded parkland" or "unfunded parkland" under N.J.A.C. 7:36, or land purchased by the State with "Green Acres funding" (as defined at N.J.A.C. 7:36).

4. The proposed community solar facility is located, in part or in whole, on land located in the New Jersey Highlands Planning Area or Preservation Area ☐ Yes ☐ No

5. The proposed community solar facility is located, in part or in whole, on land located in the New Jersey Pinelands ☐ Yes ☐ No

6. The proposed community solar facility is located, in part or in whole, on land that has been actively devoted to agricultural or horticultural use and that is/has been valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L. 1964, c.48 (C. 54:4-23.1 et seq.) at any time within the ten year period prior to the date of submission of the Application ☐ Yes ☐ No

7. The proposed community solar facility is located, in part or in whole, on a landfill ☐ Yes ☐ No

If "Yes," provide the name of the landfill, as identified in NJDEP's database of New Jersey landfills, available at www.nj.gov/dep/dshw/lrm/landfill.htm:

New Solid Waste ID:0516000274

8. The proposed community solar facility is located, in part or in whole, on a brownfield ☐ Yes ☐ No

If "Yes," has a final remediation document been issued for the property? ☐ Yes ☐ No

If “Yes,” attach a copy of the Response Action Outcome (“RAO”) issued by the LSRP or the No Further Action (“NFA”) letter issued by NJDEP.

9. The proposed community solar facility is located, in part or in whole, on an area of historic fill ☐ Yes ☐ No
 If “Yes,” have the remedial investigation requirements pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-4.7 been implemented? ☐ Yes ☐ No
 Has the remediation of the historic fill been completed pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-5.4? ☐ Yes ☐ No
 If the remediation of the historic fill has been completed, attach a copy of the Response Action Outcome (“RAO”) issued by a Licensed Site Remediation Professional (“LSRP”) or the No Further Action (“NFA”) letter issued by NJDEP.
10. The proposed community solar facility is located on a parking lot ☐ Yes ☐ No
11. The proposed community solar facility is located on a parking deck ☐ Yes ☐ No
12. The proposed community solar facility is located on a rooftop ☐ Yes ☐ No
13. The proposed community solar facility is located on a canopy over an impervious surface (e.g. walkway) ☐ Yes ☐ No
14. The proposed community solar facility is located on the property of an affordable housing building or complex ☐ Yes ☐ No
15. The proposed community solar facility is located on a water reservoir or other water body (“floating solar”) ☐ Yes ☐ No
16. The proposed community solar facility is located on an area designated in need of redevelopment ☐ Yes ☐ No
 If “Yes,” attach proof of the designation of the area as being in need of redevelopment from a municipal, county, or state entity.
17. The proposed community solar facility is located on land or a building that is preserved by a municipal, county, state, or federal entity ☐ Yes ☐ No
 If “Yes,” attach proof of the designation of the area as “preserved” from a municipal, county, or state entity.
18. The proposed community solar facility is located, in part or in whole, on forested lands ☐ Yes ☐ No

Construction of the proposed community solar facility will require cutting down one or more trees ☐ Yes ☐ No

If "Yes," estimated number of trees required to be cut for construction: An Estimated total of 4 acres of scrub brush and young vegetation will be removed for the sealing of the landfill. Satellite imagery of the encroaching sporadic vegetation on the landfill from 1995 to 2016 has been provided in Exhibit B. Site photographs have been provided as well.

19. The proposed community solar facility is located on land or a building owned or controlled by a government entity, including, but not limited to, a municipal, county, state, or federal entity ☐ Yes ☐ No

20. Are there any use restrictions at the site? ☐ Yes ☐ No

If "Yes," explain the use restriction below and provide documentation that the proposed community solar project is not prohibited.

Will the use restriction be required to be modified? ☐ Yes ☐ No

If "Yes," explain the modification below.

21. The proposed community solar facility has been specifically designed or planned to preserve or enhance the site (e.g. landscaping, land enhancements, pollination support, stormwater management, soil conservation, etc.) ☐ Yes ☐ No

If "Yes," explain below, and provide any additional documentation in an attachment.

Nexamp is working directly with the Pinelands Commission and the Borough of Woodbine to Cap the F&S landfill. Nexamp will incorporate pollinator-friendly species of seed mix as the underlying vegetation in this facility. Nexamp will design this facility to meet or exceed all local, county, state and federal requirements, as applicable. In addition, Nexamp plans to incorporate the following site enhancements: 1) planting native, pollinator-friendly seed mixes; 2) planting a variety of native plant species for any vegetative screening, as may be required 3) Stormwater management will meet or exceed all applicable requirements, further specifications can be found in Exhibit K.

VIII. Permits

1. The Applicant has completed NJDEP Permit Readiness Checklist, and submitted it to NJDEP's PCER ☐ Yes ☐ No

If "Yes," attach a copy of the completed Permit Readiness Checklist as it was submitted to NJDEP PCER.

If “No,” the Application will be deemed incomplete. Exception: Applications for community solar projects located on a rooftop, parking lot, or parking structure are exempt from this requirement.

2. The Applicant has met with NJDEP’s PCER ☐ Yes ☐ No

If “Yes,” attach proof of a meeting with NJDEP PCER.

If “No,” the Application will be deemed incomplete. Exception: Applications for community solar projects located on a rooftop, parking lot, or parking structure are exempt from this requirement.

3. Please list all permits, approvals, or other authorizations that will be needed for the construction and operation of the proposed community solar facility pursuant to local, state and federal laws and regulations. Include permits that have already been received, have been applied for, and that will need to be applied for. The Applicant may extend this table by attaching additional pages if necessary. These include:

- a. Permits, approvals, or other authorizations from NJDEP (i.e. Land Use, Air Quality, New Jersey Pollutant Discharge Elimination System “NJPDES”, etc.) for the property.
- b. Permits, approvals, or other authorizations from NJDEP (i.e. Land Use, Air Quality, NJPDES, etc.) directly related to the installation and operation of a solar facility on this property.
- c. Permits, approvals, or other authorizations other than those from NJDEP for the development, construction, or operation of the community solar facility (including local zoning and other local and state permits)

An Application that does not list all permits, approvals, or other authorizations that will be needed for the construction and operation of the proposed community solar facility will be deemed incomplete.

If a permit has been received, attach a copy of the permit.

Permit Name & Description	Permitting Agency/Entity	Date Permit Applied for <i>(if applicable)</i> / Date Permit Received <i>(if applicable)</i>

*Additional Permits are listed in Exhibit F

FAA Permit

FAA

N/A

4. The Applicant has consulted the hosting capacity map of the relevant EDC and determined that, based on the capacity hosting map as published at the date of submission of the Application, there is sufficient capacity available at the proposed location to build the proposed community solar facility ☐ Yes ☐ No
 If "Yes," include a screenshot of the capacity hosting map at the proposed location, showing the available capacity.
 If "No," the Application will be deemed incomplete.

IX. Community Solar Subscriptions and Subscribers

1. Estimated or Anticipated Number of Subscribers *(please provide a good faith estimate or range)*:

2. Estimated or Anticipated Breakdown of Subscribers *(please provide a good faith estimate or range of the kWh of project allocated to each category)*:

Residential: _____ Commercial: _____
 Industrial: _____ Other: _____ (define "other": _____)

3. The proposed community solar project is an LMI project* ☐ Yes ☐ No

*An LMI project is defined pursuant to N.J.A.C. 14:8-9 as a community solar project in which a minimum 51 percent of project capacity is subscribed by LMI subscribers.

4. The proposed community solar project will allocate at least 51% of project capacity to residential customers ☐ Yes ☐ No

5. The proposed community solar project is being developed in partnership with an affordable housing provider: ☐ Yes ☐ No

If "Yes," attach a letter of support from the affordable housing provider.

6. An affordable housing provider is seeking to qualify as an LMI subscriber for the purposes of the community solar project ☐ Yes ☐ No

If "Yes," estimated or anticipated percentage of the project capacity for the affordable housing provider's subscription *(provide an estimate or range)*: _____

If "Yes," what specific, substantial, identifiable, and quantifiable long-term benefits from the community solar subscription are being passed through to their residents/tenants?

Additionally, the affordable housing provider must attach a signed affidavit that the specific, substantial, identifiable, and quantifiable long-term benefits from the community solar subscription will be passed through to their residents/tenants.

7. This project uses an anchor subscriber (*optional*) ☐ Yes ☐ No
 If "Yes," name of the anchor subscriber (*optional*): _____
 Estimated or anticipated percentage or range of the project capacity for the anchor subscriber's subscription: _____
8. Is there any expectation that the account holder of a master meter will subscribe to the community solar project on behalf of its tenants? ☐ Yes ☐ No
 If "Yes," what specific, identifiable, sufficient, and quantifiable benefits from the community solar subscription are being passed through to the tenants?

Additionally, the account holder of the master meter must attach a signed affidavit that the specific, identifiable, sufficient, and quantifiable benefits from the community solar subscription will be passed through to the tenants.

If "No," please be aware that, if, at any time during the operating life of the community solar project the account holder of a master meter wishes to subscribe to the community solar project on behalf of its tenants, it must submit to the Board a signed affidavit that the specific, identifiable, sufficient, and quantifiable benefits from the community solar subscription will be passed through to its tenants.

9. The geographic restriction for distance between project site and subscribers is: (*select one*)
- ☐ No geographic restriction: whole EDC service territory
 - ☐ Same county OR same county and adjacent counties
 - ☐ Same municipality OR same municipality and adjacent municipalities

Note: The geographic restriction selected here will apply for the lifetime of the project, barring special dispensation from the Board, pursuant to N.J.A.C. 14:8-9.5(a).

10. Product Offering: *(The Applicant must also complete and attach one or more product offering form(s) found in Appendix A. See Appendix A for exemptions.)*

The subscription proposed offers guaranteed or fixed savings to subscribers ☐ Yes ☐ No

If "Yes," the guaranteed or fixed savings are offered as:

- ☐ A percentage saving on the customer's annual electric utility bill
- ☐ A percentage saving on the customer's community solar bill credit
- ☐ Other: _____

If "Yes," the proposed savings represent:

- ☐ 0% - 5% of the customer's annual electric utility bill or bill credit
- ☐ 5% - 10% of the customer's annual electric utility bill or bill credit
- ☐ 10% - 20% of the customer's annual electric utility bill or bill credit
- ☐ over 20% of the customer's annual electric utility bill or bill credit

The subscription proposed offers subscribers ownership or a pathway to ownership of a share of the community solar facility ☐ Yes ☐ No

If "Yes," include proof of a pathway to ownership of a share of the community solar facility offered to the subscribers in Appendix A.

11. The list of approved community solar projects will be published on the Board's website. Additionally, subscriber organizations have the option of indicating, on this list, that the project is currently seeking subscribers.

If this project is approved, the Board should indicate on its website that the project is currently seeking subscribers ☐ Yes ☐ No

If "Yes," the contact information indicated on the Board's website should read:

Company/Entity Name: _____ Contact Name: _____
Daytime Phone: _____ Email: _____

Note: it is the responsibility of the project's subscriber organization to notify the Board if/when the project is no longer seeking subscribers, and request that the Board remove the above information on its website.

X. Community Engagement

1. The proposed community solar project is being developed by or in collaboration* with the municipality in which the project is located ☐ Yes ☐ No

If "Yes," explain how and attach a letter of support from the municipality in which the project is located.

*Collaboration with the municipality should include, at minimum, one or more meetings with relevant municipal authorities and clear evidence of municipal involvement and approval of the design, development, or operation of the proposed community solar project.

The Borough of Woodbine issued an RFP for the development of Solar on the Woodbine Landfill and Nexamp was selected. Nexamp has had multiple meetings with the Borough of Woodbine, and is working together with the Pinelands Commission to cap the landfill. Mayor Pikolycky has expressed his dedication and continued involvement to this project in the attached letter of support found in Exhibit G.

2. The proposed community solar project is being developed in collaboration* with one or more local community organization(s) ☐ Yes ☐ No

If "Yes," explain how and attach a letter of support from the local community organization(s).

*Collaboration with a local community organization should include, at minimum, one or more meetings with the relevant local community organization(s) and clear evidence of the local community organization's involvement and approval of the design, development, or operation of the proposed community solar project.

Nexamp has met and is in collaboration with the Pinelands Commission regarding the capping of the landfill and will be filing an application with the commission for the approval of the solar facility. Nexamp will continue to be in collaboration with the following organizations during the development and operation of this facility: Woodbine Land Use Board, Woodbine Municipal Alliance, Woodbine School District, Woodbine Green Team, Greater Woodbine Chamber of Commerce. Letters of support can be found in Exhibit G. Once selected, Nexamp will work with these organizations to educate and subscribe residents to community solar, and provide job fairs for solar installation. Example community outreach letters and information sessions for jobs have been attached in Exhibit I.

3. The proposed community solar project was developed, at least in part, through a community consultative process* ☐ Yes ☐ No

If "Yes," please describe the consultative process.

*A community consultative process should include, at minimum, one or more opportunities for public intervention and outreach to the municipality and/or local community organizations.

The Borough of Woodbine issued an RFP for the development of Solar on the Woodbine Landfill. Meetings were held and open to the public when issuing the RFP and when selecting Nexamp as the developer. Nexamp submitted a full proposal to the RFP to be evaluated and was selected by the Borough.

XI. Project Cost

1. Provide the following cost estimates and attach substantiating evidence in the form of charts and/or spreadsheet models:

Applicants are expected to provide a good faith estimate of costs associated with the proposed community solar project, as they are known at the time the Application is filed with the Board. This information will not be used in the evaluation of the proposed community solar project.

Net Installed Cost (in \$)	
Net Installed Cost (in \$/Watt)	
Initial Customer Acquisition Cost (in \$/Watt)	
Annual Customer Churn Rate (in %)	

Annual Operating Expenses (in c/kWh)	
LCOE (in c/kWh)	

2. Pursuant to N.J.A.C. 14:8-9.7(q), "community solar projects shall be eligible to apply, via a one-time election prior to the delivery of any energy from the facility, for SRECs or Class I RECs, as applicable, or to any subsequent compensations as determined by the Board pursuant to the Clean Energy Act."

For indicative purposes only, please indicate all local, state and federal tax incentives which will be applied to if the proposed community solar project is approved for participation in the Community Solar Energy Pilot Program:

XII. Other Benefits

1. The proposed community solar facility is paired with another distributed energy resource:
 - a. Micro-grid project ☐ Yes ☐ No
 - b. Storage ☐ Yes ☐ No
 - c. Other (identify): ☐ Yes ☐ No
2. The proposed community solar facility provides grid benefits (e.g. congestion reduction) ☐ Yes ☐ No
 If "Yes" to any, please explain how and provide supporting documents.

This project may prompt upgrades to existing electricity distribution infrastructure including the installation of more robust three-phase electrical lines and protection equipment. Furthermore, distributed generation projects such as this can reduce peak loads and provide stability to the grid by spreading out the sources of power. Lastly, the installation of this solar project will shorten the path of electrical power from generation site to consumption site, thereby reducing the amount of overall power loss in electrical lines.

4. The proposed community solar project will create temporary or permanent jobs in New Jersey ☐ Yes ☐ No
 If "Yes," estimated number of temporary jobs created in New Jersey: _____
 If "Yes," estimated number of permanent jobs created in New Jersey: _____
5. The proposed community solar project will provide job training opportunities for local solar trainees ☐ Yes ☐ No
 If "Yes," will the job training be provided through a registered apprenticeship? ☐ Yes ☐ No

If "Yes," identify the entity or entities through which job training is or will be organized (e.g. New Jersey GAINS program, partnership with local school):

Middle Township High School

XIII. Special Authorizations and Exemptions

1. Is the proposed community solar project co-located with another community solar facility (as defined at N.J.A.C. 14:8-9.2)? ☐ Yes ☐ No

If "Yes," please explain why the co-location can be approved by the Board, consistent with the provisions at N.J.A.C. 14:8-9.

2. Does this project seek an exemption from the 10-subscriber minimum? ☐ Yes ☐ No

If "Yes," please demonstrate below (and attach supporting documents as relevant):

- a. That the project is sited on the property of a multi-family building.
- b. That the project will provide specific, identifiable, and quantifiable benefits to the households residing in said multi-family building.

3. Specific sections throughout the Application Form are identified as optional only if: 1) the Applicant is a government entity (municipal, county, or state), and 2) the community solar developer will be selected by the Applicant via a RFP, RFQ, or other bidding process. Has the Applicant left those specific sections blank? ☐ Yes ☐ No

If "Yes," attach a letter describing the proposed bidding process. The Applicant must further commit to issuing said RFP, RFQ, or other bidding process within 90 days of the proposed project being approved by the Board for participation in the Community Solar Energy Pilot Program. The Applicant will be required to provide the information contained in those optional sections to the Board once it becomes known.

4. Has the proposed community solar project received, in part or in whole, a subsection (t) conditional certification from the Board prior to February 19, 2019? ☐ Yes ☐ No

If "Yes," the project may apply to participate in the Community Solar Energy Pilot Program if it commits to withdrawing the applicable subsection (t) conditional certification immediately if it is approved by the Board for participation in the Community Solar Energy Pilot Program. Attach a signed affidavit that the Applicant will immediately withdraw the applicable subsection (t)



conditional certification if the proposed project is approved by the Board for participation in the Community Solar Energy Pilot Program.





Section C: Certifications

Instructions: Original signatures on all certifications are required. All certifications in this section must be notarized.

Applicant Certification

The undersigned warrants, certifies, and represents that:

- 1) I, Chris Clark (name) am the SVP (title) of the Applicant Nexamp Solar, LLC (name) and have been authorized to file this Applicant Certification on behalf of my organization; and
- 2) The information provided in this Application package 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 with such knowledge; and
- 3) The community solar facility proposed in the Application will be constructed, installed, and operated as described in the Application and in accordance with all Board rules and applicable laws; and
- 4) The system proposed in the Application will be constructed, installed, and operated in accordance with all Board policies and procedures for the SREC Registration Program or subsequent revision to the SREC Registration Program, if applicable; and
- 5) My organization understands that certain information in this Application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and
- 6) My organization acknowledges that **submission of false information may be grounds for denial of this Application, 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.**

Signature: _____

Date: 9/5/2019

Print Name: CHRIS CLARK

Title: SVP

Company: Nexamp Solar, LLC

Signed and sworn to before me on this 5 day of September, 2019

Signature

Natasha Meehan

Name





Project Developer Certification

This Certification "Project Developer / Installer" is optional if: 1) the Applicant is a government entity (municipal, county, or state), AND 2) the community solar developer will be selected by the Applicant via a Request for Proposals (RFP), Request for Quotations (RFQ), or other bidding process. In all other cases, this Certification is required.

The undersigned warrants, certifies, and represents that:

- 1) I, Chris Clark (name) am the SVP (title) of the Project Developer Nexamp Solar, LLC (name) and have been authorized to file this Applicant Certification on behalf of my organization; and
- 2) The information provided in this Application package 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 with such knowledge; and
- 3) The community solar facility proposed in the Application will be constructed, installed, and operated as described in the Application and in accordance with all Board rules and applicable laws; and
- 4) The system proposed in the Application will be constructed, installed, and operated in accordance with all Board policies and procedures for the SREC Registration Program or subsequent revision to the SREC Registration Program, if applicable; and
- 5) My organization understands that certain information in this Application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and
- 6) My organization acknowledges that **submission of false information may be grounds for denial of this Application, 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.**

Signature: _____

Date: _____

Print Name: _____

Title: _____

Company: _____

Signed and sworn to before me on this 5th day of September, 2019

Natasha Meehan

Signature

Natasha Meehan

Name





Project Owner Certification

The undersigned warrants, certifies, and represents that:

- 1) I, Chris Clark (name) am the SVP (title) of the Project Owner Nexamp Solar, LLC (name) and have been authorized to file this Applicant Certification on behalf of my organization; and
- 2) The information provided in this Application package 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 with such knowledge; and
- 3) The community solar facility proposed in the Application will be constructed, installed, and operated as described in the Application and in accordance with all Board rules and applicable laws; and
- 4) The system proposed in the Application will be constructed, installed, and operated in accordance with all Board policies and procedures for the SREC Registration Program or subsequent revision to the SREC Registration Program, if applicable; and
- 5) My organization understands that certain information in this Application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and
- 6) My organization acknowledges that **submission of false information may be grounds for denial of this Application, 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.**

Signature: 

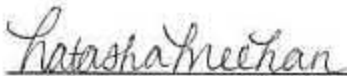
Date: 9/5/2019

Print Name: CHRIS CLARK

Title: SVP

Company: Nexamp Solar, LLC

Signed and sworn to before me on this 5th day of September, 2019



Signature

NataSha Meehan

Name





Property Owner Certification

The undersigned warrants, certifies, and represents that:

- 1) I, William P. Kolycky (name) am the Mayor (title) of the Property Borough of Woodbine (name) and have been authorized to file this Applicant Certification on behalf of my organization; and
- 2) The information provided in this Application package pertaining to siting and location of the proposed community solar project 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 with such knowledge; and
- 3) My organization or I understand that certain information in this Application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and
- 4) My organization acknowledges that submission of false information may be grounds for denial of this Application, 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.

Signature: William P. Kolycky

Date: 3, SEPT, 2019

Print Name: William P. Kolycky

Title: Mayor

Company: Borough of Woodbine

Signed and sworn to before me on this 3rd day of September, 2019

M. Frankel Sypniewski
Signature

Name

M. FRANKEL SYPNIEWSKI
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES JULY 19, 2023



Subscriber Organization Certification (optional, complete if known)

The undersigned warrants, certifies, and represents that:

- 1) I, Zaid A. Ashai (name) am the Chairman and CEO (title) of the Subscriber Organization Nexamp, Inc. (name) and have been authorized to file this Applicant Certification on behalf of my organization; and
- 2) The information provided in this Application package 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 with such knowledge; and
- 3) The community solar facility proposed in the Application will be constructed, installed, and operated as described in the Application and in accordance with all Board rules and applicable laws; and
- 4) My organization understands that certain information in this Application is subject to disclosure under the Open Public Records Act, N.J.S.A. 47-1A-1 et seq., and that sensitive and trade secret information that they wish to keep confidential should be submitted in accordance with the confidentiality procedures set forth in N.J.A.C. 14:1-12.3.; and
- 5) My organization acknowledges that **submission of false information may be grounds for denial of this Application, 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.**

Signature: [Signature]

Date: 9/6/2019

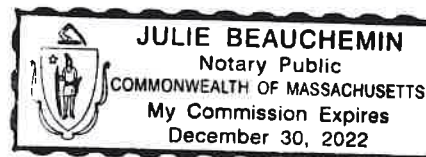
Print Name: ZAID ASHAI

Title: Chairman and CEO Company: Nexamp, Inc.

Signed and sworn to before me on this 6th day of September, 2019

Signature: [Signature]

Name: Julie Beauchemin



Section D: Appendix

Appendix A: Product Offering Questionnaire

Complete the following Product Offering Questionnaire. If there are multiple different product offerings for the proposed community solar project, please complete and attach one Product Offering Questionnaire per product offering.

Applicants are expected to provide a good faith description of the product offerings developed for the proposed community solar project, as they are known at the time the Application is filed with the Board. If the proposed project is approved by the Board, the Applicant must notify the Board and receive approval from the Board for any modification or addition to a Product Offering Questionnaire.

Exception: This "Product Offering Questionnaire" is optional if: 1) the Applicant is a government entity (municipal, county, or state), AND 2) the community solar developer will be selected by the Applicant via a Request for Proposals (RFP), Request for Quotations (RFQ), or other bidding process.

This Questionnaire is Product Offering number 1 of 1 (total number of product offerings).

1. Community Solar Subscription Type (examples: kilowatt hours per year, kilowatt size, percentage of community solar facility's nameplate capacity, percentage of subscriber's historical usage, percentage of subscriber's actual usage):

A percentage savings on the customer's bill credit.

2. Community Solar Subscription Price: (check all that apply)
 - ☐ Fixed price per month
 - ☒ Variable price per month, variation based on: Value of bill credits allocated to account, less discount.
 - ☐ The subscription price has an escalator of _____ % every _____ (interval)
3. Contract term (length): _____ months, or _____ years OR ☒ month-to-month
4. Fees
 - ☐ Sign-up fee: None
 - ☐ Early Termination or Cancellation fees: None
 - ☐ Other fee(s) and frequency: _____
5. Does the subscription guarantee or offer fixed savings or specific, quantifiable economic benefits to the subscriber? ☒ Yes ☐ No
If "Yes," the savings are guaranteed or fixed:

- ☒ As a percentage of monthly utility bill
- ☐ As a fixed guaranteed savings compared to average historic bill
- ☐ As a fixed percentage of bill credits
- ☐ Other: _____

6. Special conditions or considerations:

Nexamp's contract is designed to make community solar accessible to everyone. We do not require any credit checks or FICO scores in order for a customer to sign up for our community solar program. We do not require long-term contracts and customers can cancel at any time by providing 90 days written notice. In order to ensure the host community receives the maximum benefit from this project, Nexamp will be offering a 45-day exclusive enrollment period for the residents of Woodbine.



Appendix B: Required Attachments Checklist

Note that this list is for indicative purposes only. Additional attachments may be required, and are identified throughout this Application Form.

Required Attachments for all Applications	Page	Attached?
Delineated map of the portion of the property on which the community solar facility will be located.	p.7	<input type="checkbox"/> Yes <input type="checkbox"/> No
For electronic submission only: copy of the delineated map of the portion of the property on which the community solar facility will be located as a PDF and in drawing file format (.dwg) or as a shapefile (.shp).	p.7	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proof of site control.	p.8	<input type="checkbox"/> Yes <input type="checkbox"/> No
Copy of the completed Permit Readiness Checklist as it was submitted to NJDEP PCER, if applicable.	p.11	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proof of a meeting with NJDEP PCER, if applicable.	p.12	<input type="checkbox"/> Yes <input type="checkbox"/> No
A screenshot of the capacity hosting map at the proposed location, showing the available capacity.	p.12	<input type="checkbox"/> Yes <input type="checkbox"/> No
Substantiating evidence of project cost in the form of charts and/or spreadsheet models.	p.16	<input type="checkbox"/> Yes <input type="checkbox"/> No
Certifications in Section C.	p.19-23	<input type="checkbox"/> Yes <input type="checkbox"/> No
Product Offering Questionnaire(s).	p.24	<input type="checkbox"/> Yes <input type="checkbox"/> No

Required Attachments for Exemptions	Page	Attached?
The Applicant is a government entity (municipal, county, or state), and the community solar developer will be selected by the Applicant via a Request for Proposals (RFP), Request for Quotations (RFQ), or other bidding process: ⇒ Attach a letter from the Applicant describing the bidding process	p.6, p.19	<input type="checkbox"/> Yes <input type="checkbox"/> No
The proposed community solar project is located, in part or in whole, on Green Acres preserved open space or on land owned by NJDEP. ⇒ Attach special authorization from NJDEP for the site to host a community solar facility.	p.8	<input type="checkbox"/> Yes <input type="checkbox"/> No
The proposed community solar project has received, in part or in whole, a subsection (t) conditional certification from the Board prior to February 19, 2019. ⇒ Attach a signed affidavit that the Applicant will immediately withdraw the applicable subsection (t) conditional certification if the proposed project is approved by the Board for participation in the Community Solar Energy Pilot Program.	p. 19	<input type="checkbox"/> Yes <input type="checkbox"/> No

Appendix C: Evaluation Criteria

The Evaluation Criteria chart below lists the various categories that the Board will consider in evaluating project Applications. Projects must score a minimum 30 points total in order to be considered for participation in the Community Solar Energy Pilot Program. Projects that score above 30 points will be awarded program capacity in order, starting with the highest-scoring project and proceeding to the lowest-scoring project.

Evaluation Criteria	Max. Points
Low- and Moderate-Income and Environmental Justice Inclusion Higher preference: LMI project	30
Siting Higher preference: landfills, brownfields, areas of historic fill, rooftops, parking lots, parking decks Medium preference: canopies over impervious surfaces (e.g. walkway), areas designated in need of redevelopment No Points: preserved lands, wetlands, forested areas, farmland Bonus points for: landscaping, land enhancement, pollination support, stormwater management, soil conservation	20 Max. possible bonus points: 5
Product Offering Higher preference: guaranteed savings >10%, flexible terms* Medium preference: guaranteed savings >5% No Points: no guaranteed savings, no flexible terms* *Flexible terms may include: no cancellation fee, short-term contract	15
Community and Environmental Justice Engagement Higher preference: partnership with municipality, partnership with local community organization(s), partnership with affordable housing provider Medium preference: letter of support from municipality, project owner is a government and/or public and/or quasi-public entity, project owner is an affordable housing developer	10
Subscribers Higher preference: more than 51% project capacity is allocated to residential subscribers	10
Other Benefits Higher preference: Provides local jobs/job training, demonstrates co-benefits (e.g. paired with storage, micro-grid project, energy audit, EE measures)	10
Geographic Limit within EDC service territory Higher preference: municipality/adjacent municipality Medium preference: county/adjacent county No Points: any geographic location within the EDC service territory.	5



Borough of Woodbine Landfill 2

New Jersey Community Solar Energy

Pilot Program Application

Contents

Exhibit A	Nexamp Overview
Exhibit B	Delineated Project Map/Project Design & Site Photographs
Exhibit C	Proof of Site Control
Exhibit D	NJDEP Permit Readiness Checklist & Meeting Confirmation
Exhibit E	Hosting Capacity Map
Exhibit F	Permits & Civil Overview
Exhibit G	Letters of Support
Exhibit H	Project Costs
Exhibit I	Community Solar Outreach and Contract Examples
Exhibit J	Woodbine Redevelopment Plan Documentation
Exhibit K	Additional Documents- Section XII- Co-location Narrative Continued Stormwater Management Overview Meeting with Pinelands Commission Community Outreach, Nexamp O&M

> Exhibit A: Nexamp Overview

Company Overview

About Nexamp

In 2007, U.S. Army veterans Will Thompson and Dan Leary realized a vision for making a range of renewable energy options more affordable and accessible to homeowners and businesses throughout the Commonwealth of Massachusetts. The pair launched NexGen Energy Solutions, a turnkey provider of renewable energy and carbon solutions, in their hometown of North Andover, Massachusetts. NexGen became Nexamp later in 2007.

During the early years, Nexamp delivered a variety of energy systems for residential, commercial, municipal and agricultural customers. Energy solutions offered included solar PV, solar thermal, micro-wind, geothermal heating and cooling, and a wide array of energy efficiency services. In 2011, Nexamp shifted its focus fully toward commercial and industrial scale solar facilities, working with businesses, municipalities, and property owners that wanted to realize the various benefits of renewable solar generation.

2015 marked Nexamp's first community solar project and the beginning of a new chapter for the company. Leveraging its integrated approach of developing, building, owning and operating solar plants, Nexamp turned its focus to community solar, and alongside that the mission of making the benefits of solar power available to everyone—homeowners, renters, non-profits, small businesses, farms and more. Nexamp was named NECEC Clean Energy Company of the Year in 2015 and a Solar Power World Top 3 Commercial Solar Developer in 2017.

In 2016, Mitsubishi's Diamond Generating Corporation made a significant investment in Nexamp, and in 2018 the group made an additional investment that gave it a controlling interest. Serving a rapidly expanding network of individuals, property owners, businesses, and communities that benefit from its nationally distributed portfolio of solar assets, Nexamp is a Massachusetts-based, nationally headquartered solar company that is laying the groundwork for a cleaner, more secure and resilient energy future.

Company Information

Year Founded	2007
Number of Continuous Years in Business	12
Ownership Status	Privately-held
Form of Legal Entity and Year Established	Delaware Corporation, 2007
Other Legal Names of Firm	Nexamp Capital, LLC Nexamp Solar, LLC Nexamp Asset Management Services, LLC
Changes in Ownership	As of August 23, 2018, Diamond Generating Corporation acquired a controlling stake in Nexamp, Inc.
Parent Company	Nexamp, Inc.
Number of Employees, Excluding Contractors	143 full-time employees

Nexamp Offices

Corporate Office	101 Summer St, 2 nd Floor Boston, MA 02110
Local Offices	100 West Main Street Bound Brook, NJ 08805 5335 Wisconsin Ave NW, Suite 440 Washington DC 20015 401 Park Avenue South, 10 th Floor New York, NY 10016



Solar Energy. Powered by Experience.

With operating solar projects spread out across more than 77 locations, we're leading the way when it comes to helping landowners monetize underutilized land. With more than a decade of solar development under our belts, we leverage our years of experience and hundreds of projects to ensure a successful outcome every time.

Our Development Process:



One Point of Contact



Efficient Project Permitting



Responsible for Construction and Maintenance



Responsible for Project Decommissioning

BY THE NUMBERS

200+
projects built totaling
150+ MW

CLEAN ENERGY
COMPANY OF THE YEAR
2015
NEW ENGLAND CLEAN ENERGY COUNCIL

TOP 10 COMMERCIAL
SOLAR DEVELOPER
FOUR STRAIGHT YEARS
2015-2018
SOLAR POWER WORLD

BACKED BY DIAMOND
GENERATING CORPORATION
A WHOLLY OWNED SUBSIDIARY OF
MITSUBISHI



ABOUT NEXAMP

Founded by two U.S. Army Captains in 2007, Nexamp is leading the transformation to the new energy economy with proven solutions for the deployment and operation of clean energy assets. We make solar energy simple and profitable for our clients and partners while making an impact every day.

OUR VALUES

- Transparency
- Responsiveness
- Efficiency

GET STARTED

For more information, please visit
www.nexamp.com or call 877-707-0491

Selected Projects

Nexamp develops, designs, builds, owns and operates commercial-scale solar systems. Our fully integrated solutions allow us to deliver value to our clients and partners at every stage of a solar project.

MILLARD HILL 7,500 kW | Newfield, NY



Bringing Solar to the Empire State

Millard Hill Solar is Nexamp's first community solar project in NY. This array was constructed and operating within 25 months of the contract sign date. Nexamp engaged with local officials to permit and construct this project in a streamlined manner.

Key Nexamp Project Services: Community Solar / Property Development / Asset Management

PROJECT BENEFITS



Landowners are able to monetize their land with no capital outlay required



Solar arrays generate consistent and long-term lease revenue for the landowner

NEXAMP PEAK 2,300 kW | Hancock, MA



Bringing Solar to the Berkshires

In 2015, Nexamp built its first community solar project at Jiminy Peak Mountain Resort in Hancock, MA. Covering 12 acres near the base of the mountain, Nexamp Peak was the largest community solar project in the northeast when it was constructed. It enables the resort to secure significant long-term lease revenue and helps supply 90% of its energy needs from local sources of renewable energy.

Nexamp Peak will deliver hundreds of thousands of dollars in annual savings to the resort and over 100 local residents and small businesses through Community Solar with Nexamp.

Key Nexamp Project Services: Community Solar / Property Development / Asset Management

PROJECT BENEFITS

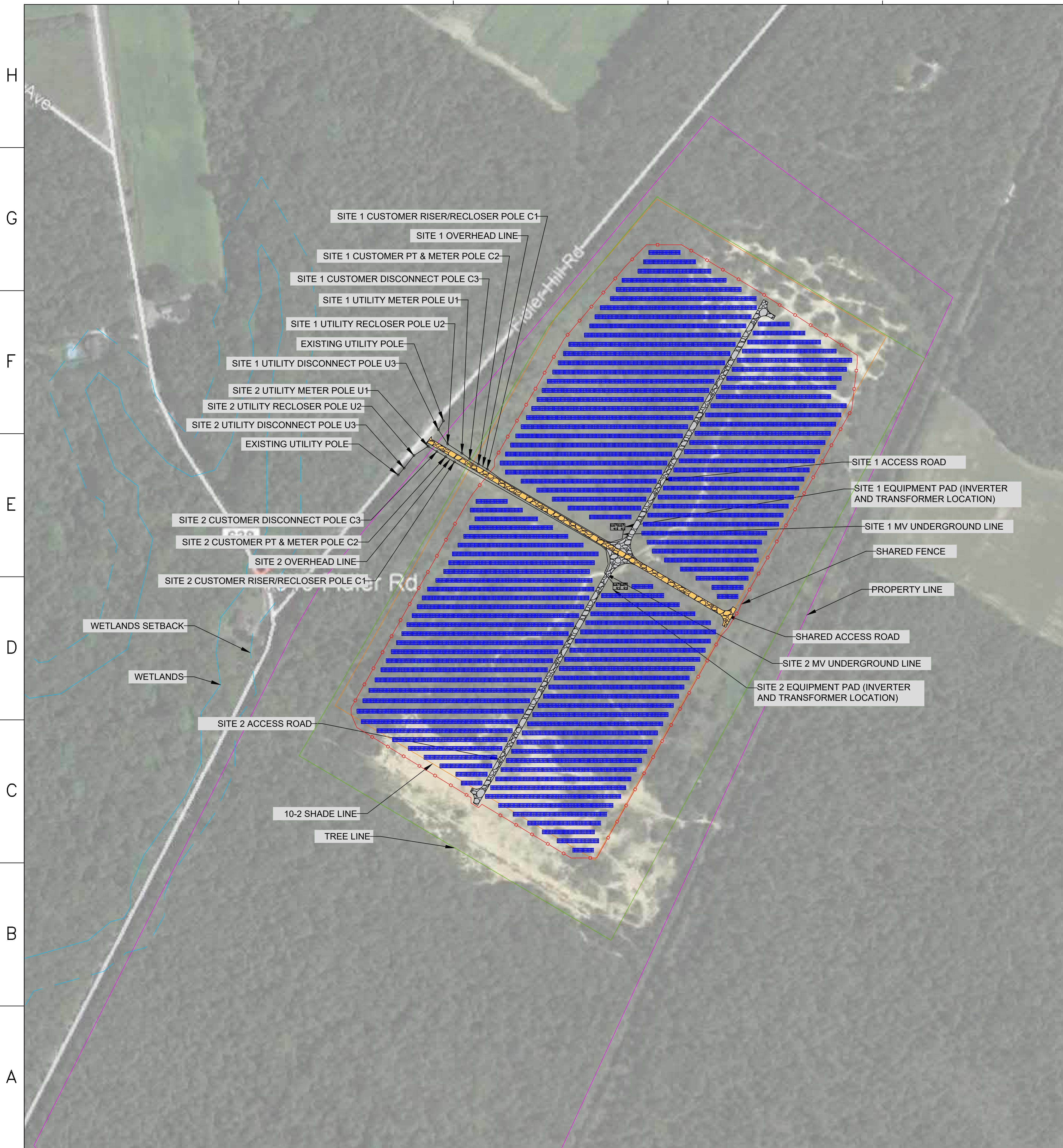


Supports 44 local jobs through project construction and ongoing maintenance










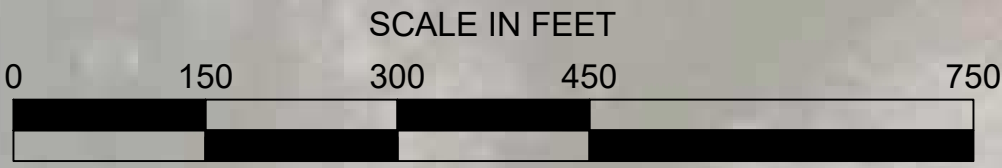
Equivalent of 2,000 metric tons of CO2 offset on an annual basis

➤ Exhibit B: Delineated Project Map/Project
Design & Site Photographs


[illegible]

LEGEND:

	PROPERTY LINE
	FENCE LINE
	SHADE LINE
	STREAM LINE
	STREAM SETBACK LINE
	WETLAND LINE
	WETLAND SETBACK LINE
	TREE LINE



Drawing Title: Development Set Site 1 and Site 2		Drawn by: K. Sliwki Approved by: S. Petracca Scale: 1"=150'	
Project: 13810 Borough of Woodbine PV 1049 Fidler Road Woodbine, NJ 08270			
P.E. seal/Consultant:			
Rev	Issued For	Date Issued	
A	Development Set	08/28/2019	
-	-	-	
-	-	-	
-	-	-	



101 Summer Street 2nd Floor, Boston, MA 02110

Tel: (617) 431-1440 Fax: (978) 416-2525 Web: nexamp.com

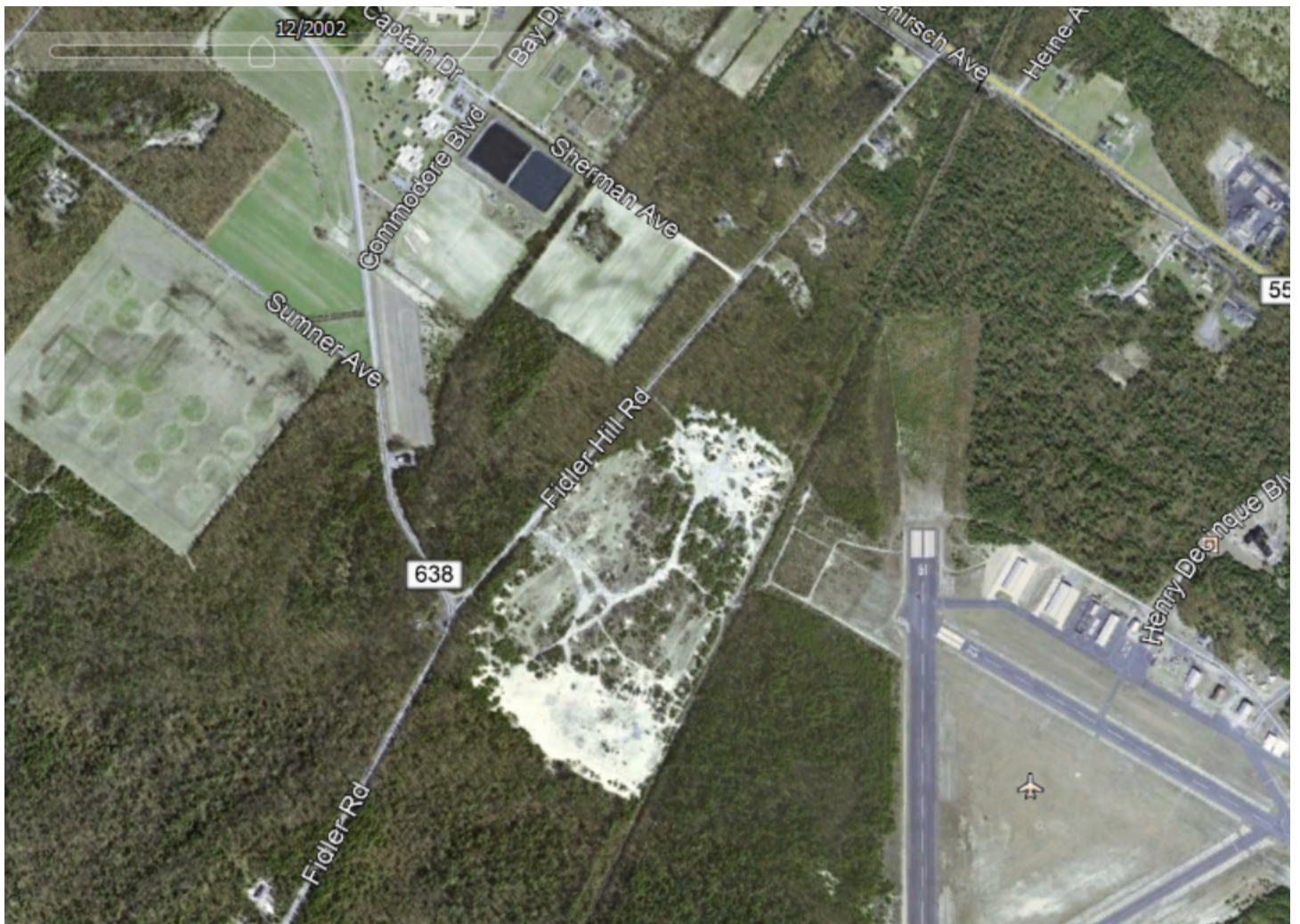
The following pages show satellite imagery from 1995 to 2016. The image from 1995 shows the landfill is clear of any vegetation. The images from 2006 and 2016 showing the encroachment of scrub brush and shrubs. Photographs have been provided to show the current state of vegetation.

Google Earth image 1995
No vegetation on landfill



Google Earth image 2002

Small signs of scrub bush encroaching on landfill





INQUIRY #: 2283859.5

YEAR: 2006

| = 484'



Google Earth Image 2016



Site Photographs

PA/SI/RIWP
Woodbine Borough, Cape May County, NJ
TWT Project 03022.1001.00
Page 1 of 11
SUMMARY



Photograph 1: Dirt paths on landfill area showing ATV use.



Photograph 2: Dirt paths on landfill area with waste pile shown on left and vegetation in background.



Photograph 3: Southern sand pile with vegetation at southern end of property in background.



Photograph 4: Dirt paths on landfill area with a waste pile (boat) shown.



Photograph 5: Southern sand pile with a waste pile that appears to be used for a fire pit.



Photograph 6: Southern sand pile area showing buried tires at the base of the hill.



Photograph 7: Small concrete pad located near the entrance on Fidler Hill Rd.



Photograph 8: Construction debris pile located near the Fidler Hill Entrance directly adjacent to the dirt pathway.



Photograph 9: Debris pile located on landfill area, which contains furniture and demolition debris.



Photograph 10: Dirt pathway showing debris piles with buckets to the left of the path.



Photograph 11: Debris pile containing demolition debris which may be asbestos containing siding.



Photograph 12: Debris pile containing demolition debris and other miscellaneous wastes.



Photograph 15: Beam from the historic maintenance garage.



Photograph 16: Demolition debris from the historic maintenance garage.



Photograph 19: Typical vegetation on the northern portion of the landfill area.



Photograph 20: Northern sand pile with vegetation patches.

> Exhibit C: Proof of Site Control



April 19, 2019

Borough of Woodbine
Attn: Mayor William Pikolycky
501 Washington Avenue
Woodbine, NJ 08270

RE: Community Solar Installation on Municipal Landfill in Redevelopment Area

Dear Borough of Woodbine Officials,

The provisions of this letter constitute a Letter of Intent ("LOI") for the long-term lease of a portion of property located at Fiddler Hill Road, Woodbine, New Jersey for the installation and operation of a ground-mounted, solar-powered electric generation facility ("Facility"). This LOI sets forth the proposed principal terms of a Lease Option Agreement ("Option") and Ground Lease/Redevelopment Agreement ("Lease") which Nexamp desires to execute, as follows:

Landlord: Borough of Woodbine, as Redevelopment Entity acting as the implementing agent for the Redevelopment Plan for the Property.

Tenant: Nexamp, Inc. or a wholly-owned subsidiary thereof, also known as "Redeveloper")

Property: All or part of Block 117, Lot 1 located on the Tax Map of the Borough of Woodbine. (See Exhibit B) The Lease will enumerate the acres covered.

Lease Terms: The Option will include the following terms and provisions:

(a) Term: Six (6) months

(b) Option Payment: [REDACTED]

[REDACTED]
Intent by both parties.

The Lease will include, but will not be limited to the following terms and provisions:

(a) Term: Development and Construction Period: One

(1) year, plus three (3) six (6) month extensions at Tenant's option; Operations Period: Twenty (20) years, plus one (1) ten (10) year and two (2) five (5) year extensions at Tenant's option; and Decommissioning Period: Six (6) months.

- (b) Rent: Development and Construction Period: [REDACTED] payable monthly on the first day of the month;

Operations Period: [REDACTED] per acre per year, payable quarterly in arrears. Payments will be prorated for any portion less than 1 acre.

Decommissioning Period: [REDACTED]
[REDACTED] Rent will resume at the immediately prior rate if Decommissioning Period exceeds six months.

- (c) Payment In Lieu of Taxes (PILOT): [REDACTED] per acre annually, payable quarterly in arrears. Payments will be prorated for any portion less than 1 acre.

- (d) Landfill Closure: Prior to the Operations Period, Tenant will at its sole expense take all steps necessary to close and cap the landfill on the Property (including all required post closure monitoring and care) in accordance with all applicable laws and regulations, and shall provide the Borough with all documents concerning same.

If, during the option period, a study acceptable to both parties shows that the cost of landfill closure will exceed a present value of three million dollars, the parties will negotiate in good faith with respect to a decrease in the above stated rent and/or PILOT payments to offset the additional cost of such closure. Similarly, if such study shows that the cost of landfill closure will likely be less than a present value of three million dollars, the parties will negotiate in good faith with respect to an increase in the above stated rent PILOT payments, and the possible inclusion of an escalation clause raising the rent and PILOT payments by a designated

percentage each year of the lease term. In evaluating the cost of landfill closure, the savings achieved by the provision of grant funding by governmental agencies, fill material by the Borough, or contribution by the Borough's insurance carriers at any time during the planning, design, permitting, and construction periods, shall be taken into account.

Tenant agrees to cooperate with the Borough in the Borough's efforts to obtain grant funding, reduce the cost of a regulatory compliant landfill closure, and effect redevelopment of Block 117, Lot 1.

- (e) Calculation: At the Borough's election, the rent during the Operations Period and the Payment in Lieu of Taxes during that period shall be calculated in the Lease on a MWDC basis as opposed to a per

- (f) Escrow: Immediately after the execution of this Letter of Intent, [REDACTED] in escrow with the Borough which may be used by the Borough to defray and reimburse it for its reasonable, documented legal and consulting expenses, incurred (a) up [REDACTED] execution of this LOI and (b) following the execution of this LOI, with respect to matters relating to this LOI and the anticipated execution of an Option and Lease Agreement between the parties and the expenses borne by the Borough in this regard following the execution of such an Agreement;

[REDACTED]

fund substantially concurrently with execution of an Option and Lease Agreement as contemplated in this LOI. Any funds remaining in such escrow at the

earlier of (i) the date that Tenant notifies the Borough that it no longer intends to construct the Project and terminates Tenant's rights pursuant to the Option (or any subsequent option or lease relating to the Project) or (ii) one year following the commencement of the Operations Period shall be returned to Tenant, provided that the Borough did not intend to use said funds to pay for reimbursable expenses for services which were already rendered as of the dates set forth in (i) or (ii) above.

- (g) Energy Savings to Borough and its residents/businesses: Community Solar Savings of at least 10% to be set forth in a power purchase agreement executed by the parties with savings to become effective throughout the term of the Lease commencing no later than the Operations Period.

The Lease will also include terms and conditions and mortgagee protection provisions sufficient to enable Tenant to obtain mortgage financing for the Facility and which are satisfactory to the Landlord.

Due Diligence:

Tenant shall have the right to conduct due diligence during the Option Term. In connection with Tenant's due diligence, Landlord shall make available in a timely manner to Tenant upon execution of this LOI (to the extent the information is available to Landlord) the information listed on Exhibit A attached hereto. To the extent available and in Landlord's possession, Landlord shall also make available in a timely manner to Tenant such other documentation as is reasonably requested by Tenant and is in possession of Landlord. It is anticipated that Tenant will at its own expense conduct wetland delineations, boundary and topographic surveys, engineering studies and such feasibility and other studies regarding the condition of the Property as Tenant may consider prudent. Before conducting such studies, Tenant will enter into an access agreement acceptable to Landlord which will contain such provisions as those concerning insurance, indemnification of Borough and restoration of Property at the completion of the studies.

Permits:

Tenant shall obtain and supply to the Borough all necessary permits and approvals (the "Permits and Approvals") for Tenant's intended use of the Property for the Facility, at Tenant's sole cost. As requested by Tenant and to the extent necessary and appropriate, Landlord will execute permitting

applications and other documents required to obtain the Permits and Approvals. The project shall comply with all federal, state and local laws and regulations, including, but not limited to the Borough of Woodbine Redevelopment Plan for the Property adopted by Borough ordinance. It is anticipated that prior to any exercise of the Option, the current Redevelopment Plan will be amended in a manner, acceptable to both parties, that more closely reflects the use of the Property for the generation of solar energy.

Costs:

Tenant will be responsible for all costs associated with developing, constructing, operating, and decommissioning the Facility. Tenant will post an appropriate escrow concerning the decommissioning of the facility and removal of all equipment from the property at the conclusion of the Lease. Except as provided above, Tenant and Landlord will each pay their own legal fees.

Taxes:

Tenant will be responsible for payment of all PILOT payments as noted in the Lease terms above. Landlord will be responsible for real estate taxes, if any, associated with the property.

Exclusivity:

In consideration of Tenant's efforts and expenses concerning this transaction, Landlord agrees that as long as Tenant is proceeding in good faith to conduct its due diligence and/or negotiate a formal written Option and Lease during the term of this LOI, Landlord will not accept any offers for the sale, lease or other disposition or use of the Property.

It is the intention of the parties to execute and deliver an Option and Lease generally consistent with the provisions of this LOI and containing other provisions as may be agreed to by the parties. Nevertheless, this LOI is not intended to be binding on the parties, other than with respect to the escrow and exclusivity obligations set forth herein. With the exception of the escrow and exclusivity provisions, no party shall have liability to the other without there being a fully executed Option and Lease Agreement. The term of this LOI shall expire one hundred and eighty (180) days from the date on which Landlord executes this LOI.

We look forward to your timely response.

Sincerely,

Nexamp, Inc.

By: 
Chris Clark

AGREED AND ACCEPTED BY:

Borough of Woodbine, as Redevelopment Entity acting as the implementing agent for the Redevelopment Plan for the Property.

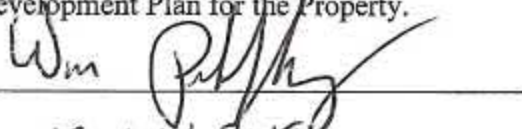
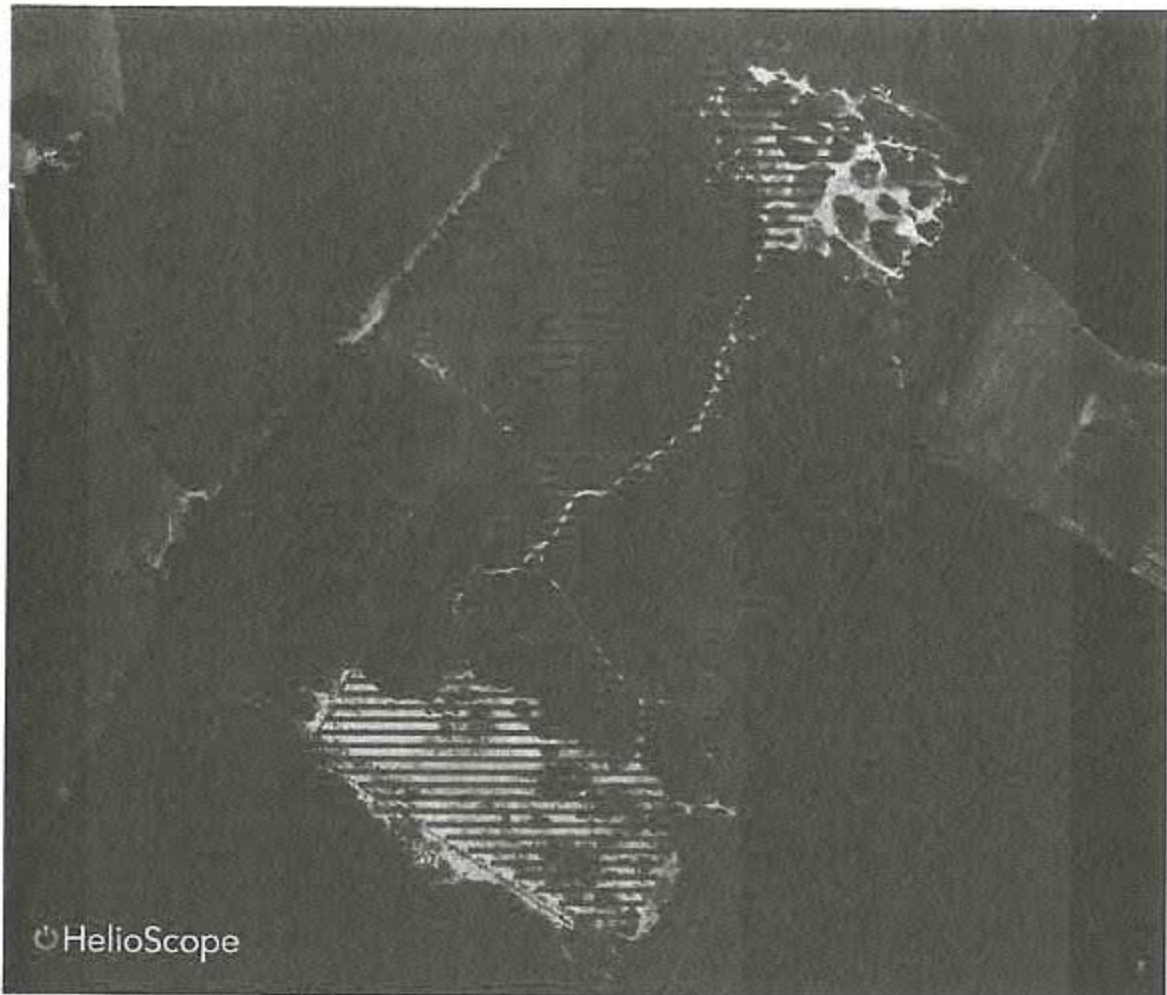
By: 
Date: 19, April, 2019

EXHIBIT A
Due Diligence Information

- Existing environmental, physical or other reports relating to the Property
- Existing surveys of the Property
- Existing title insurance policies for the Property and copies of all pertinent title documents
- Zoning certification of the Property, if available
- Confirmation of availability of utilities
- All other information in Landlord's possession reasonably necessary to enable Tenant to evaluate the Property

EXHIBIT B
Description of Property



> Exhibit D: NJDEP Permit Readiness Checklist & Meeting Confirmation



515 Grove Street
Suite 1B
Haddon Heights, NJ 08035
T: 856-547-0505
F: 856-547-9174

www.pennoni.com

August 13, 2019

NEXMP19003

Sent via Email

NJ Department of Environmental Protection
Office of Permit Coordination and Environmental Review
P.O. Box 420, Mail Code 07J
501 E. State Street
Trenton, New Jersey 08625-0420
Atten: Ruth Foster/Megan Brunatti

**RE: PERMIT READINESS CHECKLIST
WOODBINE SOLAR FACILITY
BLOCK 117, LOT 1**

Dear Ms. Foster & Ms. Brunatti:

On behalf of Nexamp ("the applicant"), Pennoni Associates, Inc., has prepared a Permit Readiness Checklist for the department's consideration. The proposed project consists of installation of ground mounted solar panels on Block 117, Lot 1 within the Borough of Woodbine, Cape May County. The proposed solar development will be constructed following the New Jersey Clean Energy Community Solar Program's guidelines. The site is currently utilized as a municipal landfill. The Pineland's has indicated that they support the installation of the solar panels as part of the landfill closure plan. Negotiations for the landfill closure are currently underway. The applicant is required to submit this request to you as a condition for a related application to New Jersey's Clean Energy Program. We are requesting the confirmation of the NJDEP permit agencies required to construct this project.

The following documents have been enclosed for your review:

1. One (1) copy of the Permit Readiness Checklist;
2. One (1) copy of the Freshwater Wetlands exhibit prepared by Pennoni Associates, Inc. one (1) sheet dated July 23, 2019;
3. One (1) copy of the project description narrative prepared by Pennoni Associates, Inc. dated July 30, 2019; (this letter)
4. One (1) letter sized copy of the USGS 7.5 minute quadrangle map with the proposed site outlined (enlargement provided);
5. One (1) copy of an aerial photograph indicating the existing conditions and location of provided photographs;
6. One (1) copy of street map indicating the location of the proposed project;
7. One (1) copy of our due diligence memorandum dated August 12, 2019.

We request acknowledgment of this submission by email. If you should have any questions or require additional information to support this request, please feel free to contact me.

Sincerely,

PENNONI ASSOCIATES INC.

A handwritten signature in blue ink, appearing to read "Brandon Morales".

Brandon Morales, EIT
Graduate Engineer

BTM

Enclosures

cc: Dallas Manson, Business Development Manager, Nexamp

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Updated 10/11/16

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF PERMIT COORDINATION AND ENVIRONMENTAL REVIEW

PERMIT READINESS CHECKLIST

FOR PCER OFFICE USE ONLY

DATE RECEIVED ____

PRC ID NUMBER ____

Completion of this form will assist the Department in determining what permits might be needed to authorize a project and to insure that all appropriate programs attend a pre-application meeting. Please fill out the below form as completely as possible, noting any areas you are not sure of and including any information about the project and the site that might help the Department determine the permitting needs of the project.¹

1. Please complete the following questions if applicable and return to the Department with a **1 to 2 page narrative description of project, its function, and its benefits; as well as a site plan, maps, aerial photos, GIS shape files, etc.**

A. GENERAL INFORMATION

1. Name of Proposed Project Woodbine Solar Facility
2. Consultant/Contact Information (if any) Andrew T. Banff, PE, Pennoni Associates (856) 656-2888
Brandon T. Morales, EIT, Pennoni Associates (856) 284-0029
3. Name/Address of Prospective Applicant Nexamp
Address/tel./fax 101 Summer Street, 2nd Floor, Boston, MA 02110/ (877) 707-0491
Company Name _____
Address/tel./fax _____
4. Does the project have any existing NJDEP ID#s assigned? i.e., Case number, Program Interest (PI)#, Program ID#? No

B. PROPOSED PROJECT LOCATION

Street Address/munic. Fidler Hill Rd. / Borough of Woodbine
County Cape May Zip Code 08270
Block No. 117 Lot _No. 1

¹ Please be advised that this form is not a permit application. To receive authorization, approval, or a permit to conduct regulated activities, a formal application must be filed and a formal permit or authorization issued by the appropriate Bureau within the Department prior to the conduct of regulated activity. This form is used solely for the Department's preliminary review and discussion of this project to determine what permits or authorizations may be needed to conduct the proposed activity. Any guidance offered to the applicant during this process is not binding on the Department or the applicant and a final response can only be rendered through the actual issuance of permits, approvals, or authorizations.

X Coordinate in State Plane (project centroid) 401,947.53

Y Coordinate in State Plane (project centroid) 138,341.88

C. PROPOSED ACTIVITY DESCRIPTION AND SCHEDULE

1. Project Type: Solar New Construction Yes Brownfield Redevelop. No
Alternative Energy Solar Other (Please describe) ____
 - a) Estimated Schedule: Date permits needed or desired by, beginning construction date; construction completion, and operation of facility date: TBD
 - b) Funding Source: Is any Federal Funding being used for this project? No
State Funding over 1 million dollars? No
Is funding secured at this time? No Is funding conditional? No If so, on what? N/A
 - c) Is the project contingent on receiving the identified funding? No
If yes, explain N/A
 - d) What DEP permits do you think you need for this project? (The Department will confirm this through the PRC process). NJDEP LOI, Wetlands General Permits, TAW, Flood hazard IP
2. For additional guidance on Department permits, please refer to the Permit Identification Form (PIF) which will be forwarded upon request. The PIF does not need to be filled out or submitted to the Department.
 - a) Which Department(s), Bureau(s), and staff have you contacted regarding your proposed project? No contact made
 - b) Are there any Department permits that will need to be modified as a result of this project. Please explain and identify the project reviewer of the permit to be modified.
None
 - c) Please identify any pre-permit actions or modifications you have applied for or obtained from the Department or other state agencies for this project:
 - 1) Water Quality Management Plan consistency None
 - 2) Highlands Consistency None
 - 3) Wetland Delineation (LOI) None
 - 4) Tidelands Conveyance None
 - 5) Flood Hazard Jurisdiction or determinations None
 - 6) Water Allocation None
 - 7) Site Remediation RAW, Remedial Action Permit – Soil and or Groundwater, NJPDES Discharge to Ground Water, NJPDES Discharge to Surface Water, No Further Action Response Action Outcome None
 - 8) Landfill Disruption Approval In Progress
 - 9) Landfill Closure Plan In Progress
 - 10) Other None
3. Please submit this Permit Readiness Checklist form, completed to the extent possible, electronically to Ruth.Foster@dep.nj.gov and Megan.Brunatti@dep.nj.gov and one (1) copy via mail² with the following items if available:

² Submit to: New Jersey Department of Environmental Protection
Office of Permit Coordination and Environmental Review
P.O. Box 420, Mail Code 07J
Trenton, New Jersey 08625

- (a) The completed Permit Readiness Checklist;
- (b) A description of the proposed project;
- (c) Any overarching regulatory or policy call(s) or guidance that the Department must make or make known prior to the receipt of the application to determine the project's feasibility, regulatory, or review process.
- (d) USGS map(s) with the site of the proposed project site boundaries clearly delineated (including the title of the USGS quadrangle sheet from which it was taken)³;
- (e) Aerial photos/GIS information regarding the site;
- (f) A site map including any known environmental features (wetlands, streams, buffers, etc⁴);
- (g) Site plans to the extent available;
- (h) Street map indicating the location of the proposed project;
- (i) Any other information that you think may be helpful to the Department in reviewing this project.
- (j) List of any local or regional governments or entities, their historical involvement in this project or site, identification of conflicts with DEP rules; with contact names and information whose attendance/input would be helpful in facilitating this project, ie Soil Conservation Districts, health departments, local zoning officials, etc.

D. The following are questions by Program to guide the Department in its determination of what permits may be needed to authorize this project. If the questions do not apply to the proposed project please indicate N/A. Please include any other information you think may be helpful for the Department to determine which permits are needed.

WATER AND WASTE WATER INFORMATION

DEP Safe Drinking Water Program (609) 292-5550

<http://www.nj.gov/dep/watersupply/>

Is the project located within an existing water purveyor service area? If yes, which one? Woodbine MUA

Will the project affect any land or water controlled by a Water Supply Authority or water purveyor in New Jersey? If so, please identify and explain. No

Does the purveyor have adequate firm capacity and allocation to support project demand?

Do water pipes currently extend to the project location? Yes

If not, is it located within a franchise area? N/A

Does the project have an approved Safe Drinking Water main extension permit? No

Street Location: 401 East State Street, 7th Floor East Wing
Telephone Number: (609) 292-3600
Fax Number: (609) 292-1921

³ USGS maps may be purchased from NJDEP, Maps and Publications, P.O. Box 420, Trenton 08625-0420; (609) 777-1038

⁴ NJGIS information

Will the project affect any land or water controlled by a Water Supply Authority or water purveyor in New Jersey? If so, please identify and explain. No

DEP Water Allocation Program (609) 292-2957

<http://www.nj.gov/dep/watersupply>

Is the project seeking a new ground water allocation or modification? If yes, does the project have all necessary well location and safe drinking water permits? No

Is the project located within an area of critical water supply concern? No

Will this project have the capability to divert more than 100,000 gallons per day from a single source or a combination of surface or groundwater sources? No

Will this project draw more than 100,000 gallons per day of ground or surface water for construction or operation? No

WATER POLLUTION MANAGEMENT ELEMENT

DIVISION OF WATER QUALITY

Non-Point Pollution Control (609) 292-0407

http://www.nj.gov/dep/dwq/bnpc_home.htm

The **Bureau of Non-Point Pollution Control** (BNPC) is responsible for protecting and preserving the state's groundwater resources through the issuance of NJPDES Discharge to Groundwater Permits and is responsible for permitting industrial facilities and municipalities under NJPDES for discharges of stormwater to waters of the State.

Groundwater Section (609) 292-0407

This Program does not issue NJPDES-DGW permits for remediation operations.

The following definitions should be used to assist in identifying discharge activities:

Subsurface disposal system is any contrivance that introduces wastewater directly to the subsurface environment, such as, but not limited to: septic systems, recharge beds, trench systems, seepage pits, and dry wells.

Injection/recharge wells are constructed such that they are deeper than they are wide, receive effluent via gravity flow or pumping, and include dry wells and seepage pits.

Overland flow is the introduction of wastewater to the ground surface, over which the wastewater travels and eventually percolates or evaporates.

Industrial wastewater is any wastewater or discharge which is not sanitary or domestic in nature, including non-contact or contact cooling water, process wastewater, discharges from floor drains, air conditioner condensate, etc.

1. Will the project/facility have a sanitary wastewater design flow which discharges to groundwater in excess of 2,000 gallons per day? No
2. Will the project/facility generate a discharge to groundwater of industrial wastewater in any quantity? No
3. Will the project/facility involve the discharge to groundwater by any of the following activities or structures, or include as part of

the design any of these activities or structures? No

Please indicate which:

Upland CDF (Dredge Spoils) Spray Irrigation N/A

Overland Flow Subsurface Disposal System (UIC) N/A

Landfill Infiltration/Percolation Lagoon N/A

Surface Impoundment N/A

Please specify the source of wastewater for every structure identified above (e.g., sanitary wastewater to a subsurface disposal system or non-contact cooling water to a dry well): N/A

Please specify lining materials for each lined structure identified as being used by the proposed project and give its permeability in cm/sec (e.g., 8-inch thick concrete lined evaporation pond at 10⁻⁷ cm/sec): N/A

Does your project/facility include an individual subsurface sewage disposal system design for a facility with a design flow less than 2,000 gallons per day which does not strictly conform to the State's standards? N/A

Does your project involve 50 or more realty improvements? No

DEP Pretreatment and Residuals program (609) 633-3823

Will the project involve the discharge of industrial/commercial wastewater to a publicly owned treatment works (POTW)? No

If yes, name of POTW: N/A

Volume of wastewater (gpd): N/A

Will/does this project involve the generation, processing, storage, transfer and/or distribution of industrial or domestic residuals (including sewage sludge, potable water treatment residuals and food processing by-products) generated as a result of wastewater treatment. If so, please explain.

Stormwater Program (609) 633-7021

<http://www.njstormwater.org/>

http://www.state.nj.us/dep/dwq/ispp_home.html

Will your site activity disturb more than one acre? Yes

Will any industrial activity be conducted at the site where material is exposed to the rain or other elements? No

Does your facility have an existing NJPDES permit for discharge of stormwater to surface groundwater? No

Is your facility assigned one of the following Standard Industrial Classification (SIC) Codes? 9999
(To determine your SIC Code see the box "Industry Code" on your New Jersey Department of Labor Quarterly Contribution Report.)

Surface Water Permitting (609) 292-4860

<http://www.nj.gov/dep/dwq/swp.htm>

Will this wastewater facility discharge to Surface Water? _____ Yes/No X

If yes, state the name of the proposed receiving stream N/A

Describe the proposed discharge of wastewater to Surface Water N/A

If no, how is the wastewater proposed to be discharged (e.g., to be conveyed to another STP, Publicly Owned Treatment Works, etc. N/A

MUNICIPAL FINANCE AND CONSTRUCTION ELEMENT

Treatment Works Approvals (609) 984-4429

<http://www.nj.gov/dep/dwq/twa.htm>

Will this project include the construction, expansion or upgrade of a domestic or industrial wastewater treatment facility or an off-site subsurface disposal system that generates more than 2,000 gallons per day? No If yes, explain _____

Will the project result in a construction design of more than 8000 gallons of water discharge per day? No

Office of Water Resources Management Coordination (609)777-4359

<http://www.state.nj.us/dep/wrm>

Sewer Service

Is the project in an approved sewer service area for the type of waste water service needed? Yes

If yes, what is the name of the sewer service area? Cape May County BOCF

Has this project received endorsement from the appropriate sewer authority with adequate conveyance and capacity? No

Do waste water pipes currently extend to the project location? Yes

Is the project consistent with and in an area covered by an up to date Wastewater Management Plan? Yes

Will an amendment to the existing WQMP be required to accommodate this project? No

If tying into an offsite treatment plant, is the capacity and conveyance system currently available? N/A

What is the volume of wastewater that will be generated by the project? 0 GPD

DEP Land Use Regulation (609) 777-0454

<http://www.nj.gov/dep/landuse>

Does the project involve development at or near, or impacts to the following; describe the type and extent of development in regards to location and impacts to regulated features:

Water courses (streams) Yes

State Open Waters? No

Freshwater Wetlands and/or freshwater wetland transition areas? Yes

Flood Hazard areas and/or riparian buffers Yes

Waterfront development areas No

Tidally Flowed Areas No

Bureau of Tidelands Management: http://www.nj.gov/dep/landuse/tl_main.html

The CAFRA Planning Area? <http://www.state.nj.us/dep/gis/cafralayers.htm>

DEP NATURAL AND HISTORIC RESOURCES

Green Acres Program (609) 984-0631

<http://www.nj.gov/dep/greenacres>

Does the project require a diversion of State property or parkland, lease of same, lifting of a Green Acres of Land Use deed restriction, or work within an existing easement? No Will any activity occur on State owned lands? No If so please describe. N/A

Does the project require a diversion of property funded with federal Land and Water Conservation Funding? No If so, please describe N/A.

Does the project include activities that are under the jurisdiction of the Watershed Property Review Board? If so, please describe. No Has the Watershed Property Review Board made a jurisdictional determination? N/A

Division of Parks and Forestry: State Park Service 609-292-2772

Is the temporary use of State lands administered by the New Jersey State Park Service required for pre-construction, construction and/or post construction activities? If so, please describe. No

Division of Parks and Forestry: State Forestry Services (609) 292-2530

<http://www.nj.gov/dep/parksandforests/forest>

Forest clearing activities/No Net Loss Reforestation Act

Will construction of the project result in the clearing of ½ acres or more of forested lands owned or maintained by a State entity? No

If so, how many acres? -0-

Division of Parks and Forestry: Office of Natural Lands Management (609) 984-1339

<http://www.nj.gov/dep/parksandforests/natural/index.html>

Is the project within a State designated natural area as classified in the Natural Areas System Rules at N.J.A.C. 7:5A? No

If so, please describe. N/A

State Historic Preservation Office – SHPO (609) 292-0061

<http://www.state.nj.us/dep/hpo/index.htm>

Is the site a Historic Site or district on or eligible for the State or National registry? No

Will there be impacts to buildings over 50 years old? No

Are there known or mapped archeological resources on the site? No

Dam Safety Program (609) 984-0859

<http://www.nj.gov/dep/damsafety>

Will the project involve construction, repair, or removal of a dam? No

If so, please describe N/A

Fish and Wildlife (609) 292-2965

<http://www.nj.gov/dep/fgw>

Will there be any shut off or drawdown of a pond or a stream? No

Threatened and Endangered Species Program

Are there records of any Threatened and Endangered species, plant, or animal in this project area? Yes

Will the proposed development affect any areas identified as habitat for Threatened or Endangered Species? No

SITE REMEDIATION PROGRAM (609) 292-1250

<http://www.nj.gov/dep/srp/>

Office of Brownfield Reuse (609) 292-1251

Is the project located on or adjacent to a known or suspected contaminated site? Yes

<http://www.nj.gov/dep/srp/kcsnj/>

Is the project within a designated Brownfield Development Area? No

<http://www.nj.gov/dep/srp/brownfields/bda/index.html>

Has a No Further Action, Response Action Outcome, or Remedial Action Permit been issued for the entire project area? No

If not, what is the current status of remediation activities? No Please include remedial phase, media affected and contaminant(s) of concern.

Name of current SRP Case Manager or Licensed Site Remediation Professional and Preferred Identification (PI) Number N/A

Is the applicant a responsible party for contamination at the property? No

Is the project located on a landfill that will be redeveloped for human occupancy? No If yes, is there an approved Landfill Closure Plan? N/A

Dredging and Sediment Technology (609) 292-1250

Does the project involve dredging or disposing of dredge materials? No

SOLID AND HAZARDOUS WASTE MANAGEMENT PROGRAM (609) 633-1418

<http://www.nj.gov/dep/dshw/>

Does the project receive, utilize, or transport solid or hazardous wastes? No

Will the project involve the disposing of hazardous Substances per 40 CFR part 261 and NJAC 7:26? No

Will the project include operation of a solid waste facility according to N.J.A.C. 7:26-1-et seq.? No

Is the project a solid waste facility or recycling center? Landfill closed in 1980s

Is the project included in the appropriate county Solid Waste Management Plan? No Explain _____

AIR QUALITY PERMITTING PROGRAM

<http://www.nj.gov/dep/aqpp>

Will activity at the site release substances into the air? No

Does the project require Air Preconstruction permits per N.J.A.C. 7:27-8.2©1? No

Will your project require Air Operating permits (N.J.A.C. 7:27--22.1)? No

Will the project result in a significant increase in emissions of any air contaminant for which the area is nonattainment with the national ambient air quality standards (all of NJ for VOC and NOx; 13 counties for fine particulates), thereby triggering the Emission Offset Rule at NJAC7:27-18? No

Will the project emit group 1 or 2 TXS toxic substances listed in NJAC 7:27-17? No

Will the project emit hazardous air pollutants above reporting thresholds in NJAC7:27 8, Appendix 1? No

Will the project result in stationary diesel engines (such as generators or pumps) or mobile diesel engines (such as bulldozers and forklifts) operating on the site? If so, which?

No

RADIATION PROTECTION AND RELEASE PREVENTION (609) 984-5636

www.state.nj.us/dep/rpp

Will the operation receive, store or dispose of radioactive materials? No

Will the operation employ any type of x-ray equipment? No

DISCHARGE PREVENTION PROGRAM (DPCC) (609) 633-0610

www.nj.gov/dep/rpp

Is this a facility as defined in N.J.A.C. 7:1E in which more than 20,000 gallons of Hazardous substances other than petroleum or greater than 200,000 gallons of petroleum are stored? No

TOXIC CATASTROPHE PREVENTION ACT (TCPA) (609) 633-0610

[HTTP://WWW.STATE.NJ.US/DEP/RPP/BRP/TCPA/INDEX.HTM](http://www.state.nj.us/dep/rpp/brp/tcpa/index.htm)

Is this a facility that handles or stores greater than a threshold amount of extraordinarily hazardous substances as defined in N.J.A.C. 7:31? No

Bureau of Energy and Sustainability (609)633-0538

<http://www.nj.gov/dep/aqes/energy.html>

<http://www.nj.gov/dep/aqes/sustainability.html>

GREEN DESIGN (609) 777-4211

Have you incorporated green design features into this project? Examples of green design features may include: renewable energy, water conservation and use of low impact design for stormwater.

Yes: Solar No_____

Will this project be certified by any of the following green building rating systems? No

New Jersey Green Building Manual? No

<http://greenmanual.rutgers.edu/>

US Green Building Council's LEED (Leadership in Energy and Environmental Design)? No

<http://www.usgbc.org/>

ASHRAE Standard 189.1? No

<http://www.ashare.org/publications/page/927>

National Green Building Standard ICC 700-2008? No

<http://www.nahbgreen.org>

USEPA's ENERGY STAR? No

http://www.energystar.gov/index.cfm?c=business.bus_index

INNOVATIVE TECHNOLOGY (609) 292-0125

Is an environmental and energy innovative technology included in this project? ☐ Y ☒ N

Is this technology used for manufacturing alternative fuels? ☐ Y ☒ N

- If yes, what is the non-fossil feedstock(s) used for manufacturing the fuels?

☐ Biomass ☐ Municipal Solid Waste ☐ Other Non-Fossil Feedstocks

-What will be the primary use of the manufactured alternative fuels?

☐ CHP System ☐ Micro Turbine ☐ Fuel Cells

For other innovative technology type, what is the proposed application?

☒ Energy ☐ Site Remediation ☐ Drinking Water ☐ Wastewater

For other innovative energy systems, what is the source of energy?

☒ Solar ☐ Wind ☐ Tidal/Wave ☐ Hydroelectric ☐ Geothermal

Is there independent third-party performance data for the technology? ☒ Y ☐ N

Has the technology been verified by an independent third-party entity? ☒ Y ☐ N

Is this technology in use at any other location at this time? ☒ Y ☐ N

- If yes, please provide location _____

DEP COMPLIANCE AND ENFORCEMENT

Does the applicant have outstanding DEP enforcement violations, and if so, what is the status? No

If yes, please identify the case, case manager, program, and phone number. N/A

Does the proposed project facilitate compliance where there is a current violation or ACO? No

COMMUNITY ENGAGEMENT (609)292-2908

The Department is committed to the principles of meaningful and early community engagement in the project's approval process. The Department has representatives available who could discuss community engagement issues with you and we encourage this communication to take place at the earliest possible time.

- (a) What community groups and stakeholders have you identified that may be interested in or impacted by this project? None
- (b) How have you or will you engage community and stakeholders in this project? Please supply individuals or stakeholder groups contacted or who have been identified for community engagement. None
- (c) What are the potential impacts of this project on the community? None
- (d) How do you intend to mitigate these potential impacts? Issuance of local, county and state permits
- (e) What are the community concerns or potential concerns about this project? None
- (f) How do you intend to address these concerns? Public approval process
- (g) As part of this project, do you plan to perform any environmental improvements in this community? If yes, describe. No

Please provide the Department with an additional 1 to 2 page narrative description of the project, focusing on its function and its local/regional environmental, social, and economic benefits and impacts. Also, what sensitive receptors are present and how might they be affected by this project?

[See cover letter](#)

GENERAL

Is the project subject to:

Highlands Regional Master Plan – Planning or Preservation Area? No
http://www.nj.gov/dep/highlands/highlands_map.pdf

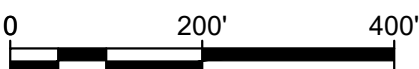
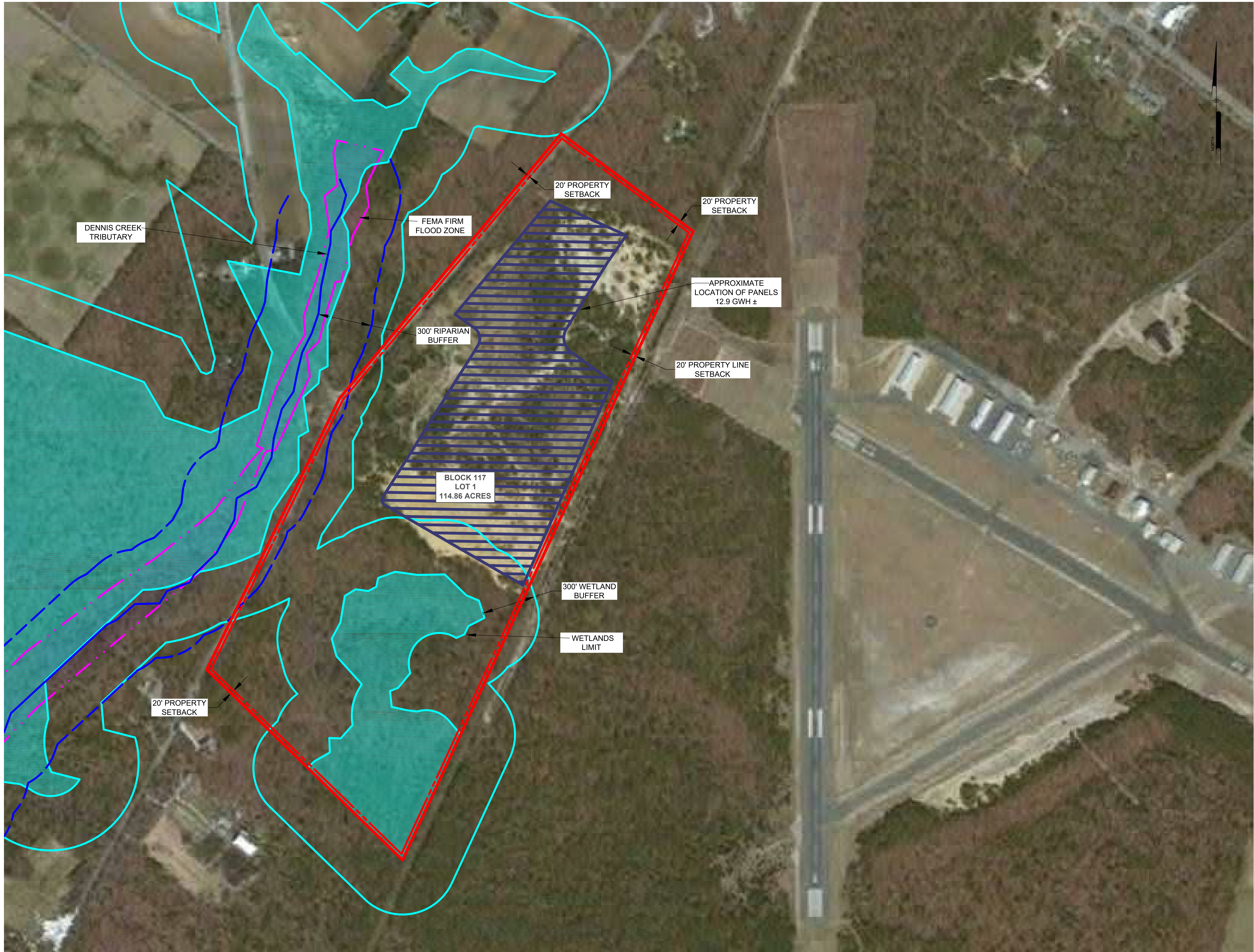
Pinelands Comprehensive Management Plan? Yes
<http://www.state.nj.us/pinelands/cmp/>

D&R Canal Commission Standards No
<http://www.dandrcanal.com/dccc/maps.html>

Delaware River Basin Commission No
(609) 883-9500
<http://www.state.nj.us/drbc/>

US Army Corp of Engineers review? No

U:\Users\jmcampbell\Documents\NEXAMP\Solar\Site\Map\GIS\ESD\ESD\CONCEPT_Plan\Penmon\Wetlands\Exhibit\Woodbine\Block 117.dwg PLOTTER: 36452511 (24" x 36" by Penmon) DATE: 10/24/2019 PROJECT STATUS: —



NOT FOR CONSTRUCTION

NO.	DATE	REVISIONS	BY
1	8/14/19	ADDED APPROXIMATE LOCATION OF PANELS	MAC

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES, AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

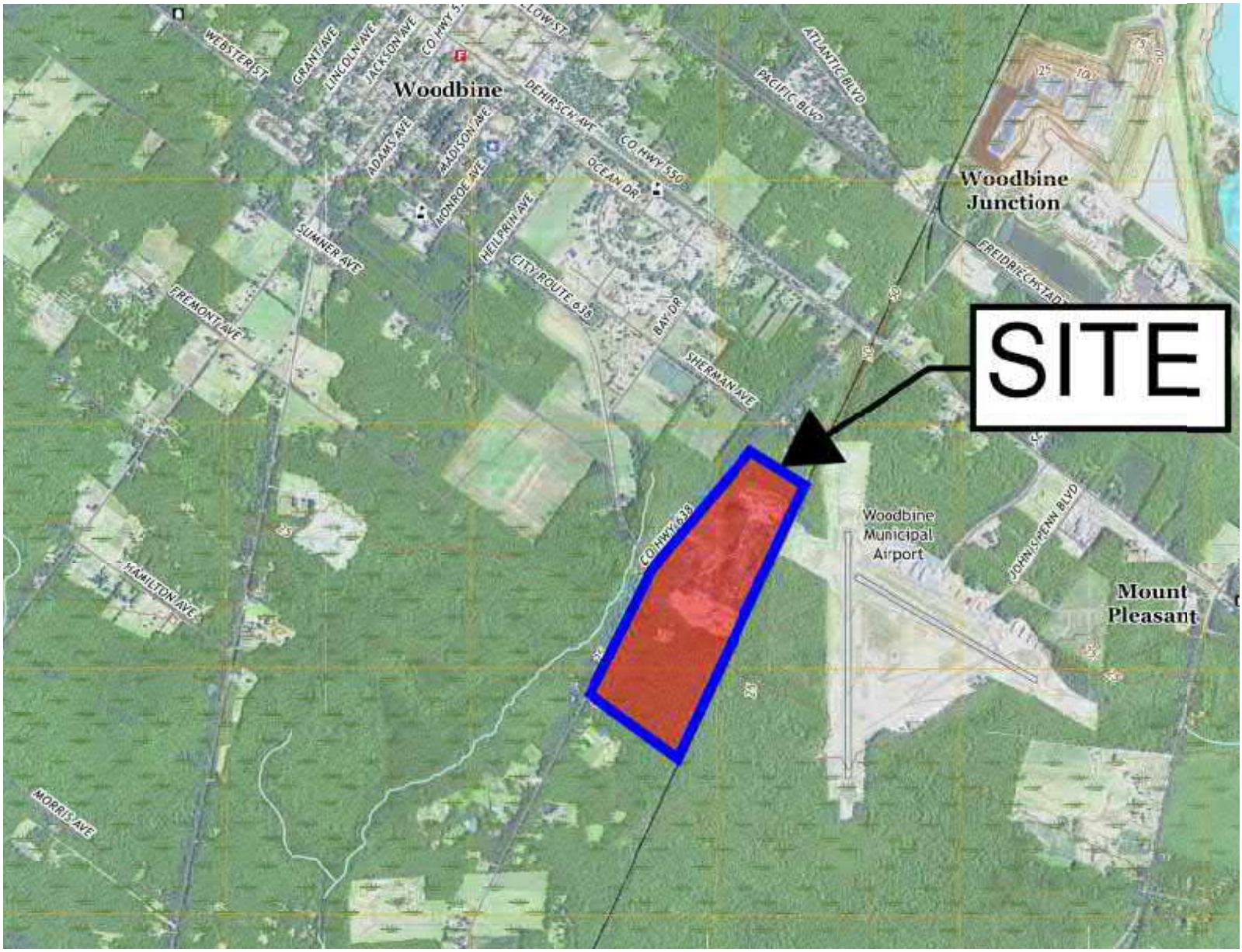
PROJECT	NEXMP19003
DATE	2019-08-09
DRAWING SCALE	1"= 200'
DRAWN BY	MAC
APPROVED BY	ATB

EX-1
SHEET 1 OF 1

NEXAMP WOODBINE SOLAR
FIDLER HILL RD. BLOCK 117 LOT 1
BOROUGH OF WOODBINE, CAPE MAY COUNTY
FRESHWATER WETLANDS EXHIBIT
INFINITI ENERGY
101 SUMMER STREET, 2ND FLOOR
BOSTON, MA 02110

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK.
ANDREW T. BANFF
PROFESSIONAL ENGINEER
NEW JERSEY LICENSE NO. GE 45121

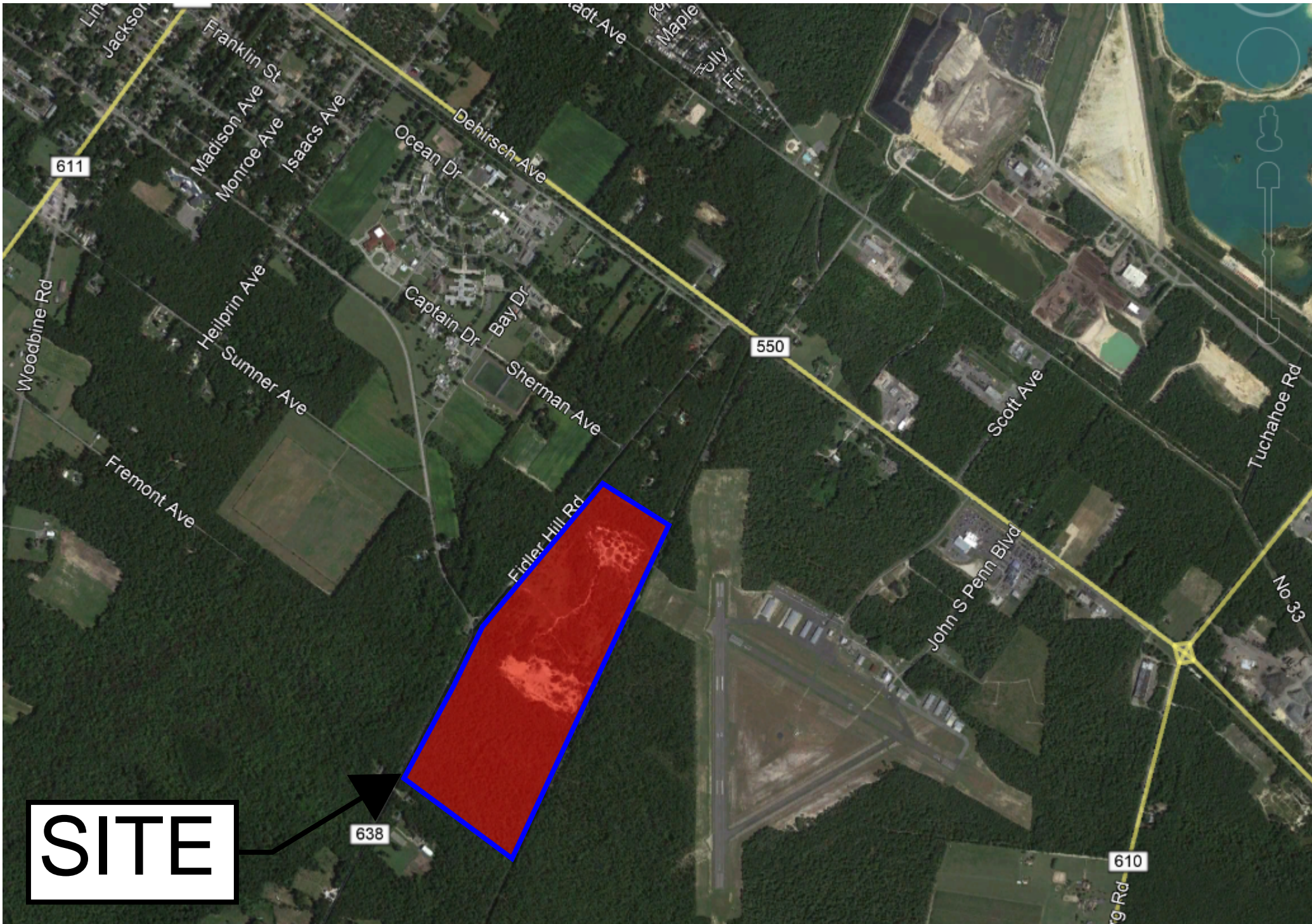
Pennoni
PENNONI ASSOCIATES INC.
515 Grove Street, Suite 1B
Haddon Heights, NJ 08035
T 856.547.0505 F 856.547.9174
NJ COA NO. GA28033300



SITE

SITE





SITE

638

611

550

610

No 33

NJDEP PCER Meeting Requirement Proof-
Email from Roth Foster

Dallas Manson

From: Foster, Ruth <Ruth.Foster@dep.nj.gov>
Sent: Thursday, September 5, 2019 5:58 PM
To: Brandon Morales; Brunatti, Megan; Nolan, Katherine; Jones, Christopher; Hill, Erin; Maresca, Vincent
Cc: Andrew Banff; Dallas Manson; Foster, Ruth
Subject: 090519 NJDEP comment Woodbine Community Solar Facility Permit Readiness Checklist
Attachments: Pinelands comment Woodbine Solar.pdf

RE: Woodbine Fidler Hill Road Community Solar Project
Fidler Hill Road, Block 117, Lot 1
Woodbine, Cape May County

The Office of Permit Coordination and Environmental Review (PCER) distributed the project information to various programs within the Department for the proposed 10 MW Community Solar project to be located at the address above. The following are preliminary comments of possible permits and action items this project may require (but not limited to) based on the information that was submitted on August 16, 2019: *** this is neither a comprehensive nor a technical summary ***

Land Use : Christopher Jones: Christopher.Jones@dep.nj.gov or (609) 984-6216

Based on the information provided and a GIS review, it appears that there are freshwater wetlands adjacent to the proposed site. The Division recommends that the proposed property be delineated to determine where the wetland boundary is. Any regulated activities within freshwater wetlands, State open waters, and/or transition areas would require approvals pursuant to the Freshwater Protection Act Rules (N.J.A.C. 7:7A). In addition, the applicant has noted that the site is located within the Dennis Creek (Jakes Landing Road to Route 47) sub-watershed which contains Category 1 waters downstream of the site. A 300-foot riparian zone should be applied to any regulated water found or adjacent to the site. Any regulated activities within a flood hazard area and riparian zone would require approvals pursuant to the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13).

Please consult with Christopher Jones above for additional regulatory guidance.

Fish and Wildlife: Kelly Davis: Kelly.Davis@dep.nj.gov at (908) 236-2118 or or Joseph.Corleto@dep.nj.us at (609) 292-9451

The DFW has completed its review of the proposed Woodbine Community Solar project on Fidler Hill Road in Woodbine, Cape May County and offer the following comments.

According to Landscapes project 3.3 the entire site is valued at R3 for a variety of State Listed T/E species. In addition, the DFW has internal records that confirm the site is being utilized by a variety of State Listed T/E species.

The DFW relies on the NJDEP Office of Natural Lands Management, Natural Heritage Program (NHP) for location and protective comment on floral threatened and endangered species. The DFW did not see any documentation within the proposal that the applicant contacted the NHP for a complete list of the threatened and endangered species within the project vicinity. Without this information our review would be incomplete.

Although the applicant provided mapping that indicated they plan to install the solar panels in the most disturbed section of the site, the DFW is concerned about potential impacts to a variety of State Listed T/E species and would require

additional consultation with the applicant and the NJ Endangered Non-game Species Program before implementing the project.

If you have any questions regarding the comments please feel free to contact me at (609) 292-9451 or at Joseph.Corleto@dep.nj.us.

State Historic Preservation Office: Vincent Maresca at Vincent.maresca@dep.nj.gov and (609) 633-2395 or Jesse West-Rosenthal: Jesse.West-Rosenthal@dep.nj.gov at (609) 984-6019

Based on information presented, it does not appear that there are any impacts to any historic or archaeological features. However, please confirm with the SHPO office if any additional surveys are required prior to construction or if proposed project is subject to formal regulatory review. Please contact SHPO for additional regulatory guidance and comment.

Bureau of Energy and Sustainability (Solar): Erin Hill: Erin.Hill@dep.nj.gov or (609) 633-1120

- The Community Solar Energy Pilot Program Application window opened April 9, 2019 and closes September 9, 2019 <https://www.bpu.state.nj.us/bpu/pdf/boardorders/2019/20190329/8E%20-%20Community%20Solar%20Energy%20Pilot%20Program%20Application%20Form.pdf>
- The proposed array is located on Urban Lands & Managed Wetland in Maintained Lawn Greenspace which are identified as “indeterminate” per the Solar Siting Analysis.
- Visit the BES solar siting webpage & NJ Community Solar Siting Tool <https://www.state.nj.us/dep/aqes/solar-siting.html>

Stormwater: Eleanor Krukowski (Eleanor.Krukowski@dep.nj.gov)

- Construction projects that disturb 1 acre or more of land, or less than 1 acre but are part of a larger common plan of development that is greater than 1 acre, are required to obtain coverage under the Stormwater construction general permit (5G3). Applicants must first obtain certification of their soil erosion and sediment control plan (251 plan) from their local soil conservation district office. Upon certification, the district office will provide the applicant with two codes process (SCD certification code and 251 identification code) for use in the DEPonline portal system application. Applicants must then become a registered user for the DEPonline system and complete the application for the Stormwater Construction General Authorization. Upon completion of the application the applicant will receive a temporary authorization which can be used to start construction immediately, if necessary. Within 3-5 business days the permittee contact identified in the application will receive an email including the application summary and final authorization.

Solid Waste: Ram Shah

Ram Shah, Environmental Engineer 3
Division of Solid & Hazardous Waste
Bureau of Solid Waste Permitting
P: (609) 984-4610
Ram.shah@dep.nj.gov

I reviewed the proposed project. They indicated in their checklist that Landfill Closure Plan and Landfill Disruption Approval were in progress. Please note that the Department has not received any disruption or closure applications from the applicant.

This landfill has not been properly closed yet. The Department asked Borough of Woodbine to submit an updated closure and post-closure plan for this facility in the past. The landfill is located within Pinelands. The Pinelands commission requires that an impermeable cap be placed on the facility for closure. The escrow accounts are grossly underfunded to accommodate Pineland’s requirement. As a result the closure plan is still pending for this site.

The applicant can submit a closure plan that includes closure of the entire landfill and subsequent installation of solar project.

Department of Agriculture: Steven Bruder at (609) 984-2504

Thank you for the opportunity to comment. This parcel is not within the Cape May County Agricultural Development Area and the County does not have it on its target list for preservation. We would therefore not oppose the solar application.

Steven M. Bruder PP, AICP
New Jersey State Agriculture Development Committee
New Jersey State Transfer of Development Rights Bank
369 South Warren Street, 2nd Floor, Room 202
PO Box 330
Trenton, New Jersey 08625
Phone: [609-984-2504](tel:609-984-2504)
Fax: [609-633-2004](tel:609-633-2004)

Thank you again for this opportunity to comment on the project. Should circumstances or conditions be or become other than as set forth in the information that was recently provided to the NJDEP, the comments and regulatory requirements provided above are subject to change and may no longer hold true. Statements made within this email are not indicative that the NJDEP has made any decisions on whether the proposed project will be permitted.

Please review the comments that were provided. If you would like to work with the programs directly, we just ask that you keep Permit Coordination copied on any correspondence so we may update our records. **This email shall serve to satisfy the Community Solar application requirement that the Applicant has met with PCER.**

If you have any additional questions, please do not hesitate to call me.

Ruth W. Foster, PhD., P.G., Director
New Jersey Department of Environmental Protection
Office of Permit Coordination and Environmental Review
Mail Code 401-07J
401 East State Street – PO Box 420
Trenton, NJ 08625
Office # 609-292-3600
Fax # 609-292-1921
Ruth.Foster@dep.nj.gov

From: Foster, Ruth
Sent: Friday, August 16, 2019 11:00 AM
To: Brandon Morales <BMorales@Pennoni.com>; Brunatti, Megan <Megan.Brunatti@dep.nj.gov>; Nolan, Katherine <Katherine.Nolan@dep.nj.gov>; Foster, Ruth <Ruth.Foster@dep.nj.gov>; Jones, Christopher <Christopher.Jones@dep.nj.gov>; Hill, Erin <Erin.Hill@dep.nj.gov>; Corleto, Joseph <Joseph.Corleto@dep.nj.gov>; Davis, Kelly <Kelly.Davis@dep.nj.gov>; Baratta, Meghan <Meghan.Baratta@dep.nj.gov>; Bruder, Steven <Steven.Bruder@ag.nj.gov>; Ellis, Branwen <Branwen.Ellis@pinelands.nj.gov>; Gerchman, Michael <Michael.Gerchman@dep.nj.gov>; 'mayor@boroughofwoodbine.net' <mayor@boroughofwoodbine.net>
Cc: Andrew Banff <ABanff@Pennoni.com>; 'Dallas Manson' <dmanson@nexamp.com>
Subject: Woodbine Solar Facility Permit Readiness Checklist for review by September 4 2019

The Office of Permit Coordination and Environmental Review received the attached PRC for a proposed **12.9 GW** +/- solar facility on Fidler Hill Road (Block 117, Lot 1) in Woodbine, Cape May County.

Please review and provide any comment to me via email by **September 4, 2019**

Ruth W. Foster, PhD., P.G., Director
New Jersey Department of Environmental Protection
Office of Permit Coordination and Environmental Review
Mail Code 401-07J
401 East State Street – PO Box 420
Trenton, NJ 08625
Office # 609-292-3600
Fax # 609-292-1921
Ruth.Foster@dep.nj.gov

From: Brandon Morales <BMorales@Pennoni.com>
Sent: Friday, August 16, 2019 8:11 AM
To: Foster, Ruth <Ruth.Foster@dep.nj.gov>; Brunatti, Megan <Megan.Brunatti@dep.nj.gov>
Cc: Andrew Banff <ABanff@Pennoni.com>; 'Dallas Manson' <dmanson@nexamp.com>
Subject: [EXTERNAL] Woodbine Solar Facility Permit Readiness Checklist

Dear Ms. Foster & Ms. Brunatti,

Attached please find a Permit Readiness Checklist and the required documents for a proposed ground mounted solar panel project located in the Borough of Woodbine, Cape May County. Please let me know if you require any additional information.

Sincerely,

Brandon Morales, EIT

Pennoni

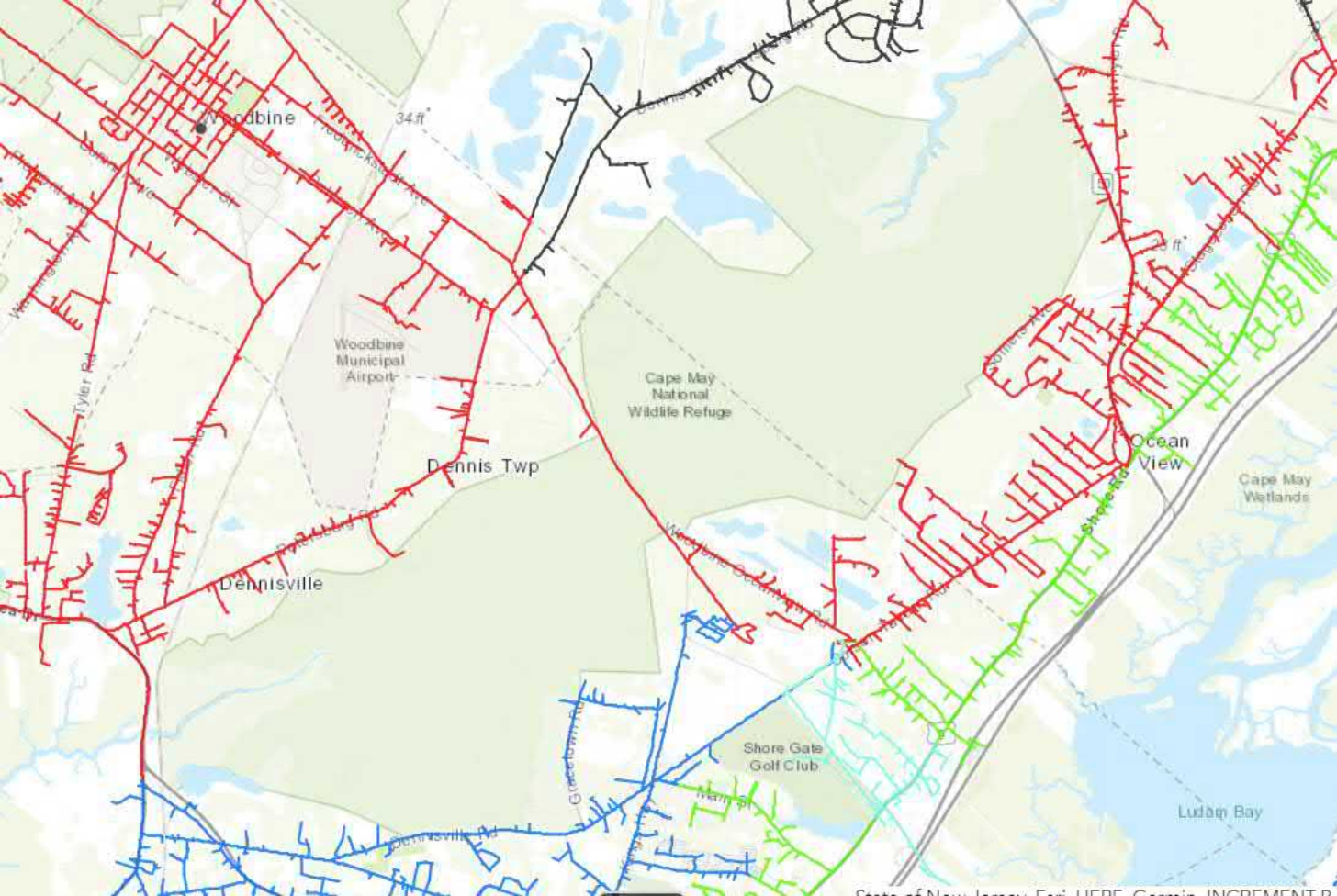
515 Grove Street, Suite 1B | Haddon Heights, NJ 08035
Direct: +1 (856) 284-0029
www.pennoni.com | BMorales@Pennoni.com



[Smart Solutions are for everyone](#)

> Exhibit E: Hosting Capacity Map

This project may prompt upgrades to existing electricity distribution infrastructure including the installation of more robust three-phase electrical lines and protection equipment. Furthermore, distributed generation projects such as this can reduce peak loads and provide stability to the grid by spreading out the sources of power. The installation of this solar project will shorten the path of electrical power from generation site to consumption site, thereby reducing the amount of overall power loss in electrical lines.



> Exhibit F: Permits & Civil Overview



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
CN 402
Trenton, N.J. 08625

PERMIT



The New Jersey Department of Environmental Protection grants this permit in accordance with your application, the accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of this permit.

Permit No. NJ0053805	Issuance Date	Effective Date	Expiration Date
Name and Address of Applicant Foundations & Structures, Inc. Box 368 Ackahoe, N.J. 08250	Location of Activity/Facility Foundations & Structures Sanitary Landfill Fidler Hill Road Woodbine, N.J. 08270	Name and Address of Owner SAME AS APPLICANT	
Suing Division	Type of Permit NJPDES Permit for Discharge to Ground Water	Statute(s) N.J.S.A. 15:10A-1 et seq. N.J.S.A. 15:14A-1 et seq.	Applicant's Signature

This permit requires Foundations & Structures, Inc. to monitor the ground water at a sanitary landfill in Woodbine by operating and maintaining 8 ground water monitoring wells according to the specific and general conditions of this Initial Interim NJPDES permit. The Initial Interim NJPDES permit is intended to establish an adequate ground water monitoring program at the above named facility. This permit is only intended to obtain ground water data to evaluate the current status and impact of this facility on ground water. It shall not be construed, nor is it intended to be an approval of any activity that the permittee has conducted which adversely affects the environment, ground or surface water quality, or threatens the public health, safety or welfare.

Issuance of this Initial Interim permit does not indicate that the Department has made a determination as to the technical adequacy of the information available. Interim Initial permits shall not be construed as, nor are they intended to be, long-term approvals; these permits are of limited duration.

Data generated through the Initial Interim NJPDES permit will be used by the Department to evaluate the current status and impact of existing facilities on ground water quality. It will give the Department information to determine if there is any potential or actual threat to public health or safety or damage to the environment due to current or past practices. Based on information generated by the issuance of this permit, the Department may require the permittee to reduce the quantity of discharge, upgrade or install additional treatment, install additional monitoring wells, conduct ground water decontamination procedures or cease discharges to waters of the state.

Issuance of this Initial Interim NJPDES permit does not bind the Department to renew this permit, nor does it relieve the permittee of the duty to submit additional information as required in Chapters 6 and 10 of the NJPDES regulations at the time of application renewal or may be required by the Department prior to permit renewal. Additionally, this Initial Interim permit does not relieve the permittee of any liabilities associated with public health or safety problems or environmental damage created as a result of the permittee's activities.

Documents attached hereto shall become part of this permit.

by the Department of Environmental Protection

AUTHORITY OF:
J. W. GASTON, JR., P.E.
DIRECTOR DIV. OF WATER RESOURCES

ARNOLD SCHIFFMAN, ADMINISTRATOR
WATER QUALITY MANAGEMENT

DATE

permit means "approval, certification, registration, etc."

(GENERAL CONDITIONS ARE ON THE REVERSE)

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES

GENERAL CONDITIONS FOR ALL NJPDES DISCHARGE PERMITS

1. Duty to Comply

- A. The permittee shall comply with all conditions of this permit. No pollutant shall be discharged more frequently than authorized or at a level in excess of that which is authorized by the permit. The discharge of any pollutant not specifically authorized in the NJPDES permit shall constitute a violation of the permit, unless the permittee can prove by clear and convincing evidence that the discharge of the unauthorized pollutant did not result from any of the permittee's activities which contribute to the generation of its wastewaters. Any permit noncompliance constitutes a violation of the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.; hereinafter the State Act) or other authority of these regulations and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- B. A permittee shall not achieve any effluent concentration by dilution. Nor shall a permittee increase the use of process water or cooling water or otherwise attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve permit limitations or water quality standards.
- C. The permittee shall comply with applicable effluent standards or prohibitions established under Section 307 (a) of the "Federal Water Pollution Control Act" (PL 92-500 et seq.; hereinafter the Federal Act) and Section 4 of the State Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- D. The State Act provides that any person who violates a permit condition implementing the State Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing the State Act is subject to a fine of not more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
- E. The permittee is required to comply with all other applicable federal, state and local rules, regulations, or

ordinances. The issuance of this permit shall not be considered as a waiver of any other requirements.

2. Duty to Reapply

- A. If the permittee wishes to continue an activity regulated by a NJPDES permit after the expiration date of the permit, the permittee shall apply for and obtain a new permit. (If the activity is to be continued, the permittee shall complete, sign, and submit an application no later than 180 days before the expiration date.)
- B. Permit applications shall be signed as follows:
 - (1) For a corporation, by a principal executive officer of at least the level of vice president;
 - (2) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency, by either a principal executive officer or ranking elected official. The person signing the application must provide the certification required by N.J.A.C. 7:14A-2.4(d).

3. Duty to Halt or Reduce Activity

- A. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- B. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or discharges or both until the facility is restored to its permitted limits or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost.

4. Duty to Mitigate

- A. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit, including but not limited to accelerated and/or additional types of monitoring, temporary repairs or other mitigating measures.

5. Proper Operation, Maintenance and Licensing

- A. The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment

works, facilities, and systems of treatment and control (and related appurtenances) for collection and treatment which are installed or used by the permittee for water pollution control and abatement to achieve compliance with the terms and conditions of the permit. Proper operation and maintenance includes but is not limited to effective performance based on designed facility removals, adequate funding, effective management, adequate operator staffing and training and adequate laboratory and process controls including appropriate quality assurance procedures as described in 40 CFR 136 and applicable State Law and regulations. All permittees who operate a treatment works, except for sanitary landfills and land application of sludge or septage, must satisfy the licensing requirements of the "Licensing of Superintendents or Operators of Public Water Treatment Plants, Public Sewage Treatment Plants and Public Water Supply Systems" N.J.S.A. 58:11-18.10 et seq. or other applicable law. The facility operator licensing requirements for this permit are identified in Section 18 of these General Conditions for all NJPDES Discharge Permits. This provision requires the operation of back-up or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit or where required by applicable law or regulation.

6. Permit Actions

- A. This permit may be modified, suspended, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- B. Causes for modification, revocation and reissuance, and suspension are set forth in N.J.A.C. 7:14A-2.12 et seq.
- C. The following are causes for terminating or modifying a permit during its term, or for denying a permit renewal application:
 - (1) Noncompliance by the permittee with any condition of the permit;
 - (2) Failure to pay applicable fees (N.J.A.C. 7:14A-1.9), including the annual NJPDES permit fee which has been assessed by the Department;
 - (3) The permittee's failure in the application or during the permit issuance process of a NPDES, DAC, NJPDES, Treatment Works Approval or Construct and Operate permit to disclose fully all relevant facts, or the permittee's misrepresentation of any permit condition;

- (4) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
- (5) When there is a change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit (for example, plant closure or termination of discharge by connection to a DTW);
- (6) The nonconformance of the discharge with any applicable facility, basin or areawide plans; or
- (7) If such permit is inconsistent with any duly promulgated effluent limitation, permit, regulation, statute, or other applicable state or federal law.

7. Property Rights

- A. This permit does not convey any property rights of any sort or any exclusive privileges.

8. Duty to Provide Information

- A. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, suspending, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.
- B. Where the permittee becomes aware that he has failed to submit any relevant facts in a permit application, or has submitted incorrect information in a permit application or in any report to the Department, the permittee shall promptly submit such facts or information.

9. Inspection and Entry

- A. The permittee shall allow the Regional Administrator of the USEPA, the Department (NJDEP), or any authorized representative(s), upon the presentation of credentials and other documents as may be required by law, to:
 - (1) Enter upon the permittee's premises where a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept, for purposes of inspection, sampling, copying or photographing. Photography shall be allowed only as related to the discharge;

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(3) Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(4) Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the State Act, any substances or parameters at any location. This shall include, but not be limited to the drilling or installation of monitoring wells for the purpose of obtaining samples of ground water, soil and vegetation and measuring ground water elevations.

B. Any refusal by the permittee, facility land owner(s), facility lessee(s), their agents, or any other person(s) with legal authority, to allow entry to the authorized representatives of the DEP and/or EPA shall constitute grounds for suspension, revocation and/or termination of this permit.

C. By acceptance of this permit, the permittee hereby agrees, consents and authorizes the representatives of the NJDEP and/or USEPA to present a copy of this permit to any Municipal or State Police officer having jurisdiction over the premises occupied by the permittee in order to have said officer effectuate compliance with the right of entry, should the permittee at any time refuse to allow entry to said inspectors.

D. By acceptance of this permit, the permittee waives all rights to prevent inspections by authorized representatives of the NJDEP and/or USEPA to determine the extent of compliance with any and all conditions of this permit and agrees not to, in any manner, seek to charge said representatives with the civil or criminal act of trespass when they enter the premises occupied by the permittee in accordance with the provisions of this authorization as set forth hereinabove.

10. Monitoring and Records

A. The permittee shall install and maintain ground water monitoring wells required by this permit at locations and according to specifications provided by the Department. All permit required monitoring wells shall be installed within 30 days of the effective date of the permit. The monitoring wells shall provide turbidity-free water at a minimum rate of two gallons per minute or what the formation will yield with a properly installed and developed ground water monitoring well.

When a monitoring well cannot be used for the purpose of sample collection or ground water level measurements, the permittee shall replace the well at his own expense within 30 days of the missed sampling and/or measurement date. Monitoring wells as required in this permit shall be considered as a monitoring device, which are required to be maintained under the provisions of the New Jersey Water Pollution Control Act N.J.S.A. 58:10A-10(f).

All monitoring wells must be installed by a New Jersey licensed Well Driller. The elevation to the nearest hundredth of a foot of the top of each well casing shall be established by a New Jersey licensed Land Surveyor within 30 days of the installation of the monitor wells. The elevation established shall be in relation to the New Jersey Geodetic Control datum. Ground water monitoring wells and all point source discharges to ground water shall be located by horizontal control (latitude and longitude) using third order work, Class II specification and by vertical control (elevation) using third order work. Within 30 days of the installation date of the monitor well, the permittee shall submit to the Department completed "Ground Water Monitoring Well Certifications - Forms A and B for each well required to be sampled by the permit. Within 60 days of the Effective date of the permit, the permittee shall submit to the Department a plot plan of the facility showing the location of all discharges and the ground water monitoring well locations. The scale of the plot plan shall be at least one inch equals fifty (50) feet.

Each ground water monitoring well casing shall have permanently affixed to it a monitor well number to be assigned by the Department, elevation of the top of the well casing, elevation of the top of the well casing above the ground level and latitude and longitude of the monitoring well.

- B. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- C. The State Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of no more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both. This is specifically intended to include ground water monitoring wells and lysimeters.
- D. The applicant shall perform all analyses in accordance with the analytical test procedures approved under 40 CFR Part 136. Where no approved test procedure is available, the applicant must indicate a suitable analytical

procedure and must provide the Department with literature references or a detailed description of the procedure. The Department must approve the test procedure before it is used. The laboratory performing the analyses for compliance with this permit must be approved and/or certified by the Department for the analysis of those specific parameters.

- E. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 5 years from the date of the sample measurement, report or application. This period may be extended by request of the Department at any time.
- F. Records of monitoring information shall include:
- (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used;
 - (6) The results of such analyses;
 - (7) Monitoring results shall be reported on a Discharge Monitoring Report (DMR) and/or on the Department's Monitoring Report Form (MRF); or, where these forms do not apply, in another format approved by the Department;
 - (8) If the permittee monitors any pollutant more frequently than required by the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR, MRF, or other approved format; and
 - (9) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

G. Discharge Monitoring Reports

- (1) Monitoring results shall be summarized and reported on the appropriate Monitoring Report Forms, postmarked no

later than the 10th day of the month following the completed reporting period. Each report is due within 30 days from the end of the sampling month. Signed copies of these, and all other reports required hereof shall be submitted to the following address(es):

Water Quality Management
Division of Water Resources
CN 029
Trenton, New Jersey 08625

- (2) If a contract laboratory is utilized, the permittee shall submit the name and address of the laboratory and the parameters analyzed at the time it submits its monitoring reports (See Section 10.F. above). Any change in the contract laboratory being used or the parameters analyzed shall be reported prior to or together with the monitoring report covering the period during which the change was made.

H. Monitoring Reports. Monitoring results shall be reported at the intervals specified in the permit.

I. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

11. Signatory Requirement

A. Signature Requirements. All permit applications, except those submitted for Class II wells for a UIC discharge (see paragraph B) shall be signed as follows:

- (1) For a corporation, by a principal executive officer of at least the level of vice president;
- (2) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
- (3) For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official. The person signing the application must provide the certification required by N.J.A.C. 7:14A-2.4(d).

B. Reports. All reports required by permits, other information requested by the Department and all permit applications submitted for Class II wells under N.J.A.C. 7:14A-5.8 shall be signed by a person described in paragraph A of this section or by a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph A of this section;
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as a position of plant manager, operator of a well or well field, superintendent or person of equivalent responsibility; and
- (3) The written authorization is submitted to the Department.

C. Changes to Authorization. If an authorization under paragraph B of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B of this section shall be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing any document under paragraph A or B of this section shall make the following certification: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

E. False Statements. Any person who knowingly makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under the State Act shall upon conviction, be subject to a fine of not more than \$10,000.00 or by imprisonment for not more than 6 months or by both.

12. Reporting Changes and Violations

A. Planned Changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. The permittee shall comply with N.J.A.C. 7:14A-12.1 et seq. which requires approval for building, installing, modifying, or operating treatment works. (NOTE: Sewer Extensions require such an approval. A connection of a single building through which less than 2000 gpd flows by gravity is exempt from the requirement to obtain the approval of this Department.). Permitting the

construction of a sewer extension without this Department's approval will be a violation of this permit.

- B. Anticipated Noncompliance. The permittee shall give reasonable advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

13. Reporting Noncompliance

- A. The permittee shall report any noncompliance which may endanger health or the environment. The permittee shall provide the Department with the following information:

- (1) A description of the discharge;
- (2) Steps being taken to determine the cause of noncompliance;
- (3) Steps being taken to reduce and eliminate the noncomplying discharge;
- (4) The period of noncompliance, including exact dates and times. If the noncompliance has not been corrected, the anticipated time when the discharge will return to compliance;
- (5) The cause of the noncompliance; and
- (6) Steps being taken to reduce, eliminate, and prevent reoccurrence of the noncomplying discharge.

- B. The permittee shall orally provide the information in A.(1) through (3) to the DEP Hotline (609) 292-7172 within 2 hours from the time the permittee becomes aware of the circumstances.

- C. The permittee shall orally provide the information in A.(4) through A.(5) to the DEP Hotline within 2 hours of the time the permittee becomes aware of the circumstances.

- D. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain the information in A.(1) through A.(6).

Additional Reporting Requirements

The following shall be reported to the Department in accordance with N.J.A.C. 7:14A-2.5(1)6:

- E. In the case of any discharge subject to any applicable toxic pollutant effluent standard under Section 307(a) of the Federal Act or under Section 6 of the State Act the information required by paragraph 9(d)(i)(1) through (3)

regarding a violation of such standard shall be provided to the Department within 2 hours from the time the permittee becomes aware of the circumstances. The information required by paragraph 9(d)(i)(4) through (6) shall be provided to the Department within 24 hours from the time the permittee becomes aware of the circumstances. Where the information is provided orally, a written submission covering these points must be provided within five working days of the time the permittee becomes aware of the circumstances covered by this paragraph.

F. In the case of other discharges which could constitute a threat to human health, welfare, or the environment, including but not limited to, discharge of pollutants designated under Section 311 of the Federal Act, under Section 6 of the State Act, under the "Spill Compensation and Control Act", N.J.S.A. 58:11-23.10 et seq., or under the "Safe Drinking Water Act", N.J.S.A. 58:12A-1 et seq., the information required by paragraph 9(d)(i)(4) through (6) shall be provided to the Department within 24 hours from the time the permittee becomes aware of the circumstances. Where the information is provided orally, a written submission covering these points must be provided within five working days of the time the permittee becomes aware of the circumstances covered by this paragraph.

G. The information required in section 13 shall be provided to the Department within 2 hours where a discharge described under paragraphs 27.A or 27.B is located upstream of a potable water intake or well field. The information required by 9(d)(i)(1) through (6) shall be provided to the Department within 24 hours. If this information is provided orally, a written submission covering these points must be provided within five days of the time the permittee becomes aware of the discharge.

H. Any bypass which violates any effluent limitations in the permit shall be reported within 24 hours unless paragraphs 24.A through 24.C are applicable. (See Section 28.)

I. Any upset which violates any effluent limitation in the permit shall be reported within 24 hours unless paragraphs 25.B (1) through 25.B (3) are applicable.

J. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit shall be reported within 24 hours unless paragraphs 25.B (1) through 25.B (3) are applicable (See N.J.A.C. 7:14A-3.13(g)).

14. Other Noncompliance

A. The permittee shall report all instances of noncompliance not reported under paragraph D. of section 13, at the time monitoring reports are submitted. The reports shall

contain the information required in the written submission listed in paragraph D. of section 13.

15. RESIDUALS MANAGEMENT

A. Collected grit and screenings, scums, sand bed sands, slurries, and sludges, and all other solids from the treatment process shall be disposed of in such a manner as to prevent such materials from entering the ground and/or surface waters of the state except in accordance with a NJPDES permit. If for any reason such materials are placed in the water or on the lands where they may cause pollutants to enter the ground and/or surface waters of the State, the following information shall be reported to the Water Resources Enforcement Element together with the monitoring monitoring data required in Part I, B.2:

1. Dates of occurrence;
2. A description of the noncomplying discharge (nature and volume);
3. Cause of noncompliance;
4. Steps taken to reduce and eliminate the noncomplying discharge; and
5. Steps taken to prevent recurrence of the condition of noncompliance.

B. The Permittee shall not be permitted to store sludge on-site beyond the capacity of the structural treatment and storage components of the treatment facility. Nor shall the permittee be permitted to store sludge on-site in any manner which is not in accordance with Solid Waste Management Rules, N.J.A.C. 7:26-1 et seq. Any violations must be reported by the Permittee to the Division of Water Resources Enforcement Element within twenty-four (24) hours.

C. The permittee shall comply with the Sludge Quality Assurance Regulations (N.J.A.C. 7:14-4.1 et seq.). Where quality information is required by these regulations analyses must reflect the quality of the final sludge product of which the permittee must dispose.

D. The permittee shall dispose of sludge from this facility in compliance with the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., which, requires conformance with Statewide and District Sludge Management Plans and prohibits the disposal of bulk liquids (including but not limited to sludge) in landfills unless the landfill is lined and an approved leachate interception, collection, and treatment system has been installed.

E. The permittee shall at all times have on file with the Department proof of proper disposal at a facility duly licensed and permitted by the state to dispose of sludge. To satisfy this requirement the permittee shall submit proof of ownership or contractual arrangement with a permitted facility for the composting, land application, thermal reduction, or landfilling of sludge.

Where such permitted sludge disposal does not extend the full term of this permit, the permittee shall submit similar proof of new permitted disposal arrangements which shall become effective no later than the expiration date of previous arrangements. All such proofs of disposal site must be submitted to the Bureau of Permits Administration in duplicate.

F. Where this permit is a reissuance of a permit held on a facility approved for operation prior to March 6, 1982, item (1) below shall apply. Where this permit is issued to a facility approved for operation after March 6, 1982, item (2) below shall apply:

(1) By issuance of this permit the Department hereby gives the permittee notice that the permittee is bound by the New Jersey Pollutant Discharge Elimination System regulations regarding proper sludge disposal (section 2.5(m)). Possession of this permit in no way waives requirements under this section of the regulations for submission of information regarding termination of landfill disposal of sludge by March 15, 1985.

(2) Where the permittee files with the Department under permit condition E. above proof of sludge disposal in a licensed landfill for sludge disposal, within six (6) months of the date of issuance of this permit the permittee shall submit to the department a statement of the following:

a. Justification for the continuance of the disposal of sludge in a landfill.

b. A description of the steps being taken to comply with the March 15, 1985 deadline for abandonment of landfilling for the disposal of sludge.

c. The manner in which solid sludge will be disposed of until March 15, 1985.

G. The permittee shall comply with the Rules and Regulations for the Statewide Management of Septage Disposal (N.J.A.C. 7:14-5.1 et seq.).

H. The permittee shall conform with the requirements under:

- (1) Section 405 of the Federal Act governing the disposal of sewage sludge from publicly owned treatment works and with Sections 4 and 6 of the State Act.
- (2) To the extent practicable, the "Guidelines for the Utilization and Disposal of Municipal and Industrial Sludges and Septage"; and
- (3) The provisions concerning the disposal of sludge in sanitary landfills which will be developed in the Statewide Sludge Management Plan promulgated pursuant to the "State Solid Waste Management Act," N.J.S.A. 13:1E-1 et seq.

16. Discharge Permitted

- A. The permittee shall discharge to surface waters, land or ground waters of the State only as authorized herein and consistent with the terms and conditions of this permit.

17. Operation Restrictions

- A. The operation of a waste treatment or disposal facility shall at no time create: (1) a direct discharge to surface waters of the State, except as authorized by NJDEP; (2) a persistent standing or ponded condition for water or waste on the permittee's property except as specifically authorized by this permit, or (3) any standing or ponded condition for water or waste on adjacent properties unless these activities are specifically included within the permit.

18. Facilities Operation and Operator Certification

The operation of the treatment works shall be under the supervision of an operator on the first day of operation of the sewage treatment plant and continually thereafter in accordance with N.J.A.C. 7:14A-2.5(e). The operator shall meet the requirements of the Department of Environmental Protection of the State of New Jersey for N.A. (classification) or equivalent, pursuant to the provisions of N.J.S.A. 58:11-18.22 and amendments thereto. The name of the proposed operator shall be submitted to this Department in order that his qualifications may be determined prior to initiating operation of the proposed treatment works.

19. Permit Modification, Suspension, or Revocation

- A. A permit may be modified, suspended or revoked by the Department, in the event of a violation of the terms or conditions of the permit, or State Laws and Regulations and in accordance with the procedures set forth in NJPDES Regulations Subchapter 12.12(b) (1) (2) (3) (4).

- B. A permit may be modified by the Department in accordance with and for the reasons set forth in Subchapter 2.12(a) of NJPDES Regulations.
- C. If a toxic effluent standard or prohibition is established pursuant to New Jersey Water Pollution Control Act N.J.S.A. 58:10A-1 et seq. or the regulations adopted pursuant to it, for a toxic pollutant which is present in the discharge, and such is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified of the revision or modification and date of required compliance.

20. Civil and Criminal Liability

- A. Nothing in this permit shall be deemed to preclude the institution of any legal action nor relieve the permittee from any responsibilities or penalties to which the permittee is or may be subject to under any Federal, Local or other State law or regulation.

21. Severability

- A. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

22. Permit Expiration

- A. This permit and the authorization to discharge shall expire at midnight on the expiration date of the permit. The permittee shall not discharge after the above date of expiration of the permit. In order to receive authorization to discharge after the above date of expiration, the permittee shall submit such information, forms, and fees as are required by the Department no later than 180 days prior to the above date of expiration.

23. Transfer of Permit

- A. Transfer of Ownership. This permit is valid only for use by the permittee and may not be transferred to another unless written permission for such transfer is obtained from the Department. In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall notify, in writing, the succeeding owner or controller of the facility of the existence of this permit and any outstanding violations of this permit. A copy of this notification shall be forwarded to the Department within 30 days prior to said change in control of ownership.

B. Transfer by Modification. Except as provided in paragraph (13.F) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under Section 2.12(c)2.) or a minor modification made (under Section 2.14(d) of the regulations), to identify the new permittee and incorporate such other requirements as may be necessary under the State and Federal Acts.

C. Automatic Transfers. As an alternative to transfers under paragraph (23.A) of this section, any NJPDES permit, except a UIC permit for a well injecting hazardous waste, may be automatically transferred to a new permittee if:

(1) The current permittee notified the Department in writing by certified mail of the proposed transfer as follows:

a. Where production levels, products produced, rates of discharge, and wastewater characteristics will remain unchanged, the following information shall be submitted at least 90 days prior to a proposed transfer date:

(1) Name and address of current facility;

(2) Name and address of new owners;

(3) NJPDES permit number;

(4) Names of the new principal persons responsible;

(5) Names of persons upon whom legal process can be served; and

(6) A notarized statement signed by the new principal officer stating that he has read the NJPDES permit and agrees to abide by all the conditions of the permit and that the production levels, products produced, rates of discharge, and wastewater characteristics will remain unchanged.

b. Where there will be a change in production levels, products produced, rates of discharge, or wastewater characteristics, the information required in paragraph 23.C(1)(a) shall be submitted at least 180 days prior to a proposed transfer date.

(2) The current permittee shall include in the notice of proposed transfer a written agreement between the existing and new permittee which includes a specific date for transfer of permit responsibility, coverage,

and liability between the parties. In the case of a UIC permit, the notice shall demonstrate that the financial responsibility requirements of 5.10(g) of the regulations will be met by the new permittee;

- (3) The Department does not notify the existing permittee and the proposed new permittee, within thirty (30) days of receipt of notice of proposed transfer, of its intent to modify, revoke or revoke and reissue the permit or, for a discharge to surface water (DSW), require a DAC. A modification under this paragraph may also be a minor modification under Section 2.14. If such notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 23.C(2) of this section; and

- (4) Whenever the regulated discharge has ceased prior to the proposed permit transfer, any compliance schedule shall not be automatically reinstated but shall be subject to revision or complete withdrawal if circumstances leading to its imposition have changed.

24. Bypass

- A. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs a. and b. of this section.

B. Notice

- (1) Anticipated Bypass. If the permittee knows in advance of the need for a bypass, he shall submit prior notice, if possible, at least thirty (30) days before the date of the bypass.
- (2) Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph I of Section 13.

C. Prohibition of Bypass

- (1) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if

the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted notices as required under paragraph 13.I of this section.

(2) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph 24.C.(1) of this section.

25. Upset

A. Effect of An Upset. An upset may constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph 25.B of this section are met. Where no determination was made during administrative review of claims that noncompliance was caused by upset, and there has been no Departmental action for non-compliance, the lack of such determination is final administrative action subject to judicial review.

B. Conditions Necessary for A Demonstration of Upset. A permittee who wished to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in paragraph I. of section 13; and

(4) The permittee complied with any remedial measures required under N.J.A.C. 7:14A-2.5(d).

C. Burden of Proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Emergency Plan

A. The permittee shall submit an emergency plan report prepared pursuant to paragraph 26.B or file for an exemption as provided in paragraph 26.E by six (6) months of the effective date of the permit.

(1) When a person has prepared an emergency plan required by other regulations, such plan or plan and any amendments necessary to meet the requirements of this section may be submitted and deemed to satisfy the requirements of this section provided:

- a. The plan meets the requirements of this section; and
- b. The plan indicates where it satisfies each requirement of this section.

(2) The Department shall review the emergency plan at the time of the DSW or DGW renewal to determine the adequacy of such plan based upon:

- a. Modification of the facility; and
- b. Any other conditions related to the plan which have changed.

(3) The permittee shall submit emergency plans according to the following schedule:

- a. All domestic treatment works with an average daily flow which is less than 0.1 MGD shall file a complete emergency plan by March 6, 1983; and
- b. All domestic treatment works with an average daily flow which is equal to, or greater than 0.1 MGD shall file a complete emergency plan by March 6, 1984.

(4) Within three months of notice of deficiency the permittee shall correct any deficiencies in the Emergency Plan and resubmit the Plan for incorporation in the DSW or DGW permit.

B. The Emergency Plan report shall be designed to insure effective operation of the facility under emergency conditions, and shall consist, as a minimum, of the following comments:

(1) A vulnerability analysis which shall estimate the degree to which the facility would be adversely affected by each type of emergency situation which could reasonably be expected to occur, including but not limited to those emergencies caused by natural disaster, civil disorder, strike, sabotage, faulty maintenance, negligent operation or accident.

(2) The analysis shall include, but is not limited to, an estimate of the effects of the emergency upon the following:

- a. Power supply;

- b. Communication;
- c. Equipment;
- d. Supplies;
- e. Personnel;
- f. Security; and
- g. Emergency procedures.

(3) An evaluation of the possible adverse effects on public health and the environment due to this emergency.

(4) An emergency operating plan and a manual of procedures for the implementation of such plan, including procedures for the notification of any relevant regulatory agency, affected water supply purveyor, and any other municipal authority or agency. The plan and manual shall address each of the emergency situations described in the vulnerability analysis.

C. Any domestic treatment works which meets the following criteria is eligible for an exemption from the requirements of this section:

(1) A DTW which has an average daily flow of 0.1 MGD or less and which receives and treats domestic wastes only; or

(2) A DTW which has an average daily flow which exceeds 0.1 MGD but which is less than 1.0 MGD and which satisfies all of the following conditions:

a. Does not receive or treat industrial pollutants from an indirect discharger which belongs to one or more of the industrial categories listed in Appendix E of the "Regulations Concerning the New Jersey Pollutant Discharge Elimination System";

b. Does not discharge any effluent upstream from a potable water intake;

c. Does not discharge any effluent into a shellfish area; and

d. Does not discharge any effluent which may affect shellfish areas.

D. Any industrial treatment works which meets the criteria of N.J.A.C. 7:14A-3.12(d) is eligible for an exemption from the requirements of this section.

E. Filing for an Exemption

(1) Any permittee whose treatment works is eligible for an exemption pursuant to paragraph 26.C or 26.D shall

file for an exemption according to the schedule in paragraph 26.A.

- (2) The permittee shall submit an affidavit affirming that the discharge(s) from that facility satisfies all of the applicable criteria in paragraph 26.C or 30.D.
- (3) The signatory of the affidavit shall satisfy the requirements of N.J.A.C. 7:14A-2.4.
- (4) If the quality and/or quantity of the discharge(s) from the facility changes in such a manner that the facility no longer qualifies for an exemption, the permittee shall notify the Department of the changes in writing, within thirty (30) days of such change.
- (5) The permittee shall submit an emergency plan report as described in paragraph 26.B to the Department within six months of the initial notification required in paragraph 26.E (4).

F. Implementation of the Emergency Plan

- (1) After receipt and review of the emergency plan, the Department shall notify the permittee in writing whether the emergency plan is acceptable and complete. Plans should, to the extent practicable, conform to the EPA document entitled, "Emergency Planning for Municipal Wastewater Treatment Facilities", (EPA-403/9-74-013).
- (2) Existing facilities shall comply with the following schedule for implementation of the emergency plan:
 - a. Within 60 days of acceptance of the plan by the Department:
 - (1) The permittee shall complete implementation of the procedural portions of the plan; and
 - (2) The Department shall incorporate the procedural elements of the plan into the DSW or DGW permit for that facility.
 - b. As soon as possible, but within 36 months of acceptance of the plan by the Department at the latest:
 - (1) The permittee shall complete the implementation of the structural portions of the plan (such as acquisition of spare parts, pumps, etc.); and
 - (2) The Department shall incorporate the structural elements and the emergency

manual into the DSW or DGL permit for that facility.

G. Liability

- (1) Submission of an Emergency Plan pursuant to this section shall not exempt a permittee from liability for violations arising from an emergency situation. A permittee shall take all necessary actions to mitigate the damage to the waters of the State arising from an emergency situation. Such actions shall not be limited by the emergency operating plan and the manual of procedures.
- (2) Exemption for development of an Emergency Plan under this section does not exempt the permittee from liability for violations arising from an emergency situation. Such permittee shall take all necessary actions to mitigate the damage to the waters of the State arising from an emergency situation.

H. Violations

- (1) Failure to submit an emergency plan in compliance with paragraph A. of this section and failure to implement the emergency plan pursuant to paragraph F. of this section shall each constitute a violation of this permit.

27. Oil and Hazardous Substance Liability

- A. The imposition of responsibilities upon, or the institution of any legal action against the permittee under Section 311 of the Federal Act shall be in conformance with regulations promulgated pursuant to Section 311 of the Federal Act governing the applicability of Section 311 to discharges from facilities with NPDES permits.

28. Reopener Clause for Toxic Effluent Limitations

- A. Notwithstanding any other condition of this permit, if any applicable toxic effluent standards, limitation or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Sections 301(b)(2)(c) and (d), 304(b)(2), and 307(a)(2) of the Federal Clean Water Act or Sections 4 or 6 of the State Act for a toxic pollutant and that effluent standard limitation or prohibition is more stringent than any limitation of the pollutant in the permit (or controls a pollutant not limited in the permit), this permit shall be promptly modified or revoked and reissued to conform to that effluent standard, limitation or prohibition.

29. Availability of Information

- A. NJPDES permits, effluent data, and information required by NJPDES application forms provided by the Regional Administrator or Director (including information submitted on the forms themselves and any attachments used to supply information required by the forms) shall be available for public inspection at the offices of the Director.
- B. In addition to the information set forth in Subsection A, any other information submitted to EPA and/or the Department in accordance with the conditions of this permit shall be made available to the public without further notice unless a claim of business confidentiality is asserted at the time of submission in accordance with the procedures in 40 CFR Part 2 (Public Information) and/or Subchapter 11 of the "Regulations Concerning the New Jersey Pollutant Discharge Elimination System."
- C. If a claim of confidentiality is made for information other than that enumerated in section 34.B., the information shall be treated by the Department in accordance with the procedures in N.J.A.C. 7:14A-11.1 et seq. Only information determined to be confidential under those procedures shall not be made available by NJDEP for public inspection.

30. Effective Date of A Permit

- A. This permit shall become effective in its entirety on the date indicated (Effective Date) on the first page of this permit unless a request for an adjudicatory hearing is granted pursuant to the provisions of N.J.A.C. 7:14A-8.11 et seq.
- B. For purposes of judicial review, final agency action on a permit does not occur unless and until a party has exhausted its administrative remedies under N.J.A.C. 7:14A-8.9 et seq. Any party which neglects or fails to seek such review thereby waives its opportunity to exhaust available agency remedies.

31. Definitions

- A. Unless otherwise stated, all terms shall be as defined in the "Regulations Concerning the New Jersey Pollutant Discharge Elimination System", N.J.A.C. 7:14A-1 et seq.
 - (1) "Aliquot" means a sample of specified volume used to make up a total composite sample.
 - (2) "Composite" means a combination of individual (or continuously taken) samples (aliquots) of at least 100 milliliters, collected at periodic intervals over the entire discharge day. For volatile pollutants, aliquots must be combined in the laboratory immediately before analysis. The composite must be flow

proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically. For a continuous discharge, a minimum of 24 aliquots (at hourly intervals) shall be collected and combined to constitute a 24-hour composite sample. For intermittent discharges of more than 4 hours duration, aliquots shall be taken at a minimum of 30-minute intervals. For intermittent discharges of less than 4 hours duration, aliquots shall be taken at a minimum of 15-minute intervals.

- (3) "EDP" means Effective Date of Permit.
- (4) "Grab" means an individual sample of at least 100 milliliters collected over a period not exceeding 15 minutes.
- (5) "Monthly" means one day each month (the same day each month) and a normal operating day (e.g., the 2nd Tuesday of each month).
- (6) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- (7) "Weekly" means every seventh day (the same day each week) and a normal operating day.

32. Stay of Conditions, N.J.A.C. 7:14-8.10

A request for an adjudicatory hearing shall not automatically result in a stay of the conditions of this permit.

WQM122-A/GWM:fmm

ADDITIONAL GENERAL CONDITIONS FOR LANDFILLS

GROUND WATER MONITORING

1. The permittees shall effectively monitor the landfill by operating 8 ground water monitoring wells to detect any possible ground water pollution from leachate or other on-site discharges. Required ground water monitoring wells shall consist of 2 satisfactory existing ground water monitoring wells and 6 new ground water monitoring wells as specified in this permit. Satisfactory ground water monitoring wells are defined in N.J.A.C. 7:14A-1 et seq., section 2.1. They shall be subject to Department approval. If ground water monitoring wells do not meet Department standards, they must be replaced with new wells meeting Department standards.
2. The location and number of all ground water monitoring wells as required by this Department, including existing or proposed wells, is shown on Attachment 1. Ground water monitoring wells shall be located within a fifty foot radius of each proposed location, but in every case cannot be located through landfilled material without prior Departmental approval.
3. The following information must be submitted to this Department within 150 days from the effective date of this permit.
 - a. A plot plan of the facility having a horizontal scale of at least one inch equal to two hundred feet. This plan must be signed and sealed by a New Jersey licensed land surveyor and show the following information:
 - i) Legal site boundaries surveyed by a New Jersey licensed land surveyor within the last 12 months.
 - ii) All filled and permitted areas that were designated in the Approved Engineering Design by the Division of Waste Management (formerly the Solid Waste Administration) of the N.J.D.E.P.
 - iii) The location of all existing and proposed ground water monitoring wells. Ground water monitoring wells shall be located by horizontal control (latitude/longitude) to the one-hundredth of a second and by vertical control (elevation) to the one-hundredth of a foot based on New Jersey Control Survey datum, based on the top of casing. Each ground water monitoring well must be identified on the plot plan by the "Well Permit Number" issued by the Water Allocation Office of the Division of Water Resources, N.J.D.E.P.
 - iv) The location of all methane gas vents.
 - b. An 8 1/2" by 11" portion of the most recent United States Geological Survey 7.5 minute series topographic quadrangle showing the landfill location.
 - c. Ground Water Monitoring Well Certification Forms A and B for each existing and proposed ground water monitoring well. Information for each well must be shown on a separate well completion form. The form entitled, "Ground Water Monitoring Well Certification", Form A - As Built Construction Certification, must be sealed by a licensed New Jersey Professional Engineer. Form B, "Location Certification" must be sealed by a licensed New Jersey Land Surveyor. For an existing well, if information required on the well completion form cannot be determined, is unknown or is not adequately constructed to meet the requirements of this permit, the Department reserves the right to require an additional well to be drilled. Criteria to be used by the Department in judging the adequacy of a well will be related to the ability of the well to provide a representative ground water sample at any time of the year as specified within this

permit. Any replacement well must be installed within a twenty-five foot radius of the old well. Inadequate or damaged existing wells must be properly sealed as per N.J.A.C. 58:14. Instructions regarding sealing may be obtained by contacting the Water Allocation Office of the Division of Water Resources at (609) 984-6831.

4. All ground water monitoring wells must be installed by a licensed New Jersey Well Driller, pursuant to N.J.S.A. 58:4A-6. A valid New Jersey permit, pursuant to N.J.S.A. 58:4A-14, to drill a well, be obtained from the Water Allocation Office at (609-984-6831) prior to installation of ground water monitoring wells. Ground water monitoring wells must be installed within thirty days after the date of this permit.
5. All proposed wells must be constructed according to the attached Department specifications. For sites where inadequate geological information is available to properly design the well specifications, a Department geologist will finalize the well specifications on-site at the time of drilling.
6. The Bureau of Ground Water Discharge Permits must be notified by the Permittee two weeks prior to the installation of new ground water monitoring wells. Failure to notify the Department may result in disapproval of the wells as constructed.
7. A ground water monitoring well as required by this permit is a monitoring device under N.J.S.A. 58:10A-10 and as such the permittee is required to maintain this well in proper working order at all times. The permittee is further required to take any reasonable steps necessary to limit public access by constructing fences, barricades, or any other structures necessary to restrict access in the immediate vicinity of the ground water monitoring well. Said structures shall be maintained to restrict access.
8. Each ground water monitoring well shall have the Department assigned well number permanently attached to that portion of the casing above the ground surface.
9. The owner or operator must inspect each ground water monitoring well on a weekly basis for structural integrity and/or damage. The permittee shall maintain a complete inspection record indicating dates of inspection, inspector's name, and conditions observed. These records shall be available to the Department at any time upon request. Failure to maintain, or submit records upon request, shall be a violation of N.J.S.A. 58:10A-10.
10. If the monitoring wells are damaged, the Administrator, Water Quality Management Element, shall be notified within five (5) days in writing at the above address indicating:
 - a) Which wells were damaged;
 - b) The cause and extent of damage;
 - c) If the sampling schedule as required in this permit will be violated;
 - d) The date that the well will again be operational. Damaged wells must be replaced or repaired within thirty (30) days after the damage has occurred. The wells must be sampled within five (5) days, after they have been developed. A replacement well must meet the construction requirements established for the damaged well. A valid New Jersey well permit is required prior to the installation of the replacement well.
 - e) The next date that the well will be sampled.

Failure to follow these procedures is a violation of this permit and subject to the provisions of N.J.S.A. 58:10A-10.

11. Ground water monitoring wells shall be sampled by procedures as delineated in N.J.A.C. 7:14-8.10 (attached hereto and hereby made part of). A chain of custody record for each sample shall be maintained, and may be examined by the Department at any time.
12. All samples shall be collected and analyzed by a New Jersey Certified Laboratory. Sampling results shall be reported on forms provided by the Division of Water Resources. Information not reported on the above specified forms shall not be deemed to fulfill the reporting requirements of this permit. Additional forms may be obtained by writing to the Administrator, Water Quality Management Element. It shall be the permittee's responsibility to maintain an adequate supply of forms to report ground water monitoring data to the State.
13. The permittee shall retain the services of a New Jersey certified laboratory to collect and analyze samples from the ground water monitoring wells for the parameters specified in Table 1 and at the time intervals therein specified. A list of certified Water Pollution Laboratories may be obtained from the Office of Quality Assurance of the Division of Water Resources at (609) 292-3950.
14. The Department reserves the right to modify this Monitoring Permit at any time. This includes the number of wells, the frequency of sampling, and parameters being analyzed.
15. The Bureau of Ground Water Discharge Permits must be notified in writing by the Permittee two weeks prior to the installation of new ground water monitoring wells. Failure to notify the Bureau may result in disapproval of the wells as constructed. This notification must be post marked 2 calendar weeks prior to commencement of drilling.
16. Unpermitted releases of leachate or discharges of pollutants onto the land or to surface water bodies are prohibited under the provisions of this permit.
17. All sampling and analytical records mentioned in the preceeding paragraphs shall be retained for a minimum of five years. The permittee shall also retain all original recordings from any continuous monitoring instrumentation, and any calibration and maintenance records, for a minimum of five years. These periods will be extended during the course of any unresolved litigation, or when so requested by the permitting authority.
18. Within 90 days of the effective date of this permit, delineate all direct or indirect discharges of leachate or other pollutants to surface waters. These discharges shall then be analyzed for the same parameters required for the monitoring wells and at the same frequency. These leachate discharges shall be delineated on a map of the same scale as specified in item 3 above.
19. All existing referenced ground water monitoring wells in the "Plot Plan" shall have the same designation as those dated N/A, Sheet N/A of plans sealed by N/A Professional Engineer, that have been submitted to the Division of Waste Management.
20. A request for an adjudicatory hearing shall not automatically result in a stay of the conditions of this permit (N.J.A.C. 7:14-8.10).

6.12 Ground-water Sampling Procedures

To ensure a representative sample from a monitor well or a potable well, flushing or pumping is almost always required. In general, the ground-water standing in the well casing at the time of sample collection will be similar in quality to that in the surrounding aquifer or local groundwater, but it may not be representative. Accordingly, the well should be pumped (or bailed) prior to collecting a sample whenever possible.

For pump samples, a volume of water equal to three times that standing in the casing should be pumped from the well before taking the sample. Overpumping, which can result in dilution of the samples should be avoided. Depending on the geology, well design and other factors, some monitor wells will have a low yield. In such cases, the standing water should be evacuated and a sample collected upon recovery. Wells with relatively high yield can be sampled immediately after evacuation or bailing.

A pumping well will yield samples which incorporate water drawn from a volume adjacent to the well bore at the depth of the sampling tube orifice if the well is screened at that depth. Otherwise, the sample will represent water entering the well bore at the bottom of the casing or at the nearest screened interval. Therefore, these sampling configurations can preclude water quality information with depth and, since the pumped samples are obtained from a volume adjacent to the well bore, dilution or concentration of the samples can occur as the well continues to be pumped. In these instances, grab samples are preferred over pumped samples.

If a monitoring well is sampled using a bailer, the standing water in the well should be bailed repeatedly until at least one (and preferably three) times the water volume standing in the well casing have been exchanged prior to sample collection.

Depth-to-water should be measured prior to sampling using a calibrated steel tape.

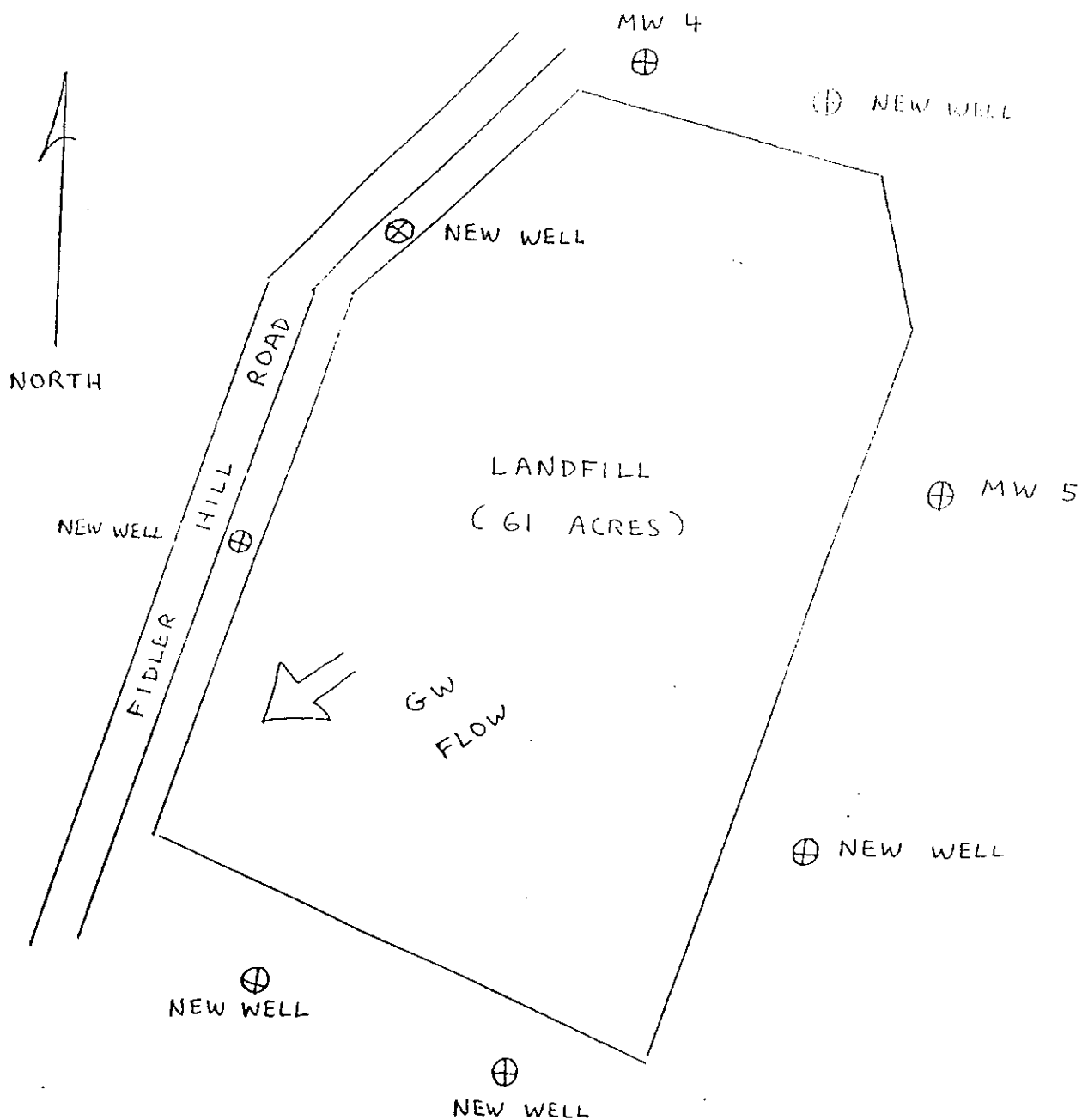
If surface pumps or hoses are used, the end of the hose must be at a sufficient depth that suction will not be broken as the level of water in the monitoring well is drawn down. However, the hose must be kept above the bottom so that sediments or solids will not be entrained and sample turbidity increased. Poorly-developed monitor wells may also promote increased turbidity. Bedrock wells are less likely to present problems of induced turbidity upon sampling than are wells screened in unconsolidated materials.

For those water quality parameters not subject to chemical change within a well casing in contact with the atmosphere, a pump sample may not be necessary (e.g. nitrate (NO_3)). However, in the case of volatile organics (e.g. benzene, trichlorethylene, toluene), concentrations can decrease for water standing in the well. Therefore, samples for volatile organics should be collected from depths several feet below the water level. If grab samples are taken for volatile organic analyses, methyl alcohol and distilled water should be used to thoroughly clean the sampler prior to reuse. The sampler should be washed first with the alcohol, then rinsed with distilled water; the alcohol must be allowed to volatilize before resuming sampling.

When sampling is done from a pump discharge, the flow rate should be reduced to a trickle to minimize agitation of the water and resulting loss of volatile compounds. When sampling for low levels of volatiles, care must be taken as to the source of water used in priming a centrifugal pump.

If several wells are to be sampled for volatiles, the least contaminated wells should be sampled first and the remaining wells sampled in order of increasing contamination. If the relative levels of contamination are unknown, clean water should be used to purge the pump following each well sampled in order to minimize cross-contamination of samples.

ATTACHMENT 1
F & S SANITARY LANDFILL



MONITOR WELL LOCATIONS
(NOT TO SCALE)

Attachment 2

Monitor Well Data - Typical Analyses for Selected Indicator Parameters (Dec. 6, 1983)

	<u>Monitor Well #1</u>	<u>Monitor Well #2</u>	<u>Monitor Well #3</u>
Iron, ppm (0.3)	2.9	33	65
Hardness, ppm	44	1360	1840
Chloride, ppm (250)*	18	400	380
TDS, ppm (500)*	74	2600	2310
Total VOs, ppb.	20	517	1809

* Ground Water Quality Standards

PERMIT REQUIREMENTS AND LIMITATIONS

in the schedule below. Insure and sample a total of 8 ground water monitoring wells according to the schedule below. All ground water elevations must be determined prior to pumping and sampling the ground water monitoring wells. Sampling of the ground water monitoring wells shall be performed according to the methodology specified in Section 6.12 of the NJPDES regulations and the Department's Field Procedures Manual for Water Data Acquisition. The permittee shall sample for all parameters for which there is an "X" to the left of the parameter name. Sampling shall be performed during the months which are specified for that parameter. Sampling

PARAMETER	LIMITATION	SAMPLING MONTH	SAMPLE TYPE	REPORTING MONTH
<input checked="" type="checkbox"/> Ammonia-Nitrogen	0.003 ppb	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Arsenic and Compounds	0.5 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Barium	0.05 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Benzidine	1.0 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Biochemical Oxygen Demand (BOD ₅)	0.1 ppb	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Cadmium		JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Calcium	0.01 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Chemical Oxygen Demand (COD)		JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Chloride		JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Chromium (Hexavalent) and Compounds	250 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Coliform Bacteria	0.05 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Color	(1)	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Copper	None Notice-able	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Cyanide	1.0 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> DDT and Metabolites	0.2 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Endrin	0.001 ppb	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Fecal Coliform, MPN per 100 ml	0.004 ppb	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Fluoride	()	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Foaming Agents	2.0 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Gross Alpha	0.5 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Gross Beta		JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Hardness		JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Iron	0.3 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND

PARAMETER

MONITORING REQUIREMENTS AND LIMITATIONS - Page 2

PARAMETER	LIMITATION	SAMPLING MONTH	SAMPLE TYPE	REPORTING MONTH
<input checked="" type="checkbox"/> Lead and Compounds	0.05 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Lindane	ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Magnesium	ppb	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Manganese	ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Mercury and Compounds	0.05 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Methoxychlor	0.002 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Nitrate-Nitrogen (NO ₃ -N)	ppb	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Odor and Taste	10 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Oil and Grease	None	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> pH	Noticeable	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Phenols	10.0 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Phosphate, Total	5-9 S.U.	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Polychlorinated Biphenyls (PCBs)	3.5 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Radionuclides	0.001 ppb	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Radium	(2)	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Selenium and Compounds	0.01 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Silver and Compounds	0.05 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Sodium	50 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Specific Conductance (mmho-cm)	50 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Sulfate	250 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Total Dissolved Solids (TDS)	500 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Total Organic Carbon (TOC)	ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Total Organic Halogen (TOH or TOX)	ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Total Volatile Organics by GC/MS Scan (3)	ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Toxaphene	50 ppb	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Turbidity	0.005 ppb	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> Zinc and Compounds	5.0 ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> 2,4 D	ppm	JFMAMJJASOND	Grab	JFMAMJJASOND
<input checked="" type="checkbox"/> 2,4,5-TP Silvex	ppb	JFMAMJJASOND	Grab	JFMAMJJASOND

MONITORING REQUIREMENTS AND LIMITATIONS - Page 3

Well Casing (to be determined, but reported as indicated)	DEPTH OF WATER TABLE FROM TOP OF CASING PRIOR TO SAMPLING	ORIGINAL GROUND LEVEL PRIOR TO SAMPLING
✓	✓	✓

Notes: (1)

- (1) A. By membrane filtration, not to exceed four per 100 ml in more than one sample when less than 20 are examined per month, or B. by fermentation tube, with a standard 10 ml portion, not to be present in three or more portions in more than one sample when less than 20 are examined per month, or C. prevailing criteria adopted pursuant to The Federal Safe Drinking Water Act (PL 93-523), with a prevailing regulations adopted by USEPA pursuant to Sections 1412, 1415, and 1450 of The Public Health Services Act as amended by The Safe Drinking Water Act (PL 93-523).
- (2) GC/MS scan for volatile organics with a method limit of detection of 10 ppb or better for each substance. The concentration limit for specific volatile organic chemicals shall be that specified in Appendix F of the NPDPS regulations for the 10-5 Cancer Risk, but in no case shall the total concentration for all volatile organic chemicals exceed 50 ppb.
- (3) or better for volatile organics with a method limit of detection of 10 ppb organic chemicals shall be that specified in Appendix F of the NPDPS regulations for the 10-5 Cancer Risk, but in no case shall the total concentration for all volatile organic chemicals exceed 50 ppb.

The Permittee shall complete the forms required on the "Monitoring Report - Transmittal Sheet" (Form T-VWX-014) which is included as a part of this Permit. Failure to submit sampling data on the forms required on the "Monitoring Report - Transmittal Sheet" shall be considered by the Department to be a violation of the permit sampling requirements and may place the Permittee subject to civil and administrative penalties pursuant to N.J.S.A. 58:10A-10.

It shall be the Permittee's sole responsibility to maintain an adequate supply of the required report forms.

REPORTING MONTH

REPORTING MONTH

01/01/00

01/01/00

01/01/00

01/01/00

01/01/00

01/01/00

Satisfactory ground water monitoring wells are defined in Section 6.13 of the NJPDES regulations and shall be subject to Departmental approval. If ground water monitoring wells do not meet these standards, they must be replaced with new wells meeting Departmental standards.

A Ground Water Monitoring Well Certification (Forms A and B) shall be completed for each existing and proposed ground water monitoring well.

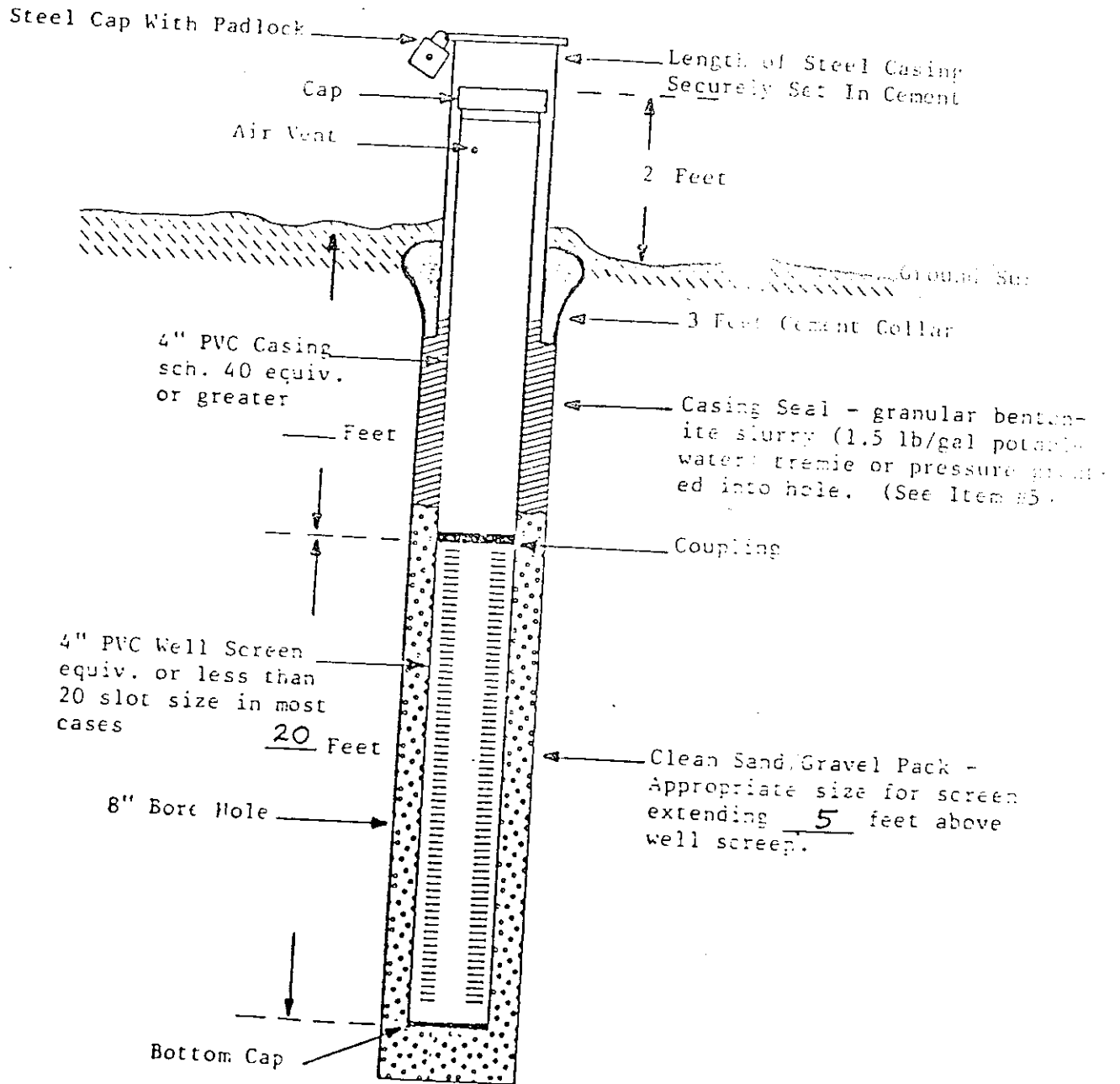
Form A for an existing well. Information for each well must be shown on a separate form. Forms A and B) cannot be determined or the ground water monitoring Certification replaced to meet the requirements of this permit, the Department reserves the right to require a replacement well. Criteria to be used by the Department in judging the adequacy of a well will be related to the ability of the well to provide a representative ground water sample at any time of the year as specified by the permit. Any replacement well must be installed within a 10 foot radius of the existing well. Inadequate or damaged existing wells must be properly sealed pursuant to N.J.A.C. 58:4A-4.1. Instructions regarding sealing may be obtained by contacting the Water Allocation Office (609-984-6831).

New Jersey Department of Environmental Protection
Unconsolidated Monitor Well Specifications

Site Name: Foundations & Structures Sanitary Landfill

Location: Woodbine

Date: _____



NOT TO SCALE

REQUIREMENTS:

Notification to the NJDEP is required two (2) weeks prior to drilling. State well permits are required for each monitor well constructed by the driller. Report "use of well" on well permit application. Permit number must be permanently affixed to each monitor well. NOTE: Well driller must be licensed in the State of New Jersey.

3. The borehole must be a minimum of four (4) inches greater than the casing diameter.
4. Wells must be gravel packed unless noted otherwise in Additional Requirement #1.
5. Approved high grade sodium base, well sealant type, granular bentonite must be used to seal casing. Casing sealant and drilling fluids must be tested with potable water to yield a turbid-free discharge.
6. All wells must be developed upon completion for a minimum of one (1) hour or to yield a turbid-free discharge.
7. The driller must maintain an accurate written log of all materials encountered in each hole, record all construction details for each well, the static water level, and any tidal fluctuations (when applicable). This information must be submitted to the Office of Water Allocation as required by N.J.S.A. 58:4A.
8. If low level organic compounds are to be sampled for, only threaded or press joints (no glue joints) are acceptable.
9. A length of steel casing with a locking cap must be securely set in cement a minimum of three (3) feet below ground surface.
10. Top of PVC casing (excluding cap) must be surveyed to the nearest hundredth foot (0.01) by a licensed surveyor. The casing must be permanently marked at the point surveyed. The well(s) should be numbered clearly on the casing. A detailed site map with the well locations and casing elevations must be submitted to _____.

NOTICE IS HEREBY GIVEN OF THE FOLLOWING:

- a. Review by the Department of well locations and depths is limited solely to review for compliance with the law and Department rules;
- b. The Department does not review well locations or depths to ascertain the presence of, nor the potential for, damage to any pipeline, cable or other structure;
- c. The permittee (applicant) is solely responsible for safety and adequacy of the design and construction of wells required to be constructed by the Department;
- d. The permittee (applicant) is solely responsible for any harm or damage to person or property which results from the construction or maintenance of any well; this provision is not intended to relieve third parties of any liabilities or responsibilities which are legally theirs.

ADDITIONAL REQUIREMENTS (IF CHECKED):

Top of screen set 5 feet above/below water table.

Split Spoon Samples every five feet

Dedicated Bailer (Sampler) In Well(s) _____

Threaded or Press Joints _____

Five (5) Foot Casing Tailpiece Below Screen _____

Centralizers On Screen _____

Borehole Geophysical Log(s) _____

Other _____

ALL MATERIALS, DESIGNS AND CASING DIAMETERS MAY BE USED WITH PRIOR APPROVAL BY THE DEP.

The following pages contain a site due diligence report and the continuation of the permit list from Section VII. Permits, Question 3

August 12, 2019
NEXMP19003

Infiniti Energy
Attn: Ms. Dallas Manson
101 Summer Street, 2nd Floor
Boston, MA 02110

**RE: DUE DILIGENCE ANALYSIS MEMORANDUM
WOODBINE SOLAR FACILITY
BLOCK 117, LOT 1**

Dear Ms. Manson:

The following preliminary site evaluation has been prepared to help determine the feasibility of a 12.9 GWh +/- ground mounted solar project located on Fidler Hill Road in the Borough of Woodbine. The following includes a review of the local zoning requirements, an evaluation of potential design constraints, a summary of required permits, and a review of Nexamp's conceptual design. Our subsequent analysis concludes that there is a feasible permitting path available for the proposed solar development.

A. Zoning by-law review

The proposed site, Block 117, Lot 1, is positioned in the Redevelopment (RD) zone. The Borough of Woodbine's Zoning Code does not identify setbacks and permitted uses within the RD district. In the absence of any specified use within the redevelopment zone and pursuant to 40:55D-66.16 of the Municipal Land Use Law (MLUL), a solar facility is a permitted use on any landfill. A solar subsection has been adopted by Woodbine, found in section **26-23.7 (2)** which states the requirements, restrictions, and general conditions for solar energy systems. The relevant sections of this code are applicable to residential systems, therefore, it is interpreted that the regulation will not apply to this site.

B. Summarize Design constraints, both legal and physical

- A use variance may need to be obtained from the Borough of Woodbine upon interpretation of the zoning code by the municipality. Pursuant to the MLUL, the municipality is obligated to grant the variance.
- Freshwater wetlands have been identified on site and approximate locations were plotted on the provided Freshwater Wetlands Exhibit. Further investigation is needed to determine the exact extent of the wetlands.

- Woodbine's zoning code indicates that ground arrays of solar panels are permitted in a residential zoning district if the setback, glare, and height requirements are followed. These requirements can be found in Appendix A. It appears that the conditions of the ordinance can be achieved.
- One of the adjacent sites is the Woodbine Municipal Airport. A portion of the proposed site is in the Airport Safety Zone. Due to the proximity to the airport, a study following requirements of the FAA will be needed.
- The site is located within the Pinelands. A meeting with the Pinelands found that the site can be utilized for solar generation. An application to the Pinelands Commission will be required.
- The site is located within the Dennis Creek (Jakes Landing Rd to Rt 47) sub-watershed which contains Category 1 waters downstream of the site. Because of this, a 300-foot riparian zone will apply to any regulated water found on or adjacent to the site.

C. Permitting Summary and approximate timeline for each permit required

- The following is a list of permits that may be applicable to the proposed improvements. Depending on the final layout, certain permits may be added or eliminated. Pineland's approval are required prior to application to any other regulatory land use agency.

Permit Name and Description	Permitting Agency/Entity	Requirement	Timeframe from Submission Date
Pinelands Certificate of Filing	NJ Pinelands Commission	Required	4 Months
NJDEP Freshwater Wetlands General Permit	NJ Pinelands Commission	Not Required ¹	4 Months
NJDEP Freshwater Wetlands (LOI)	NJ Pinelands Commission	Required	4 Months
NJDEP Wetland Transition Area Waiver	NJ Pinelands Commission	Not Required ¹	4 Months
NJDEP Environmental Review	NJ Pinelands Commission	Required	4 Months
Planning and Zoning Permit	Borough of Woodbine Planning and Zoning Board	Required	3 Months
NJDEP Flood Hazard Individual Permit	NJDEP	Not Required ¹	5 Months
NJDEP Flood Hazard Area Verification	NJDEP	Required ²	4 Months
NJDEP Flood Hazard Permit	NJDEP	Not Required	N/A
NJDEP Stormwater Discharge Permit	NJDEP	Not Required	N/A
Treatment Works Approval	NJDEP	Not Required	N/A
Brownfields Development Permit	NJDEP	Not Required	N/A
Safe Drinking Water Approval	NJDEP	Not Required	N/A
Army Corps of Engineers Compliance	Army Corps of Engineers	Not Required	N/A

Permit Name and Description	Permitting Agency/Entity	Requirement	Timeframe From Submission Date
Soil Erosion and Sediment Control	Cape-Atlantic Soil Conservation District	Required	2 Months
NJ EPA Compliance	NJ EPA	Not Required	N/A
USDA NRCS	USDA	Not Required	N/A
NJ Pollutant Discharge Elimination System Application, SWPP narrative, plans and Submission (RFA Permit)	Cape-Atlantic Soil Conservation District	Required	1 Month
Local/County/State Road Construction Permit	Cape May County	Required for Utility Work	3 Months
Road Opening Permit	Cape May County	Required	1 Month
Access Permit	NJDOT	Not Required	N/A
Utility Opening Permit	Cape May County	Required for Utility Work	1 Month
USFWS Permit	USFWS	Not Required	N/A
CAFRA Permit	CAFRA	Not Required	N/A
Delaware Raritan Canal	DRCC	Not Required	N/A
Historic Preservation Review	SHPO	Required ³	3 Months
Highlands Permit	Highlands Council	Not Required	N/A

¹) Permit required if encroachment into regulated areas

²) Subject to actual location of Flood Hazard area

³) Subject to site investigation of historical resources and requirements of Pinelands

D. Conceptual Design Review

- In the current design, a portion of the proposed solar panels appear to be inside the 300-foot wetland buffer. Further investigation of the wetlands should be completed to establish the exact location of the buffer. Pinelands may require a buffer reduction model to establish the regulated buffer for the on-site wetlands. Establishment of the wetlands area is necessary to confirm permit requirements. Since the wetlands adjoin an existing landfill, we anticipate that buffers will be reduced and that onsite wetlands may be filled.
- Accounting for the wetland buffers, 300-foot riparian buffer from the Dennis Creek Tributary, and 20-foot property setbacks, there are approximately 50 acres of viable land remaining for the proposed solar development. Further investigation should be completed to verify this approximation.

E. Environmental Services

- As shown on the Freshwater Wetlands Exhibit (enclosed), we anticipate a 300-foot riparian buffer from the stream's top of bank and a 300-foot wetland buffer from a delineated wetland.

- The FEMA Flood Hazard Zone was identified and can be seen on Freshwater Wetlands Exhibit. The flood hazard area appears to be located off-site, therefore; no further analysis will be required.
- The solar facility can be installed on-site as part of the landfill closure plan.
- The site is located along a county highway (638). Right-of-Way dedication may be required by Cape May County. Road improvements are not anticipated except in the construction of an access driveway.

After preliminary site investigation we have concluded that the site is suitable for the development. Zoning criteria and the presence of environmental features will establish the final footprint of the proposed solar panels. There is a feasible permitting path available for the proposed solar development. Because the site is in the Pinelands Area, a permit application to the Pinelands Commission is required. The panels as preliminarily shown will likely be approved by the Pinelands Commission including any encroachment into freshwater wetlands and/or buffers. The site is located on a former landfill, whereas the landfill cap will likely be permitted to be permeable. Such landfill closure plans are expected to demonstrate that existing contaminant plumes with the deep groundwater will have no impact on the ecology of the freshwater wetlands.

If you have any comments and/or require additional information to assist you, please do not hesitate to contact this office.

Sincerely,

PENNONI ASSOCIATES INC.

Brandon Morales, EIT
Design Engineer



Andrew T. Banff, PE, PP, CME, CFM
NJPE License No. 45121
Senior Engineer

Enclosures

> Exhibit G: Letters of Support



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO BOX 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

September 5, 2019

Lisa Garrison, Clerk (via email)
Woodbine Borough

Re: Application # 1986-0257.002
Block 117, Lot 1
Borough of Woodbine

Dear Ms. Garrison:

We are writing regarding the Borough's proposal to redevelop the above referenced 115.6 acre parcel by installing an approximately 12.9 GWh ground mounted solar facility on a 32 acre portion of the above parcel. The solar facility is proposed to be located on a closed, but not currently capped landfill.

The Pinelands Commission fully supports the proposal to redevelop the parcel with a ground mounted solar facility. The Pinelands Comprehensive Management Plan (CMP) permits the use of landfills as sites for solar facilities provided all relevant land use, landfill closure and environmental protection standards of the CMP are met.

We look forward to working with you on this important project. Please contact me if you have any questions.

Sincerely,

Nancy Wittenberg
Executive Director

DR. JEFFERSON VAN DREW
2ND DISTRICT OF NEW JERSEY



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

HOUSE AGRICULTURE COMMITTEE
SUBCOMMITTEE ON COMMODITY EXCHANGES,
ENERGY AND CREDIT
SUBCOMMITTEE ON BIOTECHNOLOGY,
HORTICULTURE AND RESEARCH
SUBCOMMITTEE ON NUTRITION, OVERSIGHT
AND DEPARTMENT OPERATIONS
SUBCOMMITTEE ON GENERAL FARM
COMMODITIES AND RISK MANAGEMENT
HOUSE NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON WATER, OCEANS
AND WILDLIFE
Co-CHAIR OF THE BLUE DOG COALITION
TASKFORCE ON NATIONAL SECURITY

August 22, 2019

Dear New Jersey Board of Public Utilities Representatives,

I am writing on behalf of the Borough of Woodbine to express my complete support for the Community Solar Application being submitted by Nexamp, Inc., regarding a solar project to be located on the Woodbine Landfill. This project is completely aligned with the goals that are set forth in legislation that I have introduced entitled "Promoting Renewable Energy with Shared Solar (PRESS) Act." I am encouraged by the fact that New Jersey is at the forefront of implementing and promoting sustainable energy projects. Equally so, I am pleased to note that the Borough of Woodbine is pursuing this Community Solar Project as a way to repurpose the former landfill and create a model program that will help the Borough's lower income families in greatest need of assistance with their energy bills.

Once operational, this solar project will positively impact Borough residents by guaranteeing long-term savings of up to 15% on their electric utility bills. The Borough also expects to purchase discounted electricity credits from the project, which will reduce municipal electric costs. Electricity savings and annual, fixed payments for the leased landfill will provide revenue for Woodbine for up to 40 years, thereby lessening the financial burdens for all Woodbine residents, of which more than 74% are low to moderate income. Woodbine will be able to direct funds typically assigned to utility expenses to other facilities and services benefitting residents most in need.

I congratulate the Borough for once again being in the forefront of pursuing every opportunity to help improve the quality of life for its residents, businesses and the institutional entities that are part and parcel of the Borough's social fabric. It is with great pleasure that I extend my full support and I respectfully request that the Board of Public Utilities give the highest favorable consideration for Nexamp's Community Solar Application for Woodbine.

Sincerely,

A handwritten signature in blue ink, appearing to read "JVD", with a long horizontal flourish extending to the right.

Jeff Van Drew
U.S. Representative
New Jersey-District 2



BOB ANDRZEJCZAK
SENATOR
FIRST LEGISLATIVE DISTRICT
SenAndrzejczak@njleg.org

BRUCE LAND
ASSEMBLYMAN
FIRST LEGISLATIVE DISTRICT
AsmLand@njleg.org

MATT MILAM
ASSEMBLYMAN
FIRST LEGISLATIVE DISTRICT
AsmMilam@njleg.org

August 28, 2019

Dear New Jersey Board of Public Utilities Representatives,

On behalf of the Borough of Woodbine, we wish to express our complete support for the Community Solar Application being submitted by Nexamp, Inc., regarding a solar project to be located on the Woodbine Landfill. This project is completely aligned with our goals as well as the legislation that been introduced by Congressman Van Drew entitled "Promoting Renewable Energy with Shared Solar (PRESS) Act." New Jersey is in the forefront of and promoting sustainable energy projects and I am pleased to note that the Borough of Woodbine is once again, aggressively pursuing a Community Solar Project as a way to repurpose the former landfill and create a model program that will help the Borough's lower income families in greatest need of assistance with their energy bills.

Once operational, this solar project will positively impact Borough residents by guaranteeing long-term savings up to 15% on their electric utility bills. The Borough also expects to purchase discounted electricity credits from the project, which will reduce municipal electric costs. Electricity savings and annual, fixed payments for the leased landfill will provide revenue for Woodbine for up to 40 years, thereby lessening the financial burdens for all Woodbine residents, more than 74% of whom are low to moderate income. Woodbine will be able to direct funds typically assigned to utility expenses to other facilities and services benefitting residents most in need.

We applaud the Borough for pursuing every opportunity to improve the quality of life for its residents, businesses and the institutional entities that are part and parcel of the Borough's social fabric including this Community Solar Project. Woodbine should also be recognized for its efforts to repurpose the landfill for a productive use. This Solar Project will provide sustainable energy that will meet the needs of the present and future generations without compromising the environment especially in this unique Pinelands setting. Based on Nexamp's proven track record of building and operating Community Solar projects in Massachusetts, New York, Maryland and other states, it is clear the Borough has selected the right firm with the experience to bring the same high-quality product and related benefits here in New Jersey.

In consideration of the above, it is with great pleasure that we extend our full support and endorsement and respectfully request that the Board of Public Utilities give the highest favorable consideration for Nexamp's Community Solar Application for Woodbine.

Sincerely,

Sgt. Bob Andrzejczak
Senator, 1st District

Bruce Land
Assemblyman, 1st District

Matthew Milam
Assemblyman, 1st District

211 SOUTH MAIN STREET
SCHOOLHOUSE OFFICE PARK, SUITE 104
CAPE MAY COURT HOUSE, NJ 08210
PHONE: (609) 465-0700 • FAX: (609) 465-4578

1117 EAST LANDIS AVENUE, UNIT C
VINELAND, NJ 08360
PHONE: (856) 696-7109
FAX: (856) 839-0738

219 N. HIGH STREET, SUITE B
MILLVILLE, NJ 08332
PHONE: (856) 765-0891 • FAX: (856) 765-0897

BOROUGH OF WOODBINE

Mayor's Office
Municipal Building
501 Washington Avenue
Woodbine, NJ 08270
(609) 861-2153
Fax: (609) 861-2529
<http://www.boroughofwoodbine.net>

William Pikolycky
Mayor

Lisa Garrison
Clerk

12 August, 2019

New Jersey Board of Public Utilities
44 S Clinton Avenue
Trenton, NJ 06825

Re: Community Solar Application, Borough of Woodbine, Cape May County

Dear New Jersey Board of Public Utilities Representatives,

On behalf of the Woodbine Borough Council, I am writing to express our full support for the Community Solar Application being submitted by Nexamp, Inc. This solar project is to be located on the Woodbine Landfill, an area declared to be in need of Redevelopment per State Law. In addition, plans for the proposed site for construction of the Community Solar array are consistent with the Borough's Master Plan reexamination which conforms with the "Pinelands Town/Center of Place" determination approved previously by the NJ Office of State Planning. Moreover, this property has undergone extensive environmental assessment with the financial support of the NJ Department of Environmental Protection and corresponding Pinelands reviews. In all, the above noted proactive actions by the Borough have positioned this property as an excellent site for the Community Solar Program.

The project, once operational, will guarantee residents, long-term savings on their electric utility bills and reduce Municipal operational costs, thereby lessening the financial burdens (taxes & utilities) for the majority of Woodbine's residents who are low to moderate income. More than 74.9% are low or moderate income...nearly double the County rate. In fact Woodbine ranks 9TH most distressed of New Jersey's 565 Municipalities (the most distressed is ranked #1) by the NJ Department of Community Affairs as reported in the Municipal Revitalization Index. This project will enable the Borough to direct costs typically assigned to utility expenses to other facilities and services to benefit the majority of residents most in need.

Based on Nexamp's proven track record of building and operating Community Solar projects in Massachusetts, New York, Maryland and other States, we are confident they have the experience to bring the same high-quality product here in Woodbine, New Jersey. Their contract goals appear to conform to the State's Guidelines and align perfectly with the needs of Borough residents. Nexamp's model of continuous ownership and operation of its arrays demonstrates that they have a long-term, vested interest in providing the best possible experience for our residents, businesses and institutional partners for the entire lifetime of the project. We believe Nexamp has the capacity and wherewithal to deliver a sustainable Community Solar Project on the Woodbine Landfill.

This Community Solar Project will enable the Borough to repurpose our landfill thus creating a community asset. This Solar Project will provide a clean, renewable source of sustainable energy that will meet the needs of the present and future generations without compromising the environment especially in this unique Pinelands setting. This project is a win-win for our residents and the environment and we are anxious to be among the first communities to implement a Community Solar Program that can serve as a model for future successful initiatives State-wide in helping to achieve New Jersey's equity and climate goals.

We respectfully request that the Board of Public Utilities give the highest favorable consideration for Nexamp's Community Solar Application in Woodbine.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'William Dikolycky', with a long, sweeping horizontal stroke extending to the right.

Mayor

WOODBINE MANOR APARTMENTS

201 Webster Street/Office

Woodbine, NJ 08270

(609) 861-2047 Fax (609) 861-2084

TDD/TYY Number

1-800-852-7899

August 28, 2019

New Jersey Board of Public Utilities
44 So. Clinton Ave.
Trenton, NJ 07825

Re: Community Solar Application, Borough of Woodbine, Cape May County

Dear New Jersey Board of Public Utilities Representatives,

My name is Ralph Kiejdan and I am writing on behalf of Woodbine Manor to express our full support for the Community Solar Application being submitted by Nexamp, Inc., regarding a solar project to be located on the Woodbine Landfill. Our organization owns 102 units of Affordable Housing, serving nearly 300 individuals in Woodbine.

Once operational, this solar project will positively impact our residents in that it will guarantee long-term savings up to 15% on their utility bills. Our common space and lighting accounts will also be able to benefit, reducing our operational costs and allowing us to provide higher quality housing and service to Woodbine Manor residents. It is significant to note that Nexamp's program requires no credit checks, no upfront cost and no cancellation fees. The accessibility and flexibility of Nexamp's contract aligns perfectly with the needs of the residents.

We understand the Borough also expects to purchase discounted electricity credits from the project, which will reduce municipal electric costs. Electricity savings and annual, fixed payments for the leased landfill will provide revenue for Woodbine up to 40 years, thereby lessening the financial burdens for all Woodbine residents more than 74% of whom are low to moderate income. Woodbine will be able to direct funds typically assigned to utility expenses to other facilities and service benefitting residents most in need.

We applaud the Borough for its effort to repurpose the landfill for a productive use. This Solar Project will provide sustainable energy that will meet the needs of the present and future generations without compromising the environment especially in this unique Pinelands setting. Moreover, Nexamp's proven track record of building and operating Community Solar projects in Massachusetts, New York, Maryland and other states mean they have the experience to bring the same high-quality product and related benefits here in New Jersey.

We look forward to the project advancing from construction to operation, delivering savings to the residents of Woodbine Manor and helping New Jersey achieve its equity and climate goals. We respectfully request the Board of Public Utilities give the highest favorable consideration for Nexamp's Community Solar Application for Woodbine.

Sincerely

A handwritten signature in dark ink, appearing to read "Ralph Kiejdan", written in a cursive style.

Ralph Kiejdan
Woodbine Manor Apartments, LP



FORSS OFFICES *Rental Properties*

PO Box 591
Woodbine, NJ 08270

Phone: 609-861-3400

Fax: 609-861-5986

E-mail: dominique@forssrentalproperties.com

August 27th, 2019

New Jersey Board of Public Utilities
44 S Clinton Avenue
Trenton, NJ 06825

Re: Community Solar Application, Borough of Woodbine, Cape May County

Dear New Jersey Board of Public Utilities Representatives,

I am writing to express my complete support for the Community Solar Application being submitted by Nexamp, Inc., regarding a solar project to be located on the Woodbine Landfill. My Company owns and manages 45 rental housing units in the Borough of Woodbine. Residents in these units are lower income receiving rental subsidies from HUD. As such, any reduction in electric utility costs will have a significant impact on residents' ability to cope with the ever escalating costs of living and insure their ability to continue to afford even these 'affordable' housing units. In light of the fact that these rental properties are scattered throughout the Borough otherwise precludes my ability to install individual rooftop solar arrays as they would be cost prohibitive. Moreover, the age of these homes would not support the solar units without significant, costly modifications. Hence, reduced utility electric rates through solar is only possible through the Community Solar Program being pursued by the Borough and its partner Nexamp.

In consideration of the above, I urge you to continue to pursue this initiative for the benefit of the many residents who are tenants in my properties who are dependent on such an important public/private initiative as this Community Solar Program.

Once operational, this solar project will positively impact our residents in that it will guarantee long-term savings up to 15% on our residents' electric utility bills. Our common space and lighting accounts will also be able to benefit, reducing operational costs and electric utility costs for our tenants. It is significant to note that Nexamp's program requires no credit checks, no upfront costs and no cancellation fees. The accessibility and flexibility of Nexamp's contract aligns perfectly with the needs of residents virtually all of whom are low income.

I understand the Borough also expects to purchase discounted electricity credits from the project, which will reduce municipal electric costs. Electricity savings and annual, fixed payments for the leased landfill will provide revenue for Woodbine for up to 40 years, thereby lessening the financial burdens for all Woodbine residents, more than 74% of whom are low to moderate income. Woodbine will be able to direct funds typically assigned to utility expenses to other facilities and services benefitting residents most in need.

I congratulate the Borough for its efforts to repurpose the landfill for a productive use. This Solar Project will provide sustainable energy that will meet the needs of the present and future generations without compromising the environment especially in this unique Pinelands setting. Moreover, as reported, Nexamp's proven track record of building and operating Community Solar projects in Massachusetts, New York, Maryland and other states means they have the experience to bring the same high-quality product and related benefits here in New Jersey.

I wish the Borough success in seeing this project advancing from construction to operation, delivering savings to the residents of Woodbine and helping New Jersey achieve its equity and climate goals. Accordingly, I respectfully request that the Board of Public Utilities give the highest favorable consideration for Nexamp's Community Solar Application for Woodbine.

Sincerely,

Roger Forss, Owner Forss Rental Properties

**BOROUGH OF WOODBINE
LAND USE OFFICE**

*501 Washington Avenue
Woodbine, NJ 08270
(609) 861-5659
Fax: (609) 861-2529*

*William Pikolycky
Mayor*

*Monserate Gallardo
Board Secretary*

*Lisa Fisher
Chairperson of the Board*

August 14, 2019

New Jersey Board of Public Utilities
44 S. Clinton Avenue
Trenton, NJ 06825

Re: Community Solar Application, Borough of Woodbine, Cape May County

Dear New Jersey Board of Public Utilities Representatives:

On behalf of the Borough of Woodbine Land Use Board, I am writing to express our full support for the Community Solar Application being submitted by Nexamp, Inc. This solar project is to be located on the former Woodbine Landfill, an area declared to be in need of Redevelopment per State Law.

The plans for the proposed construction of a Community Solar array have been considered favorably in the Borough's Master Plan reexamination which is currently in process. It has been a longtime goal of the Borough and the Land Use Board to embrace a project that makes productive use of the former landfill and at the same time is consistent with the "Pinelands Town/Center of Place" determination approved previously by the NJ Office of State Planning. The Board is very aware this site has undergone extensive environmental assessment with the financial support of the NJ Department of Environmental Protection and corresponding Pinelands reviews. In all, the above noted proactive actions by the Borough have positioned this property as an excellent site for the Community Solar Program.

While we do not currently have an application for this project before the Woodbine Land Use Board, the general concept is exactly the type of project that we have planned for in this location. If approved by your agency, this project should move through the local permitting process with little or no delay.

The project, once operational, will guarantee residents, long-term savings on their electric utility bills and reduce Municipal operational costs, thereby lessening the financial burdens (taxes & utilities) for the majority of Woodbine's residents who are low to moderate income.

Woodbine Community Solar Project

August 14, 2019

P g. 2

More than 74.9% are low or moderate income...nearly double the County rate. In fact, Woodbine ranks 9TH most distressed of New Jersey's 565 Municipalities (the most distressed is ranked #1) by the NJ Department of Community Affairs as reported in the Municipal Revitalization Index. This project will enable the Borough to direct costs typically assigned to utility expenses to other facilities and services to benefit the majority of residents most in need.

Based on Nexamp's proven track record of building and operating Community Solar Projects in Massachusetts, New York, Maryland and other States, we are confident they have the experience to bring the same high-quality product here in Woodbine, New Jersey. Their contract goals appear to conform to the State's Guidelines and align perfectly with the needs of Borough residents. Nexamp's model of continuous ownership and operation of its arrays demonstrates that they have a long-term, vested interest in providing the best possible experience for our residents, businesses and institutional partners for the entire lifetime of the project. We believe Nexamp has the capacity and wherewithal to deliver a sustainable Community Solar Project on the former Woodbine Landfill.

This Community Solar Project will enable the Borough to repurpose the landfill thus creating a community asset. This Solar Project will provide a clean, renewable source of sustainable energy that will meet the needs of the present and future generations without compromising the environment especially in our unique Pinelands setting. This project is a win-win for Woodbine's residents and the environment and we are anxious to be among the first communities to implement a Community Solar Program that can serve as a model for future successful initiatives State-wide in helping to achieve New Jersey's equity and climate goals.

We respectfully request that the Board of Public Utilities give the highest favorable consideration for Nexamp's Community Solar Application in Woodbine.

Respectfully submitted,



Lisa Fisher, Land Use Board Chair

WOODBINE MUNICIPAL ALLIANCE

Our Vision

Est. 1990

The vision of the Woodbine Municipal Alliance is an alcohol and substance abuse free healthy community.

Our Mission

To educate students, parents, and educators about underage drinking and drug use in order to increase awareness of the problem, provide encouragement, resources and alternative activities for our youths.

August 8, 2019

New Jersey Board of Public Utilities
44 S Clinton Avenue
Trenton, NJ 06825

Re: Community Solar Application, Borough of Woodbine, Cape May County

Dear New Jersey Board of Public Utilities Representatives,

I am writing on behalf of Woodbine Municipal Alliance to express our full support for the Community Solar Application being submitted by Nexamp, Inc. regarding a solar project to be located on the Woodbine Landfill. We understand this project, once operational, will guarantee residents, long-term savings on their electric utility bills. In addition, it will reduce Municipal electric/operating costs, thereby lessening the financial burdens (taxes & utilities) for Woodbine's residents, more than 74% of whom are low to moderate income. This project will enable Woodbine to direct costs typically assigned to utility expenses to other facilities and services for the majority of residents most in need.

We also applaud the Borough for its efforts to repurpose the landfill for a productive use, solar, a clean, renewable source of energy. This Solar Project will provide sustainable energy that will meet the needs of the present and future generations without compromising the environment especially in this unique Pinelands setting.

Among the many initiatives sponsored and supported by the Woodbine Municipal Alliance through full or partial funding are Community Awareness and School Based Initiatives. We believe we can assist the Borough in implementing the Community Solar Project by hosting meetings and discussions at Borough Hall, the Elementary School, Community Center and other venues in the Borough to be certain that residents are aware of the benefits to accrue to them once the Solar Array is on-line.

It will also afford opportunities for other community initiatives designed to encourage conservation of natural resources and insure long sustainability through use of renewable resources.

We are eager and excited for the project to begin construction and operation, delivering savings to the residents and helping New Jersey achieve its equity and climate goals. We respectfully request that the Board of Public Utilities give the highest favorable consideration for Nexamp's Community Solar Application for Woodbine.

Sincerely,

A handwritten signature in cursive script, reading "Rose Hudgins".

Rose Hudgins

Woodbine Municipal Alliance Coordinator

Woodbine School District

"Where There's Progress in the Making"

801 Webster Street

Woodbine, New Jersey 08270

Telephone (609) 861-5174

FAX (609) 861-0723

August 8, 2019

New Jersey Board of Public Utilities
44 S Clinton Avenue
Trenton, NJ 06825

Re: Community Solar Application, Borough of Woodbine, Cape May County

Dear New Jersey Board of Public Utilities Representatives,


I am writing on behalf of the Woodbine Board of Education to express our full support for the Community Solar Application being submitted by Nexamp, Inc. regarding a solar project to be located on the Woodbine Landfill. We understand this project, once operational, will guarantee residents, long-term savings on their electric utility bills. In addition, it will reduce Municipal electric/operating costs, thereby lessening the financial burdens (taxes & utilities) for Woodbine's residents, more than 74% of whom are low to moderate income. This project will enable Woodbine to direct costs typically assigned to utility expenses to other facilities and services for the majority of residents most in need.

We also applaud the Borough for its efforts to repurpose the landfill for a productive use, solar, a clean, renewable source of energy. This Solar Project will provide sustainable energy that will meet the needs of the present and future generations without compromising the environment especially in this unique Pinelands setting.

Woodbine Elementary School is an excellent forum for children, their parents and guardians to learn about sustainable energy programs. This Community Solar Program will be on a significantly larger scale than the solar array on the school buildings. The message being that Community Solar actually 'reaches home' without the expense of installing solar panels on individual roofs and equally important brings value and savings to those most in need in this economically distressed community.

I am eager and excited for the project to begin construction and operation, delivering savings to the residents and helping New Jersey achieve its equity and climate goals. We respectfully request that the Board of Public Utilities give the highest favorable consideration for Nexamp's Community Solar Application for Woodbine.

Sincerely,



Gregory Hudgins
Board President

BOROUGH OF WOODBINE

*Municipal Building
501 Washington Avenue
Woodbine, New Jersey 08270
Phone: 609-861-2153 • Fax: 609-861-2529
clerk@boroughofwoodbine.net*

*William Pikolycky
Mayor*

*Lisa Garrison
Clerk/Collector*

WOOBINE GREEN TEAM

August 15, 2019

New Jersey Board of Public Utilities
44 S Clinton Avenue
Trenton, NJ 06825

Re: Community Solar Application, Borough of Woodbine, Cape May County

Dear New Jersey Board of Public Utilities Representatives,

The Sustainable Jersey Green Team of Woodbine wishes to express our complete support for the Community Solar Application being submitted by Nexamp, Inc. regarding a solar project to be located on the Woodbine Landfill. We understand this project, once operational, will guarantee residents long-term savings on their electric utility bills. It will reduce Municipal electric/operating costs, and lessen taxes and utilities for Woodbine's residents; more than 74% of whom are low to moderate income. This project will enable Woodbine to direct costs typically assigned to utility expenses to other facilities and services for the majority of residents most in need. We also applaud the Borough for its efforts to repurpose the landfill for a productive use, solar, a clean, renewable source of energy. This Solar Project will provide sustainable energy that will meet the needs of the present and future generations without compromising the environment especially in this unique Pinelands setting.

As our title suggests, the Sustainable Jersey Green Team of Woodbine is focused on actions and outcomes designed to protect and preserve our natural resources. The Borough's application for a Community Solar Program is completely aligned with our goals. Thinking optimistically, *when* this application is approved, we stand ready to be the Borough's biggest champion in promoting the Program. The Green team will be on the front lines of Community outreach, encouraging property owners and residents to not only participate in the Community Solar Program, but use this as a jumping off point to encourage other initiatives that will promote sustainability and help save our planet!

PAGE 2: WOOBINE SOLAR

We are eager and excited for the project to begin construction and operation, delivering savings to the residents and helping New Jersey achieve its equity and climate goals. Our Woodbine Green Team members request that the Board of Public Utilities give the highest favorable consideration for Nexamp's Community Solar Application for Woodbine. We are always looking for ways to make our community more sustainable and we believe this project will be game changer when operational.

Thank you very much for the opportunity to offer comment and our best wishes for a successful application process.

Sincerely,



Dave Bennett

Woodbine Sustainable Jersey Green Team Chairman and Borough Councilman



The Greater Woodbine Chamber Of Commerce

E-mail:
info@wccnj.org



Po box 792
Woodbine, NJ 08270

"Economic Growth for a Brighter Future"

New Jersey Board of Public Utilities
44 S Clinton Avenue
Trenton, NJ 06825

August 12, 2019

Re: Community Solar Application, Borough of Woodbine, Cape May County

Dear New Jersey Board of Public Utilities Representatives,

I am writing on behalf of the Greater Woodbine Chamber of Commerce to express our full support for the Community Solar Application being submitted by Nexamp, Inc. regarding a solar project to be located on the Woodbine Landfill. We understand this project, once operational, will guarantee residents, long-term savings on their electric utility bills. In addition, it will reduce Municipal electric/operating costs, thereby lessening the financial burdens (taxes & utilities) for Woodbine's residents, more than 74% of whom are low to moderate income. This project will enable Woodbine to direct costs typically assigned to utility expenses to other facilities and services for the majority of residents most in need.

We also applaud the Borough for its efforts to repurpose the landfill for a productive use, solar, a clean, renewable source of energy. This Solar Project will provide sustainable energy that will meet the needs of the present and future generations without compromising the environment especially in this unique Pinelands setting.

In addition to the significant private investment through this renewable energy program and the public benefit that Community Solar provides, the Chamber views this project as another important marketing tool with a message that: Woodbine is progressive, a community that offers a competitive advantage for existing businesses and business attraction; and, Woodbine welcomes innovative strategies as a means of encouraging managed responsible growth through public/private partnerships such as this Community Solar Project, just another example of Woodbine's resourcefulness

.We are eager and excited for the project to begin construction and operation, delivering savings to the residents and helping New Jersey achieve its equity and climate goals. We respectfully request that the Board of Public Utilities give the highest favorable consideration for Nexamp's Community Solar Application for Woodbine.

Sincerely,

Lisa Fisher (President Greater Woodbine Chamber of Commerce)

> Exhibit H: Project Costs

Line Item Category	Cost
Major Equipment	\$3,405,338.5
Wiring & Labor	\$1,639,144
Installation & Labor	\$633,688
Fence	\$70,000
Engineering	\$105,624.5
Monitoring	\$56,000

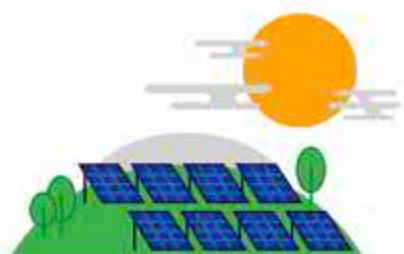
> Exhibit I: Community Solar Outreach and Contract Examples

The Following Pages Contain:

- A sample marketing document from the Maryland Community Solar Pilot Program, where Nexamp completed the state's first LMI project.
- Community Outreach Documents and Example Job Informational Session
- An example contract from Nexamp's current New York Community Solar Program that will be modified and adjusted for the New Jersey Community Solar Program.

Go Solar. Save Money. No Rooftop Panels Required.

Maryland's Community Solar Pilot Program has set aside a portion of shared solar farms for low-and-moderate income subscribers in order to expand access to solar to all Maryland residents



1 Subscribe to a local
Nexamp solar farm

2 Add clean, solar energy
to your utility grid

3 Receive credits from your
utility and save on your
annual electricity cost

The Benefits:



No installation of any equipment on your roof or property.



No upfront costs or long-term contracts.



Save up to 10% on your annual electricity cost.



Support solar power and demonstrate your commitment to renewable energy.

Household Income Levels for Qualification:



Less than \$71,900 for a four-person household



Less than \$57,500 for a two-person household



Less than \$50,350 for a single resident

Visit nexamp.com to learn more or call 833-678-4862

community solar with **nexamp**

**Go Solar. Save Money.
No Rooftop Panels Required.**

Community Solar programs allow utility customers to tap into solar energy and save on their annual electricity cost without having to install solar panels.



1 Subscribe to a local
Nexamp solar farm



2 Add clean, solar energy
to your utility grid

3 Receive credits from your
utility and save on your
annual electricity cost

THE BENEFITS:



Save on your annual
electricity cost.



No installation of any equip-
ment on your roof or property.



Your utility will stay the same,
and you can continue using a
third-party supplier



No upfront costs
or long-term contracts
that lock you in for years.



Support solar power and
demonstrate your commit-
ment to renewable energy.



No credit check.

Visit nexamp.com to learn more or call 800-945-5124

Nexamp – 101 Summer Street, Boston, MA 02110 – gosolar@nexamp.com

FREQUENTLY ASKED QUESTIONS

Am I eligible to enroll?

Nexamp is not yet enrolling subscribers in New Jersey but we plan to start at the end of 2019.

What is my guaranteed discount?

You are guaranteed to receive a 10% discount on the credits you earn from your solar farm share. Nexamp will calculate how many credits you need to offset your annual electricity costs.

How is my solar allocation determined?

As part of the subscription process, you will provide your utility account number or latest utility bill to Nexamp so that we can analyze your monthly electricity usage. Nexamp uses that information to allocate a share of the solar farm that should earn you enough credits to offset nearly all of your annual electricity charges.

Am I guaranteed a discount for a specified period of time?

You are guaranteed the same discount on your credits for 25 years, however, you may cancel your contract at any time. It may take up to 90 days for the cancellation to go into effect.

Is there a penalty for canceling my subscription?

No. There are no penalties or termination fees. Should you choose to leave the program, it may take up to 90 days for the cancellation to go into effect.

Do I get two bills?

Yes (for now). Nexamp will send you a monthly invoice for your share of the farm, and you'll continue to receive your regular electricity bill, minus your earned credits. You can sign up for automatic bill pay with Nexamp, which can alleviate any extra work.

Does this mean I no longer receive power from my local utility?

No. Your power will still be delivered to your home by the same utility – Nexamp will just feed energy into the utility grid. If there's ever a problem or outage, you'll get the exact same service from the exact same people.

Do I have to switch my utility or my energy supplier?

No. If you are purchasing power through a CCA or from a third-party energy supplier or ESCO, you can continue to do so. Enrolling in community solar is a good way to reduce your electricity costs without impacting your relationship with your existing energy supplier.



Go Solar. Save Money.
No Rooftop Panels Required.

Learn About the Benefits of Community Solar

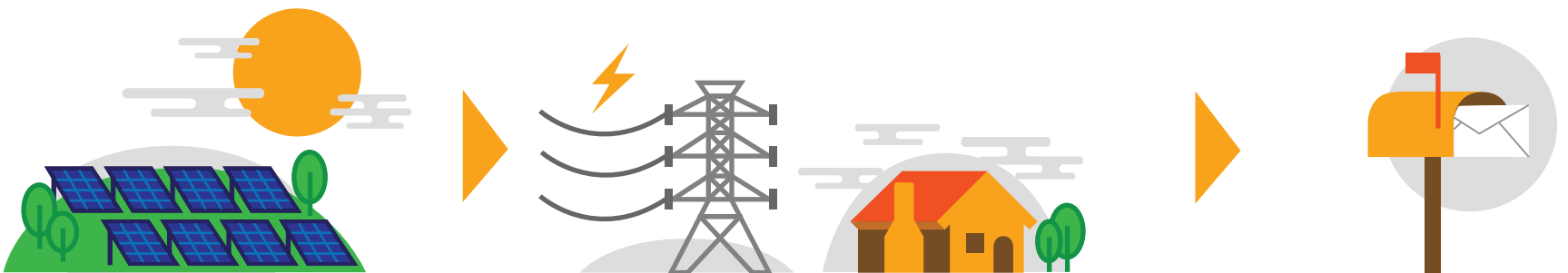
Please bring
a recent
electricity
bill so you
can enroll at
the meeting!

Attend an upcoming Nexamp information session

Thursday, January 24th at 6:30 PM
Saturday, January 26th at 10:00 AM

501 Washington Avenue,
Woodbine, NJ 08270

Community Solar programs allow Atlantic City Electric utility customers to tap into solar energy and save on their annual electricity cost without having to install solar panels.



① Subscribe to a Nexamp solar farm located in the Borough of Woodbine

② Add clean, solar energy to the electric grid, generating energy credits

③ Purchase energy credits at a discount, reducing your electricity costs up to 10%

Learn more at nexamp.com/communitysolar or call 800-945-5124



Dear <Name>,

We're excited to let you know that residents of the Borough of Woodbine are eligible to subscribe to two solar farms that are managed by Nexamp and going live in 2020. **We will be hosting information sessions on January 24th and January 26th for you to learn more about how you can tap into these solar farms and reduce your electric bill.**

The solar farm located on the Borough of Woodbine Landfill, will add nearly 10 megawatts of renewable energy to Atlantic City Electric grid in 2020.

Nexamp's solar farms are part of New Jersey community solar program, which allows residents to subscribe to a share of a local solar farm and **go solar without rooftop panels**. Subscribers receive credits on their electrical utility bill for the energy produced by their solar farm share.

As part of the agreement between the town and Nexamp, residents have first access to shares of Nexamp's solar farms in the Borough of Woodbine. Residents are be eligible to receive Nexamp's standard 10% discount on their credits. With Nexamp, there are no upfront cost or long-term commitment- you can cancel your share at any time.

To learn more or sign up, please visit www.nexamp.com/community-solar or call Nexamp at 800-945-5124.

You can also join us at one of our upcoming information sessions. Please bring a recent electricity bill to the meeting so that Nexamp can estimate the size of the solar farm share you will need.

**Thursday January 24th
6:30 PM**

**Saturday January 26th
10:00 AM**

We look forward to seeing you there.

A handwritten signature in dark ink, appearing to read "Zaid Ashai".

Zaid Ashai
President & CEO, Nexamp

William Pikolycky
Mayor, Borough of Woodbine



Community Solar Information Session



**Nexamp is BRINGING SOLAR
to Herkimer County in 2019!**

Please join us at this community meeting to learn about:



Opportunities for electrical and civil contractors, racking and module installers, landscapers and snow removal contractors who will help build and maintain our community solar farms.



Opportunities for residents to save 10% on their electric bills and participate in the green energy revolution happening in Herkimer County.



Come Join Us:

January 24, 2019 at 6:00 pm

Herkimer College
100 Reservoir Rd, Herkimer, NY
College Center - Room 288



Community Distributed Generation Disclosure Form		
Customer Information Distribution Utility	Customer Name: Company: Email: Phone: Utility Provider:	Utility Account: Billing Address: Service Address (if different):
Overview	This document describes your community solar subscription. In the event that the terms in this statement conflict with terms appearing elsewhere in your contract, the terms in this statement are controlling. Read this document and the contract carefully so that you fully understand this agreement.	
Price, Fees, and Charges	Cost to Enroll: \$0	Discount: Each billing period, the price charged by Nexamp (the "Price") will equal the value of the bill credits allocated to your Utility Account, less your Discount. The Price of your subscription will be determined by the value of bill credits allocated to your Utility Account, but your Discount is fixed for the full term of your subscription.
Project Location and Customer Allocation	Project Location: Project Size: kW DC	Customer Allocation: kW DC Anticipated In-Service Date: If a Project with an earlier Anticipated In-Service Date becomes available, we may assign you to that Project and notify you in advance.
Length of Agreement and Renewal	Subscription Type: Pay-as-you-Go Subscription Term: Up to 25 years. If you need to cancel your subscription for any reason, you may do so at any time by following the guidelines below (under "Early Termination").	
Early Termination	You may terminate your subscription, with no penalty, by providing Nexamp at least 90 days' prior written notice. Nexamp may terminate your subscription for failure to make timely payment or other violations under the contract. All amounts due and payable to Nexamp will survive any Early Termination.	
Estimated Benefits	Your Utility Provider will distribute bill credits for the energy generated by your Allocation. Your savings will be equivalent to the value of bill credits multiplied by your Discount. Estimated Annual Energy for your Allocation: kWh Bill Credit Type: Monetary Credits (based on Value Stack)	
Guarantees	The energy generated by the Project will vary each month. This contract does not guarantee a minimum level of system performance or production of energy. Your Price will always reflect the Discount, but this contract does not guarantee savings on a monthly basis.	
Data Sharing and Privacy Policy	Your subscription authorizes Nexamp to request and receive historical electricity consumption information from your Utility Provider, which will not be shared with third parties. Our privacy policy can be found online: https://www.nexamp.com/privacy-policy	
Right to Cancel Without Penalty	You have the right to terminate the contract without penalty within three business days after signing the contract by notifying Provider at 1-800-945-5124 or solarize@nexamp.com .	
Customer Rights	If you have inquiries or complaints that the Provider is unable to resolve, you have the right to call the Department of Public Service Helpline at 1-800-342-3377. You may file a complaint on the Helpline or by following the instructions at http://www.dps.ny.gov/complaints.html .	
Other Important Terms	Your allocation may be adjusted, as needed, to better reflect your annual electricity consumption expectations.	
Preparer Name and Contact Information	Contact: Nexamp Community Solar Team Email: solarize@nexamp.com	Phone: 1-800-945-5124 Address: 101 Summer St, 2 nd Floor Boston, MA 02109

Signature of Authorized Company Official or Representative:

Date:

Signature of Customer:

Date:

Community Solar Subscription Agreement

Agreement Effective Date:

Parties to this Agreement:

Seller:

Nexamp, Inc.

Contact: Nexamp Community Solar Team

Email: solarize@nexamp.com

101 Summer St, 2nd Floor

Boston, MA 02110

Buyer:

Name:

Email:

Phone:

Mailing Address:

Solar Facility: the “Facility” is a
≤2,000 kW AC Community Distributed
Generation (CDG, or “community solar”)
facility located within the following utility
territory and NYISO zone:

Meter Address (if different from Mailing Address)

Utility:

NYISO zone:

Utility Account number (“Account”):

“Service Classification”:

“Anticipated Start Date” is []:

“Discount”: Ten percent (10%)

Seller will notify Buyer of the “**Actual Start Date**,” which is the date on which the Utility grants permission to operate the Facility.

“Allocation”: kW DC

Seller may, per the terms of this Agreement, adjust Allocation to better reflect Buyer’s expected annual electricity consumption and will notify Buyer of any such adjustment.

This is a Community Solar Subscription Agreement (this “Agreement”), reflecting Buyer’s subscription to the Solar Facility. Seller, or its affiliates, will own and operate the Facility and deliver electricity generated by the Facility to the Utility. Buyer will receive a credit on Buyer’s electricity bill (“Credit”). The Credit will be based on Buyer’s kW allocation of the Facility and the corresponding kWh output (the “Allocation”) as it may be modified from time to time, pursuant to the terms herein, to align the Allocation with Buyer’s expected annual electricity consumption.

In a given billing period, if Buyer’s Allocation results in a Credit that exceeds Buyer’s electricity consumption, as measured in kWh on its applicable Utility bill, such excess Credit will be carried forward to be applied to Buyer’s future Utility bills. In a given billing period, if Buyer’s Allocation results in Credit that is less than Buyer’s electricity consumption, Buyer will owe the balance to the Utility for any Utility costs not offset by Credits received from the Seller.

In consideration of the mutual premises, representations, warranties, covenants and conditions herein, the Parties agree as follows.

1. **Parties:** The parties (each a “Party” and collectively the “Parties”) to this Agreement are Buyer and Seller, together with each of their respective successors and assigns. Under this agreement, Seller will act as the “Sponsor” or “CDG Host”, and Buyer will act as the “Community Solar Subscriber” or “CDG Satellite.”

2. **Quantity of Credit purchased by Buyer:** The “Quantity” means the value of the Credit associated with Buyer’s Allocation, as calculated per the Utility tariff and the Buyer’s Service Classification, and applied to the Buyer’s Utility bill. For the avoidance of doubt, Buyer understands that electric supply charges used in calculating the Credit will be based on Utility supply prices, even if Buyer is enrolled with a third party electricity supplier.

Buyer agrees that it will not change the Buyer’s Service Classification unless it has requested in writing and received approval from the Seller.

3. **Credit Price:** The “Credit Price” equals the Quantity reduced by the Discount stated in this Agreement.

4. **Agreement Term:** The Term begins on the Effective Date, and except as this Agreement may be terminated pursuant to the terms herein, shall continue until the twenty-fifth (25th) anniversary of the Facility’s Actual Start Date, unless otherwise mutually extended by the Parties.

5. **Early Termination:** This Agreement may be terminated prior to the end of the Term (the “Early Termination Date”) as follows:

a) by Seller (i) at any time prior to the Facility’s Actual Start Date, upon notice to Buyer, if Seller, in its sole discretion, determines that it should abandon developing the Facility, (ii) if net energy metering or a substantially similar form of bill crediting is no longer available to the Facility, Buyer or to Utility customers, or (iii) if the Facility is fully or partially damaged or destroyed by fire, storm, flood, earthquake, vandalism or other disaster or accident (a “Casualty Event”).

b) by Buyer (i) prior to the Actual Start Date if the Actual Start Date has not occurred within 30 days of the Anticipated Start Date, or (ii) after the Actual Start Date, provided Buyer has given Seller at least 90 days’ prior written notice, after receipt of which Seller may terminate this Agreement on the earliest available date upon which Buyer’s Allocation may be changed with the Utility. Buyer understands that, should excess Credit remain to be applied to Buyer’s Utility Account at such a time when Buyer terminates this Agreement, Buyer may forfeit the entirety of such excess Credit as required by operation of Utility policies and applicable law.

Upon early termination under this Section 5, each Party shall discharge by performance all obligations due to the other Party that arose up to the Early Termination Date and the Parties shall have no further obligations hereunder, except those which survive this Agreement’s expiration or termination.

6. **Sale and Purchase; Payment; Delivery:**

a) Seller shall sell to Buyer, and Buyer shall accept from Seller, the Quantity for the Term. Seller shall invoice Buyer monthly for the Credit Price and Buyer shall pay the invoices within 30 days of such invoice date according to the payment instructions therein (“Payments”). Buyer agrees to pay any applicable sales or use taxes associated with this Agreement, as invoiced by Seller or directly by Buyer’s local jurisdiction, unless prohibited by law.

b) To deliver the Credit to Buyer, Seller shall deliver Facility’s electricity to the Utility at the Facility meter as the electricity is produced, from the Actual Start Date through the Term. The Utility will allocate Buyer’s Credit to Buyer’s Utility Account according to Seller’s direction, and Utility will be solely responsible for calculating the Quantity of the Credit applied to Buyer’s monthly electricity bill in accordance with applicable Utility tariffs and applicable law.

c) Buyer understands that the Credit delivered to Buyer in any particular billing period will be reflected on Buyer's Utility Account statement according to the Utility's billing cycle, and that certain Utility costs cannot be reduced or offset by the Credit.

d) Buyer may change its Utility Account for Credit delivery, or its Allocation, by written notice to Seller, provided that the new account is in the same Utility territory as the initial Account. The new account or Allocation will take effect on the earliest available date upon which the Facility allocation may be changed with the Utility after Seller's receipt of Buyer's notice under this section 6(d). Seller will administer this process, which may take up to 90 days for the Seller and the Utility to complete. Buyer shall remain responsible for paying for the Quantity transferred to its Utility Account until the Utility begins allocating the Quantity to a new account. **(Facility Credit Allocation may be changed not more than once during each billing period upon at least 30 days prior notice by Seller to the Utility.)**

7. Title.

a) As between Seller and Buyer, Seller will claim and receive any and all tax, environmental or other credits, grants, subsidies, renewable energy credits, environmental attributes, carbon offset credits, rebates or other benefits related to the Facility or its output (collectively "Incentives"), and any other benefits of owning the Facility, both presently and in the future. Buyer will NOT have the option to buy any equipment of the Facility at any time during or at the end of the Term.

b) As between Seller and Buyer, title to, and risk of loss of, the Credit will pass from Seller to Buyer upon allocating the Credit to Buyer's Utility Account.

c) This Section 7 shall survive Agreement termination.

8. Assignment; Insurance; Risk of Loss:

a) Seller may assign, sell or transfer the Facility and/or this Agreement without Buyer's consent including making collateral assignments for security purposes, and Buyer hereby consents to both of the sale of the Facility to a financing party and the collateral assignment of Seller's right, title and interest in and to this Agreement as security for financing associated with the Facility.

b) Buyer may not give, sell, transfer or assign this Agreement, either in whole or in part, or the Credit purchased under this Agreement, to a third party without Seller's express written consent. Such assignment shall be effective upon the next occurring date upon which the Facility's allocation may be changed from Buyer to its assignee.

c) Seller will insure the Facility and bear the risk of loss, damage, theft, destruction or similar occurrence of any part or all of the Facility during the Term.

9. Termination for Default. Buyer will be in default if Buyer fails to make a monthly Payment within 30 days after its due date. If Buyer is in default, Seller may terminate this Agreement without Buyer's consent. If Seller terminates this Agreement due to Buyer's default, Buyer's liability to Seller will not exceed the amount of unpaid Payment(s) owed through the end of the next occurring date upon which the Credit Allocation may be changed with the Utility, plus a reasonable administrative fee, if applicable. This Section 9 shall not otherwise limit a Party's remedies at law or equity.

10. Entire Agreement; Survival: This Agreement contains the Parties' entire agreement, and there are no other agreements between the Parties regarding the Facility or the Credit, either written or oral. Any delay or failure of a Party to enforce the obligations of the other Party under this Agreement shall not constitute a waiver of such obligations or a Party's right to enforce the same and shall not affect the validity of this Agreement. If any non-material part of this Agreement is held to be unenforceable, the rest of the Agreement will continue in effect. If a material provision is determined to be unenforceable and the Party which would have been benefited by the provision does not waive its unenforceability, then the

Parties shall negotiate in good faith to amend the Agreement to restore to the Party that was the beneficiary of such unenforceable provision the benefits of such provision. If the Parties are unable to agree upon an amendment that restores the Parties benefits, the matter shall be resolved by arbitration and an arbitrator may reform the Agreement as the arbitrator deems just and equitable in order to restore to the Party that was the beneficiary of the unenforceable provision the economic benefits of such provision.

11. Right to Modify:

(a) Except as otherwise provided in this Agreement, Seller reserves the right to amend this Agreement from time to time, *provided, however*, that this Section 11 shall not permit Seller to modify the Discount. Seller shall provide Buyer with written notice of such modifications effectuated in accordance with this provision at least 30 days prior to the date such modifications become effective. Notice will be sent to the email address as provided by Buyer to Seller.

(b) Any modifications to this Agreement not provided for in Section 11(a) must be in writing and signed by both Parties.

12. Governing Law: This Agreement is governed by the law of the State of New Jersey without giving effect to the principles of conflict of laws that would require the application of any other law.

13. Customer's Rights: Buyer acknowledges that Buyer is advised of his or her rights under New York's Home Energy Fair Practices Act (a summary of which can be found at http://www.dps.ny.gov/HEFPA_Brochure_12-08.pdf), and under the Uniform Business Practices for Distributed Energy Resources Suppliers (a summary of which can be found at <https://www.nyserda.ny.gov/-/media/A592A57FE72649FB88DD25E001CA803B.ashx>). Buyer understands that if Buyer has complaints about Seller or general questions, Buyer may contact the Office of Consumer Services, New York State Public Service Commission, Empire State Plaza, Agency Building 3, Albany, NY 12223-1350, 1-800-342-3377.

14. Notices: All notices and other formal communications which either Party may give to the other under or in connection with this Agreement shall be in writing, shall be deemed delivered upon receipt (except notice provided by email shall be deemed delivered upon confirmation of receipt, of which auto-reply is insufficient), and shall be sent by any of the following methods: first class mail, return receipt requested; reputable overnight courier; certified mail, return receipt requested; or email transmission. The communications shall be sent to the Parties' addresses stated on page 1 of this Agreement.

15. Limitation of Liability and Warranty Disclaimer: TO THE MAXIMUM EXTENT PERMITTED BY LAW a) (1) SELLER'S LIABILITY TO BUYER UNDER THIS AGREEMENT SHALL BE LIMITED TO DIRECT, ACTUAL DAMAGES ONLY AND WILL IN NO EVENT EXCEED THE AMOUNT PAID BY BUYER TO SELLER UNDER THIS AGREEMENT; AND (2) IN NO EVENT SHALL EITHER PARTY BE LIABLE TO THE OTHER FOR SPECIAL, PUNITIVE, EXEMPLARY, OR INDIRECT DAMAGES. THIS AMOUNT OF LIABILITY IS BUYER'S SOLE AND EXCLUSIVE REMEDY, AND BUYER HEREBY WAIVES ALL OTHER REMEDIES OR DAMAGES AT LAW OR EQUITY; AND b) EXCEPT AS EXPRESSLY PROVIDED HEREIN, SELLER MAKES NO WARRANTY OR REPRESENTATION, EITHER EXPRESS OR IMPLIED, REGARDING ITS OBLIGATIONS OR THE FACILITY. SELLER DISCLAIMS ALL WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE.

16. Indemnification: TO THE MAXIMUM EXTENT PERMITTED BY LAW, BUYER AGREES TO INDEMNIFY, DEFEND AND HOLD HARMLESS SELLER AND ITS SUCCESSORS AND ASSIGNEES, AND ITS AND THEIR EMPLOYEES, OFFICERS, DIRECTORS AND AGENTS, FROM ANY AND ALL LOSSES, LIABILITIES, DAMAGES, CLAIMS, ACTIONS, COSTS,

JUDGMENTS, EXPENSES (INCLUDING REASONABLE ATTORNEYS' FEES AND EXPENSES), PENALTIES, DEMANDS AND LIENS ASSERTED BY OR RESULTING FROM CLAIMS, ACTIONS, SUITS OR DEMANDS BY ANY THIRD PARTY, OF ANY KIND OR NATURE ARISING OUT OF, CONNECTED WITH, RELATING TO OR RESULTING FROM BUYER'S FAILURE TO COMPLY WITH ANY OF THE TERMS OR CONDITIONS OF THIS AGREEMENT. THIS SECTION SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

17. **No Profit:** This Agreement, and Buyer's Payment made hereunder, entitle Buyer solely to the Credit, which may only be used towards Buyer's electricity consumption from the Utility under the Buyer's Utility Account as and when applied to the Buyer's Utility Account by the Utility. While Buyer's net electricity cost may be reduced as a result of entering into this Agreement, Buyer will not otherwise be entitled to any profit (through any tax credits, rebates, earnings, capital appreciation or otherwise) related to the Facility or entering into or transferring or assigning its rights under this Agreement.

18. **Cooperation:** Buyer shall cooperate with Seller and the Utility as reasonably necessary to ensure this Agreement complies with community shared solar laws and regulations.

19. **Authorization to Receive Historical Consumption Information.** Buyer hereby authorizes Seller to request and to receive from the Utility Buyer's historical consumption information under its Utility Account.

20. **Buyer Status with Utility.** Buyer hereby certifies to Seller and permits Seller to confirm with the Utility that (a) Buyer's monthly peak demand under the Utility Account is less than 25kW and (b) Buyer is not already treated by the Utility as a net metered customer generator, a remote net metered host, or a CDG satellite account. Buyer understands that Buyer's treatment under any of the foregoing will disqualify it from receiving the Quantity and shall permit Seller to immediately terminate this Agreement upon written notice to Buyer from Seller.

21. **Buyer Representations.** Buyer hereby represents and warrants to Seller that (a) Buyer has read and understands the terms of this Agreement and has had the opportunity to ask questions of Seller and to seek the advice of an attorney, if desired, (b) Buyer is duly authorized to execute, deliver and perform this Agreement and such execution, delivery and performance does not violate any applicable law, (c) this agreement is Buyer's valid obligation and is enforceable against Buyer in accordance with its terms, (d) Buyer's name is associated with the Utility Account and Buyer has the full right, power and authority to enter into this Agreement, and (e) all information provided by Buyer, including Utility and banking information, is accurate, true and complete in all respects.

Buyer

Seller

By:

By:

Name:

Name: Zaid A. Ashai

Title: Chairman and Chief Executive Officer

> Exhibit J: Woodbine Redevelopment Plan

2. Off-street parking and loading in accordance with the standards as set forth in Section 26-4.10, Parking and Loading Schedule and Section 26-25, Off-Street Parking.
3. Signs in accordance with Ordinance Number 371-1994, codified as Section 26-36.
4. Small wind energy systems and solar energy systems in accordance with the standards in subsection 26-23.7.

c. *Bulk Standards.*

1. Lot Area – 5 acres
2. Lot width – 300 feet
3. Lot depth – 300 feet
4. Front yard setback – 50 feet
5. Side yard setback – 25 feet
6. Rear yard setback – 25 feet
7. Building coverage – 50%
8. Building height – 35 feet

d. *General Requirements.*

1. Any lot adjoining a residential use or zone shall provide a one hundred (100) foot landscaped buffer, in accordance with subsection 26-35.1.
2. Standards, as set forth in subsection 26-35.1 regarding glare, heat, noise, storage and waste disposal, vibrations dust and smoke, odor and electronics, shall be adhered to in the operation of a manufacturing/industrial use.
(Ord. No. 415-1997 § 3; Ord. No. 505-2009 § I)

26-5 REDEVELOPMENT PLANS.

26-5.1 Redevelopment Plan for the Borough of Woodbine Landfill Area.

- a. *Preamble.* By resolution 5-56-2003, the Mayor and Council of the Borough of Woodbine (hereinafter referred to as "Mayor and Council") directed and authorized the Planning/Zoning Board of the Borough of Woodbine (hereinafter referred to as "Planning Board") to undertake a preliminary investigation, pursuant to the notice, hearing and other requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (hereinafter referred to as "Redevelopment Law"), in order to recommend to the Mayor and Council whether the Borough of Woodbine Landfill Area (hereinafter referred to as "Landfill Area") at Block 117, Lot 1 and a portion of Lot 2, or any part thereof, is a Redevelopment Area according to the criteria set forth in N.J.S.A. 40A:12A-5.

The Planning Board, after due notice and hearing as required by the Redevelopment Law, unanimously passed a Resolution dated July 10, 2003, recommending that the Landfill Area be declared an area in need of redevelopment pursuant to the Redevelopment Law.

After receipt of the Planning Board's Resolution, the Mayor and Council passed Resolution No. 7-90-2003 declaring the Landfill Area an area in need of redevelopment pursuant to the Redevelopment Law.

The professional planning firm of Peter P. Karabashian Associates, Inc. (hereinafter referred to as "Karabashian") was hired to prepare a Redevelopment Plan pursuant to the Redevelopment Law.

A Redevelopment Plan, dated December 2004, entitled "Borough of Woodbine Redevelopment Plan, Block 117, Lots 1 and 2 (portion)" has been prepared by Karabashian and a copy shall be

Upon review of the Redevelopment Plan, the Planning Board recommended that same be adopted by the Borough of Woodbine.

Section 7 of the Redevelopment Law states that "no redevelopment project shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinance of the Municipal Governing Body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in need of rehabilitation, or both, according to the criteria set forth in (N.J.S.A. 40A:12A-5 or 40A:12A-14), as appropriate.

- b. *Plan Adopted.* The Redevelopment Plan is hereby adopted.
- c. *Applicability.* The Redevelopment Plan shall supercede all provisions of the Borough of Woodbine Land Use Code, and all such provisions of the Land Use Code, except as specifically provided for in the Redevelopment Plan, shall not apply to land and structures within the Redevelopment Area; provided, however, that the Pinelands Area Development Regulations and Pinelands Area Procedures set forth in Sections 26-43 and 26-65 of the Land Use Code shall continue to apply to all development within the Redevelopment Area.
- d. *Zoning Map Amendment.* In light of paragraph 2 above, and pursuant to N.J.S.A. 40A:12A-7c, the Borough of Woodbine Zoning Map is hereby amended to identify the Redevelopment Area in the manner depicted in the Redevelopment Plan and which is generally described as Block 117, Lot 1 and portion of Lot 2.
(Ord. No. 465-2005)

~~26-6~~ 26-10 RESERVED.

26-11 PARKING AND LOADING SCHEDULE.

26-11.1 Requirements for Specific Uses.

- a. Two (2) spaces per dwelling unit.
- b. Federal, State, County and Borough uses for office, judicial, legislative and general administrative functions shall provide one (1) space for every one hundred (100) square feet of gross floor area.
- c. Hospitals, rest homes and convalescent centers shall provide one (1) space for every two (2) beds, plus one (1) space for each two (2) personnel employees associated with such activity.
- d. Public utility buildings and uses shall provide one (1) space for each assigned company vehicle plus one (1) space for each two (2) employees stationed at the use, but in no case less than two (2) spaces in total.
- e. Schools shall provide one (1) space per employee for grades kindergarten through tenth grades, two and one-half (2.5) spaces per employee for grades eleven and twelve, and in all cases sufficient space for school bus loading and unloading.
- f. Home occupations shall provide a minimum of one (1) space per one hundred (100) square feet of gross floor area devoted to the home occupation. The spaces provided for the associated residence may be counted to fulfill this requirement.
- g. Any use having access only from a collector or arterial street as shown on the adopted Master Plan shall provide a paved turnaround area on the site.
- h. Auditorium, church or other place of worship, church school, parish house, private school, Sunday school and indoor movie theaters—one (1) parking space for each four (4) fixed seats of capacity; or one (1) parking space for each sixty (60) square feet of floor area available to patrons in cases where the capacity is not determined by the number of fixed seats. Benches shall be deemed to have a capacity of one (1) person for each twenty (20) inches in length.

Borough of Woodbine Redevelopment Plan

Landfill Site

Block 117

Lot 1

April 2005

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Borough of Woodbine Redevelopment Plan

Landfill Site Block 117, Lot 1

April 2005

Prepared by:

**Peter P. Karabashian, PP
NJ #1375**

Thomas E. Eddington Jr., PP, AICP, CLA

(The original of this document has been signed and sealed in accordance with the law.)

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**Redevelopment Plan
Block 117, Lot 1
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ACKNOWLEDGEMENTS

Peter P. Karabashian Associates, Inc., the author of the document, wishes to thank the Mayor and Governing Body of the Borough of Woodbine as well as the Members of the Woodbine Port Authority for their time and input on various aspects of this project.

In addition, we would also like to thank the professional staff of both the Borough of Woodbine and the Woodbine Port Authority for the countless meetings that were held to discuss a variety of scenarios relative to this Redevelopment Area project.

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DISCLAIMER

Dealing with landfill sites requires special expertise involving knowledge of pollutants, closure regulations, reclamation, and suitability of the site for a variety of subsequent land uses.

PPK does not assume responsibility for the suitability of the site for any uses presented herein and is submitting the proposed uses based upon a prerequisite understanding that the site will be fully reclaimed in accordance with all regulations so that it will be safe for any subsequent use proposed.

End users must comply with all State, Federal and Local Regulations to assure the safety of present and future users. PPK assumes no responsibility in making such determinations or recommendations. The recommendations made in this report assume that the site will be improved in accordance with all applicable regulations to render it safe and usable.

**Borough Of Woodbine
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I. INTRODUCTION

A. AUTHORIZATION

The Borough Council of Woodbine has determined that the area of the Borough defined as the Redevelopment Area as set forth in the Resolution No. 7-90-2003¹, and included herein by reference (Exhibit 1), has been determined to be an "Area in Need of Redevelopment" pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12a-1 et seq.²). Accordingly, this area has been designated as the Woodbine Landfill Redevelopment Area ("Redevelopment Area").

The Governing Body, by the aforementioned Resolution No. 7-90-2003, on 17 July 2003 (see Exhibit 1), directed the Woodbine Planning Board, in conjunction with the Mayor, to supervise the preparation of a Redevelopment Plan for the Redevelopment Area. This report has been prepared pursuant to that action.

B. PURPOSE

1. The Borough, having undertaken the prescribed process to determine that the Redevelopment Area contains exhibits which meet the statutory criteria for an "Area in Need of Redevelopment", must now prepare a Redevelopment Plan.

This Redevelopment Plan will provide a mechanism by which the public and private entities will be legally linked for the orderly planning and redevelopment of the Redevelopment Area.

Such action will be undertaken in a manner that will be consistent with the applicable statutes and with the Goals and Objectives of the Master Plan of the Borough of Woodbine.

2. Upon adoption by the Governing Body, this Redevelopment Plan shall satisfy all statutory requirements and constitute the legal prerequisite for the Redevelopment actions outlined herein.

¹ This report will hereinafter be referred to as the Area in Need Analysis.

² Hereinafter referred to as the Redevelopment Statute.

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II. HISTORICAL BACKGROUND

The "landfill area" (Block 117, Lot 1) is located at the furthest west corner of the Smart Growth Planning Area (Woodbine Airport Economic Development Area [WAEDA]) and occupies approximately 115 acres (see Exhibit 2, Landfill Redevelopment Area Boundary Map). Of this total, just over 61 of these acres are property that was formerly leased to Foundations & Structures, Inc. in 1969 for the operation of a landfill that continued from approximately 1971 to 1985, when an order was issued to cease accepting waste.

As part of that lease agreement, Foundations & Structures, Inc. agreed to accept all trash and garbage generated by the Borough of Woodbine during the period 1971 to 1985, including waste from residential, industrial, business and other sources at no charge during the period that Foundations & Structures, Inc. was operating the landfill.

The property is bordered to the west by Fidler Road / Fidler Hill Road and to the east by the Pennsylvania – Reading Seashore Line. The land located just to the north and south of the landfill consists primarily of undeveloped wooded properties.

A study completed in May 2003 by the H2M Group generally indicates that the majority of debris within the landfill is situated from one (1) foot below the surface to approximately nineteen (19) feet below the surface, where clay substrata begins. Based on the test pit data, the total estimated volume of in-place waste is approximately 600,000 cubic yards. Additionally, the limits of the waste site area are estimated to encompass approximately 47 acres.

Based upon the study completed by the H2M Group, it is difficult to ascertain the most appropriate type of development for this site. Additional research must be completed regarding either the capping of the landfill or the removal and transfer of the waste to the county's current landfill (with clean backfill allowing for future development). It is recommended that a cost analysis be completed to determine which alternative is the most safe / appropriate and cost effective, specifically in terms of future development opportunities.

Review of the New Jersey Department of Environmental Protection (NJDEP) wetlands maps indicates that approximately thirteen (13) acres of the landfill site exist as wetlands specifically classified as Herbaceous Wetlands, while another four (4) acres are noted as Disturbed Wetlands (modified). It appears that such wetlands are a result of the change in ground topography due to the creation of the landfill, however, careful documentation, approvals and close cooperation with NJDEP officials will be required to alter this landscape in any manner (see Exhibit 3, Wetlands within the Landfill Redevelopment Area).

Additional review of the site indicates that it is further negatively impacted by the Airport Clear Zone and the New Jersey Airport Safety Zone. Approximately 5.5 acres are included within the Clear Zone, an area in which residential development is prohibited, as are PUD's and multifamily dwellings, hospitals, schools, above ground bulk tank storage of compressed flammable or compressed toxic gases and liquids, uses that may attract massing birds, including land fills, and above grade major utility transmission lines and / or mains. Approximately 31 acres lie within the Airport Safety Zone, where careful attention to

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development must be observed (see Exhibit 4, Clear and Safety Zones within the Landfill Redevelopment Area).

A. TIMELINE OF ACTIVITY ON SITE

Based upon the Area in Need Analysis for the site:

1. The Property, which is the subject of the Landfill Redevelopment Review, is known as Block 117, Lot 1 on the current Tax Map of the Borough of Woodbine.
2. A significant portion of Block 117, Lot 1 was used as a landfill operated by Foundations and Structures, Inc. between 1971 and 1985.
3. During the course of time that the property was used as a landfill, substantial volumes of waste, including sanitary waste, sewage waste and construction debris, were deposited in the landfill.
4. The property in question is owned by the Borough of Woodbine.
5. The State of New Jersey has caused an environmental study to be performed which shows that there are exceedances from the State standards of certain contaminants in and emanating from the landfill.
6. The property in question has been vacant since 1985 when the landfill closed its operations and no other use has taken place since that date on the property in question.
7. Since 1991 the Borough of Woodbine has been engaged in efforts to locate a private entity that would perform the landfill closure in accordance with the governmental regulations for said closure at no cost to the Borough.
8. In the year 2000 a Request for Proposal was prepared by the engineering firm of Malcolm Pirnie, on behalf of the Borough of Woodbine, seeking a company to close the landfill at no cost to the Borough. In response to that Request for Proposal, only one bid was obtained, which proposal was unsatisfactory to the Borough from both an economic and environmental perspective and which was rejected by the Borough in 2001.
9. The New Jersey Department of Environmental Protection and the New Jersey Pinelands Commission have strict requirements concerning which materials can be placed into the landfill. Because of the contaminant nature of the soil in the landfill and the substantial expense of closing the landfill in accordance with governmental requirements, it is unlikely that the property in question could be developed solely through the use of private companies or the use of private capital.

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10. The property in question is contiguous to the Woodbine Municipal Airport and all its associated amenities but the site is not currently serviced by any public utilities. Therefore, it is, again, not likely to be developed solely through the use of a private company or by private capital.

It is anticipated that designating the Redevelopment Area as an "Area in Need of Redevelopment" and enacting this "Redevelopment Plan" will result in opportunities for public / private partnerships as envisioned in the Redevelopment Statute which will enable the site to be redeveloped as a use that is both desirable and beneficial to the community.

The Plan will also enable the establishment of necessary financing to initiate any necessary clean up and / or infrastructure improvements that are required to make the site viable for residential, commercial, or recreational use.

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III. DEFINITIONS

For the purposes of this Redevelopment Plan, the terms:

- A. "Woodbine Landfill, Block 117 Redevelopment Area" and "Redevelopment Area" shall mean the area within the Borough of Woodbine as illustrated in Exhibit 2, Redevelopment Area Map, and generally bounded by Fidler Hill Road to the west, the Pennsylvania – Reading Seashore Railroad Line to the east, the Woodbine Municipal boundary line to the south, and a line approximately 700 feet south of and parallel to Sherman Road to the north. This area has been determined to be an "Area in Need of Redevelopment" pursuant to N.J.S.A. 40A:12A-1 et seq. by the Borough of Woodbine, Borough Council Resolution attached as Exhibit 1.
- B. "Borough" shall mean the Borough of Woodbine, New Jersey, a body corporate and politic, and unless otherwise indicated includes its Governing Body, elected officials, officers and staff.
- C. "Development Parcel" shall mean any of the parcels or easements created within the Redevelopment Area.
- D. "Land Use Code" shall mean Revised General Ordinances of the Borough of Woodbine, County of Cape May, State of New Jersey, Zoning, Chapter XXVI, as may be amended from time to time, or Land Use Regulations written specifically for the project and included in this report.
- E. "Local Redevelopment and Housing Law" and "Redevelopment Statute" shall mean N.J.S.A. 40A:12A-1 et seq.
- F. "Lot Coverage" shall mean the percentage of land area occupied by the principal and accessory buildings on a Development Parcel at grade level or above, excluding roof overhangs.
- G. "Planning Board" shall mean the Planning Board of the Borough of Woodbine.
- H. "Developer" shall mean the corporation, partnership or other entity designated by the Redevelopment Entity as Developer, pursuant to the Redevelopment Statute and having entered or been chosen to enter into a Developer's Agreement with the Redevelopment Entity for the purposes of advancing this Redevelopment Plan.
- I. "Developer's Agreement" shall mean a contract made by and between the Developer and the Redevelopment Entity which shall detail the specific rights, responsibilities and obligations of the Borough and the Developer related to the conveyance of lands and the construction of a Redevelopment Project thereon. The Developer's Agreement shall include, at a minimum:
 - 1. The development concepts, site plan and related documents for the undertakings proposed.
 - 2. A schedule for the commencement and completion of improvements.

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3. The Developer's plan for compliance with the Public Policy Goals and Redevelopment Plan Objectives as outlined herein.
 4. Provisions for termination of agreement in the event of default by public or private entities.
 5. A schedule of review and adoption of the required public actions.
 6. Such other provisions as may be required by law.
-
- J. "Redevelopment Entity" shall mean the Borough of Woodbine, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12a-1 et seq.
 - K. "Redevelopment Project" shall mean the facility constructed on a Development Parcel(s) pursuant to and consistent with this Redevelopment Plan.
 - L. "State" shall mean the State of New Jersey and shall include all applicable agencies and instrumentalities thereof.
 - M. "Loading Space" shall mean an off-street berth on the same lot with a building or group of buildings for the temporary parking of a vehicle while loading or unloading. Such loading areas shall be screened from view by a combination of structures (walls), architecturally compatible with the design of the primary building, and a variety of evergreen landscaping sufficiently dense to screen it from view.
 - N. "On-Site Parking" shall measure 9 (nine) feet x 18 (eighteen) feet with twenty-four (24) feet drive aisles. All such spaces shall be paved and appropriately marked.

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IV. REDEVELOPMENT AREA

A. SITE CONTEXT

1. The Redevelopment Area is located in the Borough of Woodbine, County of Cape May, State of New Jersey. (See Exhibit 2, Redevelopment Area Map). This map also shows Block / Lot Identification as well as adjunct infrastructure improvements.
2. The Redevelopment Area is bifurcated by the Borough's Residential – 1 (R1) Zoning District to the north and the Light – Industrial Manufacturing (LIM) Zoning District to the south. However, for purposes of the Redevelopment Plan, all Land Use controls are as set forth in Section VI. C. of this report.
3. The Redevelopment Area consists of approximately 115 acres of land.³ The site has approximately \pm 3,500 feet of frontage along Fidler Hill Road (See Exhibit 2 illustrating the shape of the parcel, etc.)
4. The major defining characteristic of the Redevelopment Area is that of the total 115 acres, just over 61 of these acres are property that was leased to Foundations & Structures, Inc. in 1969 for the operation of a landfill from approximately 1971 to 1985, when an order was issued to cease accepting waste.
5. The area is being considered for inclusion within the Borough's proposed 208 Sewer Area.
6. The Redevelopment Area is located in an area of the Borough which has been part of a New Jersey Smart Growth Study Area. The total area includes approximately 1200 acres, of which the Landfill Redevelopment Area comprises a \pm 115 acre sub-area.

B. BOUNDARIES

The project boundary map as shown in Exhibit 2, referenced herein as Landfill Redevelopment Area Boundary Map, delineates the boundaries of the Redevelopment Area.

³ The Woodbine Tax Assessor's records indicate that Block 117, Lot 1 contains 115.60 acres (see Exhibit 9). The 4 February 2005 Woodbine Tax Map indicates the area contains 114.86 acres. A survey should be completed to determine the exact area of the site.

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V. STATEMENT OF PURPOSE AND INTENT

A. GENERAL STATEMENT

This document constitutes a Redevelopment Plan under the provisions of the Local Redevelopment and Housing Law. Upon adoption, the Redevelopment Entity will be empowered to negotiate with and enter into Developer's Agreement(s) with a Developer for the purpose of advancing the Borough's Public Policy Goals and Redevelopment Plan Objectives as more particularly described below:

B. PUBLIC POLICY GOALS

1. The purpose of this Redevelopment Plan is to provide the mechanism (i.e., a public / private partnership) to encourage economic development in the Redevelopment Area by:
 - a. Instituting public / private partnerships to initiate infrastructure improvements necessary to service this strategically located but underutilized parcel.
 - b. Preparing Land Use Regulations that address the required standards for residential, mixed use and commercial / light industrial standards.
 - c. Initiating mutually supportive public financial initiatives that would complement private sector investment in major infrastructure and roadway improvements without which the site could not be successfully developed.
 - d. Allowing for the widest possible range of redevelopment initiatives, the Borough may make available to the Developer such financial and other assistance as may be at its disposal through the powers of the Redevelopment Statute and/or other applicable redevelopment statutes. The types and extent of such assistance shall be negotiated within the context of the Developer's Agreement between the Borough and the individual Developer.

C. REDEVELOPMENT PLAN OBJECTIVES

1. To put into place plan initiatives that would reverse the underutilization of residentially and commercially / industrially zoned and strategically located parcels within the municipality. Block 117, Lot 1 is fully located within the Borough's Smart Planning Study Area and the use of this land to further the goals of the Borough's Master Plan is strongly desired.
2. To provide a funding mechanism to effectuate the environmental clean-up of the landfill site. Given the unique environmental conditions that exist on this site (e.g. buried debris), special consideration for the provision of funding opportunities must be examined.

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3. To establish public / private partnerships by encouraging "...coordination of various public and private procedures and activates shaping land development with a view of lessening the cost of such development and to the more efficient use of land." (M.L.U.L. C.40:55D-2m).
4. "To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies." (M.L.U.L. C40.55D-2f).
5. "To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight." (M.L.U.L. C.40:55D-2h). With the location of a rail line and the airport adjacent to the property, and access to County Route 550 and the Borough's bike path, the opportunity to create a truly integrated development exists.
6. "To promote a desirable visual environment through creative development techniques and good civic design and arrangements." (M.L.U.L. C.40:55-2i). The implementation of Smart Planning principles and design standards should guide any and all development on this site. Such standards are noted not only within this Redevelopment Plan, but within the Woodbine Airport Economic Development Area Study (July 2004) as well.
7. To provide incentives to promote the growth of new private sector development in the form of a commercial center which will enhance, strengthen and diversify the Borough's economic base.
8. To encourage the growth of new regional commercial development, thereby increasing employment and job opportunities for the Borough and its residents.
9. To provide for the possible location of an age restricted development on this site, thus providing housing opportunities for this segment of the population.
10. To reverse the underutilization of the lands within the Redevelopment Area caused by a combination of inadequate access, obsolete layout, and environmental conditions resulting from the location of a landfill on this site and other conditions which have resulted in the suppression of viable economic redevelopment of the area.

D. DESIGNATION OF DEVELOPER

1. It is the intention of the Borough, upon adoption of this Redevelopment Plan, to coordinate the redevelopment process with a designated Developer for the Redevelopment Area. Said Developer may be an entity which, in the opinion of the Redevelopment Entity:
 - a. Has a substantial history of residential and / or commercial development;

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- b. Has sound credit and financial history;
 - c. Can assure that the capping and closure of the landfill will be in accordance with a plan that recognizes a safe and effective end use for the site; and
 - d. Must procure a performance bond and general liability and environmental impairment insurance.
2. In addition to the above, the Redevelopment Entity shall, at its sole discretion, request any and all other information regarding qualifications of the private sector Developer.
3. The municipality is entitled to insert a noncompliance provision that provides for a Reverter Clause for the site; the details of which shall be negotiated with the Redevelopment Entity as part of the Developer's Agreement.

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VI. REDEVELOPMENT PLAN

A. PROPOSED REDEVELOPMENT ACTIONS

The proposed redevelopment actions are being initiated to:

- Put into place a public / private partnership that will result in the development of the Redevelopment Area into a residential and / or commercial (with a range from recreational to light industrial) center pursuant to the Land Use Plan of the community;
- Provide for clean up and reuse of the former landfill site and possible re-alignment of the primary and secondary roadway connections to the Site to enable sufficient traffic volume to enter and leave the Redevelopment Area without impacting surrounding land uses;
- Provide the necessary information regarding the nearby Airport Safety and Clear Zones that impact the property;
- Provide adequate sewer service to the Redevelopment Area to enable development of this strategically located site. The site is located adjacent to the current 208 Sewer District;
- This plan will become the Zoning Plan for the Redevelopment Area and will be tied into the overall Woodbine Airport Economic Development Area as well as create a plan of action for the reclamation of the landfill according to NJDEP and Pinelands regulations.

1. Acquisition

The Borough of Woodbine owns the property in question and contemplates conveying or leasing the property to an appropriate developer who meets the criteria as set forth by the Borough of Woodbine. Given municipal ownership, acquisition is not contemplated as an initiative in this project. However, as required pursuant to N.J.S.A. 40A:12a-8b & c, upon adoption of this Redevelopment Plan, the Borough shall be statutorily permitted to acquire real property either through good-faith negotiations with the private property owner or, upon failure of said good-faith negotiations, through the condemnation (eminent domain) process pursuant to N.J.S.A. 20:3-a et seq. to effectuate the Plan.

2. Consolidation

The Redevelopment Area is a single lot at present time and, therefore, consolidation is not necessary. In addition to consolidation or subdivision of the property, the Borough may vacate, realign or improve public rights-of-way pursuant to the requirements and purposes of the Plan.

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3. Designation and Conveyance

Upon adoption of this Redevelopment Plan, the Borough shall be statutorily permitted to designate a Developer for the Development Parcel within the Redevelopment Area and to negotiate and enter into a Developer's Agreement with said Developer. This Developer's Agreement shall include provisions for the conveyance of the Development Parcel(s) acquired by the Redevelopment Entity that are required for the Redevelopment Project.

4. Actions Subsequent to Conveyance

Subject to the provisions of the negotiated Developer's Agreement, the Borough may agree to provide tax abatement, an arrangement for Payment In Lieu of Taxes [P.I.L.O.T.] (consistent with the law), and / or other financial assistance should a particular Redevelopment Project merit and require such assistance.

B. LAND USE PLAN

1. General

- a. The following regulations, controls and restrictions provide standards for the physical development of the Redevelopment Area in accordance with the Statement of Purpose and Intent of this Redevelopment Plan. They are intended to provide parameters within which the Developer and its professionals are encouraged to generate detailed plans in cooperation with the Borough's staff, to produce a Redevelopment Project of outstanding design capable of competing in a regional commercial market.
- b. These controls and design standards have been generated to encourage the innovative planning and design within a unifying framework to ensure an efficient and integrated Redevelopment Project reflective of "good civic design and arrangements" (New Jersey M.L.U.L. 40:55d-2).
- c. The development concepts and general design plan for undertaking the proposal will be reviewed and approved by the Redevelopment Entity as part of the Developer's Agreement to be negotiated between the Borough and the Developer.
- d. The above notwithstanding, pursuant to N.J.S.A. 40A:12A-13, all projects within the Redevelopment Area shall be submitted to the Planning Board for review and approval in accordance with the requirements for review and approval of subdivisions and site plans as set forth by ordinance and adopted pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).

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- e. Consistent with its responsibility pursuant to N.J.S.A. 40A:12A-13, the Planning Board shall retain the right, at time of Site Plan Review and Approval, to require such off-site improvements as may be necessary for the effective implementation of this Redevelopment Plan.
2. Permitted Uses within the Landfill Redevelopment Area (see Exhibit 5 for a matrix illustrating the following uses and recommended Area & Bulk Regulations).
 - a. The Redevelopment Site, as previously noted, is bifurcated by the Borough's Residential – 1 (R1) Zoning District to the north and the Light – Industrial Manufacturing (LIM) Zoning District to the south. With such being the case, the options for redevelopment activity on this site appear to range from residential to commercial to light-industrial, with the opportunity for a recreational development also being very appropriate for this site. Given these opportunities and for the Redevelopment Site, the following is a general outline of each recommended use for the site, accompanied by an attached matrix outlining the more specific Area & Bulk Regulations:
 1. Age Restricted Housing Development – such would require the inclusion of this Redevelopment Area within the 208 Sewer District to make this type of development economically feasible, given the lot sizes as defined by the current industry standard. The addition of this age cohort to the Borough of Woodbine would add to the Borough's diversity; currently the Borough has a relatively young median age (36.4) when compared to the remainder of Cape May County (42.3).⁴

Additionally, the Borough's Master Plan (11 April 1996) notes that Planned Unit Developments, such as that which might be proposed for an age-restricted development, are recommended (Woodbine Master Plan, Appendix C, Plate #4).

The Borough of Woodbine has experienced significant population loss over the past few decades – a loss of just more than 3% from 1980 to 2000, and an infusion of new residents could further economic activity throughout the Borough.⁵

It should be noted that this type of development is not permitted within the 5.5 acres of the Airport Clear Zone and restricted development only within the Airport Safety Zone, (noted on Exhibit 4, Clear and Safety Zones within the Landfill Redevelopment Area).

⁴ US Census, 2000.

⁵ US Census, 2000.

**Redevelopment Plan
Block 117, Lot 1
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Additionally, special attention to the environmental situation must be carried out to ensure the safety of the residents. Confirmation of such would be required by special project engineering consultants specializing in such matters of environmental remediation (see Exhibit 6, Age-Restricted Development within the Smart Growth Plan Area).

2. Light Industrial / Commercial Development – according to the Borough of Woodbine's Master Plan (Woodbine Master Plan, Appendix C, Plate #3) dated 11 April 1996, approximately 1.5% of the community's land is devoted to industrial use, where proposed land use distribution for the Borough is recommended to be 14.95% for light industrial use (Woodbine Master Plan, Appendix C, Plate #4). With this apparent strong desire to see a more balanced mix of light industrial uses, the recommendation for the Redevelopment Area as such a site conforms to the Borough's Master Plan.

Such a use could take advantage of the adjacent rail line and the fact that the site is located very near to the Woodbine Municipal Airport (see Exhibit 7, Light-Industrial Development within the Smart Growth Plan Area).

3. Recreational Development – based upon the Smart Growth Study that has been completed for the 1200 acre area that includes the Woodbine Municipal Airport as well as the surrounding properties, including the Landfill Redevelopment Area, the opportunity to create a recreational area that relates to the Cape May County tourist market is possible. Furthermore, the fact that the Landfill Redevelopment Area is located on the Pennsylvania Reading Seashore Rail Line provides an added advantage in terms of a transportation alternative that is not readily available in other locations.

Simultaneous to the process of creating a Redevelopment Plan for the Landfill Redevelopment Area, Cape May County Seashore Lines, which operates passenger train service on the Pennsylvania - Reading Seashore Rail Line, is currently examining the opportunity to bring such service to the Borough of Woodbine (see Exhibit 8, Recreational Development within the Smart Growth Plan Area).

**Redevelopment Plan
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b. Environmental Remediation⁶

1. Any development that takes place upon this site must be completed in such a manner that the existing landfill is closed and capped according to NJDEP and Pinelands regulations and all environmental hazards have been fully remediated and no hazards exist to the developer, the resulting development and / or end users, or the community as a whole.

3. Supplemental Land Use Provisions

a. Preamble

The entire Redevelopment Area shall be governed by the Land Use Provisions contained herein. These Provisions are intended to establish standards that will architecturally define any structures to be located on the subject redevelopment parcel. Any provision not specifically addressed herein shall be governed by the Borough's current Land Use Code. Therefore, the Developer and its professional staff are encouraged to exercise maximum ingenuity, creativity and freedom of design consistent with the objectives of this Redevelopment Plan.

The Redevelopment Entity recognizes that a variety of factors will influence the final design of the Redevelopment Project and has not attempted, in these and other controls of this Redevelopment Plan, to anticipate every possible design solution or use. Rather, the controls and regulations governing structural form and architectural character within the Redevelopment Area are designed to promote a unifying framework for the Redevelopment Area in accordance with the following areas:

- (1) Development of an overall architectural theme for the structures, signs and landscaping of the area.
- (2) In addition to (1) above, it is the intent of the Land Use Provisions of the Redevelopment Plan to require upgraded standards within the:
 - (a) Vehicular and Pedestrian Circulation Plan;
 - (b) Public transportation linkages;
 - (c) Security Plan;
 - (d) Overall thematic signage package;
 - (e) Façade treatment;

⁶ PPK Inc. makes no representation as to the environmental suitability of the site for any of the development proposals. Such determination must be made by others.

**Redevelopment Plan
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- (f) Building orientation plan incorporating views, vistas, identification towers and nodes, etc.;
- (g) Landscape Plan;
- (h) Lighting Plan, both security and ornamental; and
- (i) Other

b. Additional Requirements

(1) Landscape controls for commercial projects.

- (a) All parking and loading areas shall be landscaped.
- (b) Parking lots with more than 50 spaces shall be landscaped as follows:
 - i. Deciduous trees shall be planted in all islands, (two (2) per two-car length island). Trees surrounding the parking lot shall be planted no more than 25 feet on center.
 - ii. Such trees shall be at least 12 feet to 14 feet high at time of planting and with a 2 ½" caliper.
 - iii. All islands in parking lot areas shall, at a minimum, be planted with evergreen shrubs in addition to required trees. Surface areas remaining exposed shall be covered with appropriate ground cover.
 - iv. A Landscape Plan shall be prepared by a Certified Landscape Architect licensed in the State of New Jersey. At a minimum, the Landscape Plan shall contain a Planting Schedule listing all plant material by size, common and scientific names, quantities and their location.

(2) Lighting Standards.

- (a) All lighting standards shall conform to the Borough of Woodbine's Revised General Ordinances.

(3) Other Design and Performance Standards. Other applicable design and performance standards listed in the Borough's Revised General Ordinances, Land Use Volume, are adopted herein by reference.

4. Easement Plan

- a. The Redevelopment Entity shall have the right to develop and devise an easement plan in order to provide a cohesive circulation and an access

**Redevelopment Plan
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plan to maximize efficiency in land utilization and traffic management. Such plan may extend both to the designated Redevelopment Area and on boundary streets between the Redevelopment Area and the balance of the Borough.

- b. All pre-existing Rights-of-Way and known easements within the Redevelopment Area are depicted on the Redevelopment Boundary Area Map (Exhibit B). All easements that shall be required shall be provided by the Applicant's Engineer and reviewed for accuracy by the Borough Engineer.
- c. A Final Easement Plan, including existing and proposed utility easements, municipal dedications vacations and/or the granting of air or subsurface rights, as well as issues related to improved traffic circulation both to and from the Redevelopment Area and internal to the Area shall be more fully addressed by the Developer's Engineer in concert with the Borough's Engineer, hereinafter referred to as the Engineering Team, refining the concept for the contemplated improvements.

(1) Vacations

To the extent necessary to effectuate this Redevelopment Plan, the rights-of-way within the Redevelopment Area, along with all air rights and subsurface rights attendant thereto, shall be vacated as the Engineering Team refines the concept for the contemplated improvements.

(2) Dedications and/or Realignments

Dedications related to boundary streets shall be effectuated as the Engineering Team refines the concept for the contemplated improvements.

(3) Access

Access to the Redevelopment Area shall be from proposed new streets and / or from existing streets with the necessary improvements.

5. Redevelopment Entity and Planning Board

The Planning Board, at time of Site Plan Review and without formal amendment to this Redevelopment Plan, may approve minor modifications in or changes to Bulk, Height, Landscape, Signage and Parking requirements if deemed to be in the best interest of project implementation and if accordingly supported by the Board's professional planning staff.

A minor modification is defined as a standard with less than five (5) percent deviation from any original standard stipulated herein.

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6. Utility Controls

- a. Access to utilities, including electric, gas, sewer, water, communications (telephone) and cable television systems, may be made available to the Redevelopment Area. At the present time, this Redevelopment Area is located just outside the Borough's 208 Sewer District Area, however such is being considered for expansion to include this area. As part of the redevelopment process, the Redevelopment Entity, at its sole discretion, may elect to provide portions or all of the utility services required for a particular Redevelopment Project or may elect to provide a credit to the Developer for the provision or upgrade of any utility so required.
- b. Distribution lines for all utility systems shall be placed underground. All easements shall comply with Borough requirements. Exact locations for utility lines and easements shall be established at time of Planning Board Site Plan Review and Approval. Existing above-ground utilities shall be incorporated into the underground systems at the boundaries of the Redevelopment Area as improvements are undertaken. Any addition, relocation and / or replacement of utility lines shall be negotiated within the context of the Developer's Agreement between the Redevelopment Entity and the individual Developer.

7. Standards and Controls of General Applicability

a. Jurisdiction

The provisions of this Redevelopment Plan are those of the Borough of Woodbine and do not substitute for any law, code, rule or regulation established by any State or Federal agency.

b. Applicability of Other Standards

- (1) In addition to the standards set forth in this Redevelopment Plan, all development within the Redevelopment Area shall comply with the applicable laws, codes, rules and regulations established by any State or Federal agency.
- (2) The above notwithstanding, whenever local codes or regulations (other than those found in the Land Use Code) contain comparable but less restrictive provisions or requirements than set forth in this Redevelopment Plan, the standards set forth herein shall govern.
- (3) The Pinelands Area Development Regulations and Pinelands Area Procedures set forth in Sections 26 – 43 and 26 – 65 of the Land Use Code shall continue to apply to all development within the Redevelopment Area. All other provisions of the Borough's Land Use Code, except as specifically provided for in this Redevelopment

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Plan, shall not apply to land or structures within the Redevelopment Area, such provisions being superseded hereby.

- (4) The Borough recognizes that certain environmental issues may exist within the Redevelopment Area, including, but not limited to groundwater and soils contamination and / or buried debris of a mixed nature. In addition, the landfill must be closed in accordance with NJDEP (N.J.A.C. 7:50-6.75 and / or N.J.A.C. 7:26-2A.9) and Pinelands regulations.

It is worth noting that under N.J.A.C. 7:50-6.75, the Pinelands regulations specifically state that "nothing herein shall be construed as permitting the height or extent of the landfill to be raised beyond what is necessary to complete final contouring to enable impermeable capping or provide for a unlimited final cover over the impermeable cap."

Upon adoption of this Redevelopment Plan, the Developer shall provide proof to the Borough that the developer is taking the appropriate steps to close and cap the landfill. All documents between the developer and Pinelands and / or NJDEP shall be provided to the Borough in a timely manner and the borough shall be invited to partake in these discussions.

The State of New Jersey has ± \$600,000 in escrow that may be available for post-closure monitoring and considers such important to the successful redevelopment of the site.

Responsibility for any clean-up or any environmental action shall be assigned within the context of the Developer's Agreement.

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VII. EQUAL OPPORTUNITY

No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or by the Developer (or any successors in interest) whereby the land or improvements in the Redevelopment Area are restricted, either by the Redevelopment Entity or the Developer (or any successors in interest) upon the basis of race, creed, color, ancestry, sex, national origin, family status, disability or sexual preference in the sale, lease, use or occupancy thereof. The foregoing restrictions, as well as the provisions of N.J.S.A. 40A:12a-9, shall be implemented by appropriate covenants or other provisions in the Developer's Agreement and/or disposition instruments as covenants running with the land.

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VIII. PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS

A. "REDEVELOPMENT AREA" DESIGNATION

The Governing Body of the Borough of Woodbine did, by Resolution No. 7-90-2003, determine the Redevelopment Area to be an "Area in Need of Redevelopment" pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12a-1 et seq.). "Redevelopment Area" designation is a prerequisite for the promulgation of a Redevelopment Plan and/or Redevelopment Project pursuant to N.J.S.A. 40a:12A-7.

Upon adoption by the Governing Body, this document shall constitute a "Redevelopment Plan" under the provisions of the Local Redevelopment and Housing Law. It includes an outline for the planning, development and redevelopment of the Redevelopment Area as follows:

B. RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES [N.J.S.A. 40A:12A-7a(1)]

The Borough's Public Policy Goals and Redevelopment Plan Objectives are outlined in Section V of this Redevelopment Plan and are incorporated herein by reference.

1. Other Public Improvements

- a. The Borough is currently examining the option to expand the 208 Sewer District to include this Redevelopment Area.

C. PROPOSED LAND USES AND BUILDING REQUIREMENTS [N.J.S.A. 40A:12A-7a(2)]

The Land Use Provisions and related controls are outlined in the Land Use Plan, Easement Plan, Utility Controls and related sections of this Redevelopment Plan.

D. PROVISION FOR TEMPORARY AND PERMANENT RELOCATION [N.J.S.A. 40A:12A-7a(3)]

No Relocation Plan is required because the property is vacant of any residential or commercial structures; therefore there is no relocation required within this Redevelopment Area. Additionally, the property is currently owned by the Borough of Woodbine.

E. IDENTIFICATION OF PROPERTY TO BE ACQUIRED [N.J.S.A. 40A:12a7a(4)]

No property acquisition is anticipated via eminent domain. The land is currently owned by the Borough of Woodbine.

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F. SIGNIFICANT RELATIONSHIPS OF THE REDEVELOPMENT PLAN TO OTHER PLANS [N.J.S.A. 40A:12a-7a(5)a]

The Land Use components of this Redevelopment Plan do not materially differ from those in place prior to the adoption of this Redevelopment Plan. Accordingly, there is no change in the relationship between this Redevelopment Plan and (a) the Master Plans of the Borough of Woodbine and contiguous municipalities, (b) the Master Plan of the County and (c) the State Development and Redevelopment Plan (SDRP) beyond those relationships which existed prior to the adoption of this Redevelopment Plan. Said relationships have formally been addressed by the duly adopted Master Plan and subsequent updates of the Borough of Woodbine and incorporated herewith.

G. RELATIONSHIP TO PERTINENT MUNICIPAL DEVELOPMENT REGULATIONS [N.J.S.A. 40A:12a-7a(5)c]

The relationship to this Redevelopment Plan to pertinent municipal development regulations is outlined in the Land Use Plan of this Redevelopment Plan.

H. PROPOSED ZONING CHANGES [N.J.S.A. 40A:12a-7a(5)c]

1. At the time of adoption of this Redevelopment Plan, the Redevelopment Area was bifurcated by the Borough's Residential – 1 (R1) Zoning District to the north and the Light – Industrial Manufacturing (LIM) Zoning District to the south. The standards set forth in those districts have been modified to deal specifically with the needs of redeveloping the site as a residential and / or commercial property.
2. Any Ordinance adopting this Redevelopment Plan shall contain language indicating that this Redevelopment Plan is an explicit amendment to the Land Use Code and related zoning district maps.

I. CONSISTENCY WITH MUNICIPAL MASTER PLAN

This Redevelopment Plan is consistent with and is designed to effectuate the duly adopted Master Plan of the Borough of Woodbine.

With regard to the Future Land Use Plan, the Master Plan notes the following:

...Woodbine is fortunate in the sense that major portions of the land area are still undeveloped. The opportunity to plan future land use in Woodbine is unique in this respect...the borough of Woodbine owns a portion of the undeveloped land in the community. This ownership enables the Borough to control future development of these lands. Possible uses of Borough-owned lands could be as follow:

1. *A number of Planned Unit Developments.*

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2. *Land could be utilized as an incentive to industry locating in the Borough.*
3. *A possible site for a County Community College, or some other school or institution.⁷*

Furthermore, any development must be within those requirements as laid out by the Pinelands Commission, given that the Borough of Woodbine is a Pinelands Town.

The Master Plan notes the importance of a diversity of new land uses for the Borough, ranging from residential to industrial to institutional – such as that which is being recommended for the Landfill Redevelopment Site within this Redevelopment Plan. At the present time, there is no specific market trend emerging given the recent lack of economic development activity within the Borough, thus the need to provide the three noted scenarios – all of which respect the Borough of Woodbine's Master Plan.

⁷ Section 1 – Land Use, Summary of the Future Land Use Plan, Woodbine Master Plan, 11 April 1996.

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X. DURATION OF PROVISIONS AND EFFECTIVE DATE

- A. This Redevelopment Plan, as it may be amended from time to time, shall be in effect for a period of thirty (30) years from the date of adoption by the Governing Body.
- B. Upon completion of construction on a particular Development Parcel and the issuance by the Borough of all permanent Certificate(s) of Occupancy for said Development Parcel, and at the request of the Developer, the Borough shall issue the Developer a "Certificate of Completion and Compliance" for said Parcel, certifying that the Redevelopment Project was completed in accordance with this Redevelopment Plan and further certifying that the applicable provisions of the Developer's Agreement, including provisions related to N.J.S.A. 40A:12a-9a, have been satisfied.
- C. Upon the issuance of a Certificate of Completion and Compliance for all of the Redevelopment Projects in all of the Development Parcels, or at the expiration of this Redevelopment Plan pursuant to Section XI.A. herein, whichever shall occur first, the controls outlined in this Redevelopment Plan, with the exception of Section VI.B. (Land Use Plan) and Section VII. (Equal Opportunity), shall terminate and the Redevelopment Area shall revert to such Borough Zoning as may be adopted by the Borough at that time pursuant to N.J.S.A. 40:55D-1 et seq. Unless otherwise addressed by an affirmative action of the Borough, the appropriate sections of the Borough's Land Use Code shall hereby be amended to include the Land Use Provisions (Section VI.B.2.) of this Redevelopment Plan.

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XI. PROCEDURES FOR AMENDING THE APPROVED REDEVELOPMENT PLAN

- A. This Redevelopment Plan may be amended from time to time upon compliance with all applicable laws and statutes and upon approval of the Governing Body. In addition to any other requirements, including but not limited to those imposed by N.J.S.A. 40A:12a-13, mutual agreement between the Borough and the Developer is required where a Developer's Agreement is in place and where an amendment would change the controls governing the use of land under said Agreement or otherwise modify obligations under the Developer's Agreement.

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EXHIBIT 1

RESOLUTION AUTHORIZING REDEVELOPMEN PLAN

Borough of Woodbine Resolution #7-90-2003, dated 17 July 2003, directing the Woodbine Planning Board and Mayor to supervise the preparation of a Redevelopment Plan for the Redevelopment Area.

**BOROUGH OF WOODBINE
COUNTY OF CAPE MAY**

RESOLUTION NO. 7-90-2003

**A RESOLUTION TO DESIGNATE AND DETERMINE BLOCK 117 LOT 1 AND
A PORTION OF LOT 2 THAT IS TO BE CONSOLIDATED INTO LOT 1 AS AN
AREA THAT IS IN NEED OF REDEVELOPMENT AND TO FURTHER
AUTHORIZE A REDEVELOPMENT PLAN**

WHEREAS, the Borough of Woodbine ("Borough") and Foundations and Structures Inc. are parties responsible for the closure and subsequent post-closure maintenance and monitoring of the Woodbine Landfill ("Landfill") pursuant to the provisions of the New Jersey Sanitary Landfill Closure and Contingency Act, and;

WHEREAS, the Landfill is located on portions of what is now known as Block 117, Lots One and Two of the Tax Map of the Borough of Woodbine (the "Property"), and;

WHEREAS, the Woodbine Planning/Zoning Board has conducted a Preliminary Assessment concerning whether Block 117, Lot One and a portion of Block 117, Lot 2 (as outlined on an accompanying map presented to the Woodbine Planning/Zoning Board) should be determined to be an area in need of redevelopment as defined in the Local Redevelopment and Housing Law, N.J.S.A. 40A12A-1 et seq. and;

WHEREAS, the Woodbine Planning/Zoning Board on July 10, 2003 adopted a Resolution determining that the property in question meets the criteria of the Local Redevelopment and Housing Law, and in that Resolution recommended that the Woodbine Borough Council proceed to declare the property an area in need of redevelopment under that Act;

WHEREAS, Council has determined that for the reasons set forth in the Resolution of the Woodbine Planning/Zoning Board, the proposed redevelopment area is suitable for residential or commercial development, but because of the existence of the Landfill cannot likely be developed through the instrumentality of private capital; and

WHEREAS, any development which is undertaken on the property in question must be in the best interests on both a long term and short term basis of Woodbine and its citizens

and must be accompanied by a closure of the Landfill at no cost to the Borough and its citizens; and

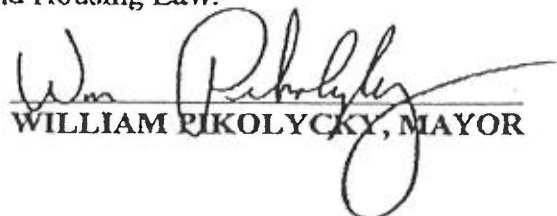
WHEREAS, the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. provide the most appropriate means of obtaining suitable development of the property and closure of the Landfill; and

WHEREAS, a redevelopment plan must be formulated under the provision of the Local Redevelopment and Housing Law, in order to determine the most suitable uses of the property in question.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Woodbine, County of Cape May, State of New Jersey as follows:

In accordance with N.J.S.A. 40A:12A-1 et seq., Lot One, Block 117 and the portion of Block 117, Lot 2 outlined on the map presented to the Planning/Zoning Board is hereby designated and determined to be an area in need of development as defined in the Local Redevelopment and Housing Law;

IT IS FURTHER RESOLVED that the Mayor is hereby authorized to seek a suitable professional to expeditiously undertake the necessary redevelopment plan in the manner required by the Local Redevelopment and Housing Law.


WILLIAM PIKOLYCKY, MAYOR

ATTEST:


LISA GARRISON, CLERK

DATED: JULY 17, 2003

OFFERED BY: SADUK

SECONDED BY: CIABATONI

ROLL CALL

AYES: ORTIZ, SADUK, CIABATONI, SCHWEIBINZ

NAYS:

ABSTAIN:

ABSENT: ANDERSON, HARRIS

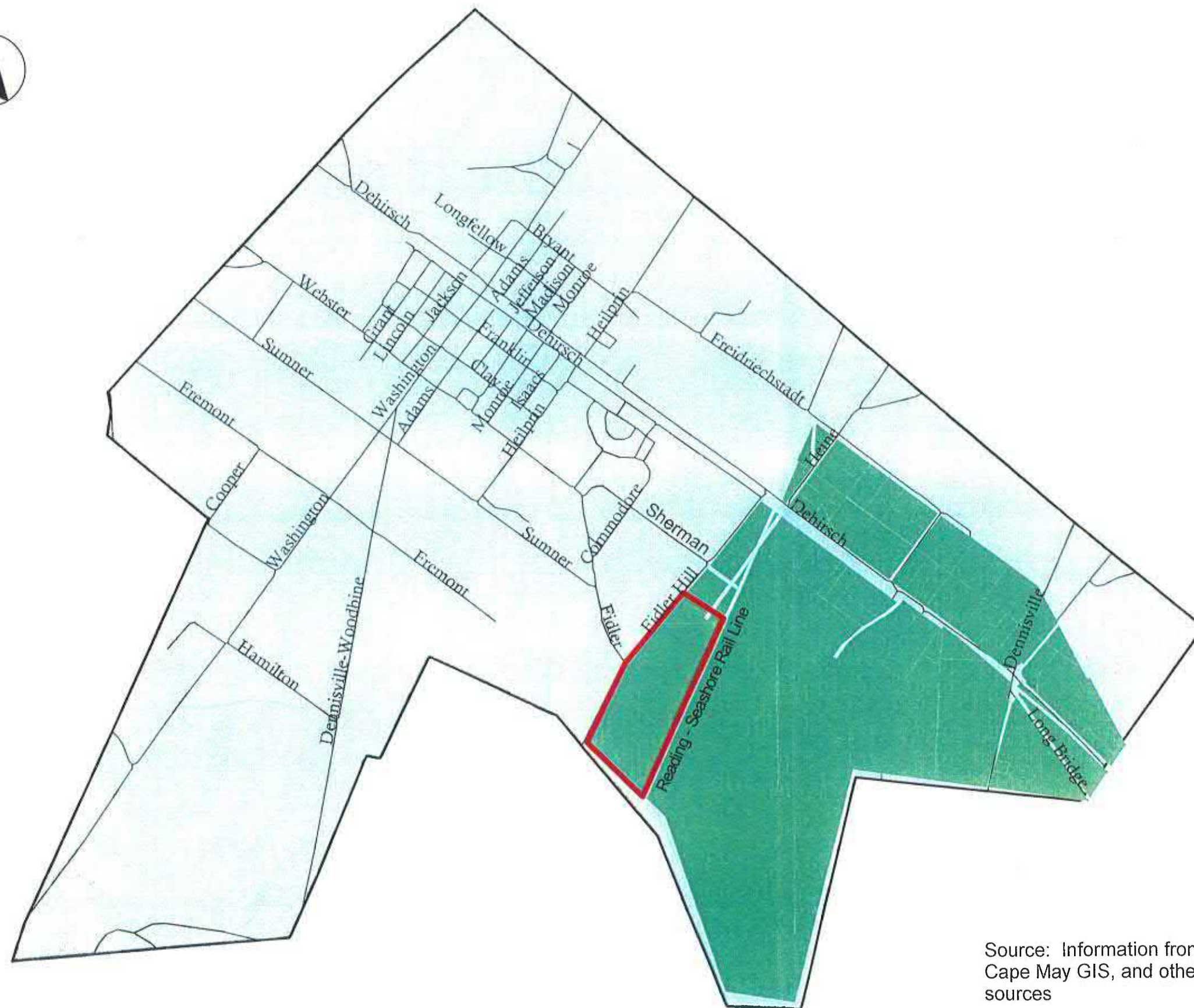
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EXHIBIT 2

REDEVELOPMENT AREA BOUNDARY MAP

This map identifies the subject boundaries of the Redevelopment Area.



Source: Information from NJDEP,
Cape May GIS, and other
sources

Exhibit 2

Woodbine Landfill Redevelopment Area Map

Woodbine Borough
Cape May County, New Jersey



Legend

- Landfill Redevelopment Site
- Smart Growth Area
- Streets
- Woodbine Borough

1000 0 1000 2000 Feet

Peter P. Karabashian Associates, Inc.
Professional Planners
27 Gordon's Alley
Atlantic City, New Jersey 08401

P 609.347.0311
F 609.347.1819
peter.ppkinc@comcast.net

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 Block 117, Lot 1
 Woodbine, New Jersey

April 2005

EXHIBIT 9

TAX PARCEL PROFILE DATA⁸

BLOCK	LOT	STREET ADDRESS	PARCEL SIZE ⁹	OWNER'S NAME	LAND VALUE	IMPROVED VALUE	NET VALUE	LAND USE
117	1	1049 Fidler Hill Road	115.60 acres	Borough of Woodbine	\$211,800	\$0	\$211,800	15C

Source: Tax Assessor, Woodbine, New Jersey

⁸ This tax parcel profile data does not include designation of easements and rights-of-ways that abut the Redevelopment Area.
⁹ The Borough of Woodbine Tax Map as revised 4 February 2005, notes the area as 114.86 acres.

> Exhibit K: Additional Documents

The following pages contain:

- Section XII- Co-location Narrative Continued
- Stormwater Management Overview
- Pinelands Commission Meeting Confirmation
- Community Engagement Example
- Nexamp O&M Overview

XIII. Special Authorizations and Exemptions

Per N.J.A.C. 14:8-9.4(j), co-location of this project can be approved by the Board “subject to specific review and permission by the Board through the application process.” We respectfully request that the Board grant co-location for this project for the following reasons, which are consistent with the provisions at N.J.A.C. 14:8-9:

- The Woodbine Landfill (also known as the Foundations & Structures Landfill) began operations in 1971 and was ordered closed by NJDEP in 1984. The landfill has an earthen cover but was never formally closed or otherwise equipped with mitigation systems to address potential environmental impacts, despite best efforts by the Borough of Woodbine to secure adequate funding to do so over the past 30+ years.

This community solar project, co-located with another, separately-interconnected project for an aggregate capacity of 9.6 Megawatts (MWDC), finally provides the Borough with a source of sufficient funds to develop and implement a mitigation system for the landfill. This system, developed in conjunction with the Pinelands Commission, NJDEP and other stakeholders, will ensure that the landfill no longer poses an ongoing threat to the local ecology, groundwater, and the community. Without such co-location, a single 5MWDC project would not be able to provide the level of funding necessary to implement such a mitigation system, leaving the landfill to continue as an environmental liability for the Borough.

Per Appendix C: Evaluation Criteria, the Community Solar Energy Pilot Program gives ‘higher preference’ to projects sited on landfills and gives additional preference to projects that provide certain site enhancements, such as stormwater management. Should the Board approve the co-location of this project, a site that has otherwise been an ongoing issue for the Woodbine community, enhancements such as a landfill cap or other mitigation system, along with necessary stormwater control systems, will convert this site from a liability into a community asset.

- This community solar project also seeks to qualify as an LMI project (per Section IX. Community Solar Subscriptions and Subscribers). The Borough of Woodbine has been identified as one of the most distressed municipalities in the state (New Jersey Department of Community Affairs 2017 Municipal Revitalization Index), with approximately 74% of the community designated as low income. Nexamp has already engaged community stakeholders, such as Woodbine Manor and Forss Rental Properties to establish quantifiable long-term benefits for the Borough’s LMI community. In combination with the other, separately-interconnected project, the aggregate capacity of 9.6 MWDC can distribute such benefits across a much larger portion of that LMI community than a single 5 MWDC project.



515 Grove Street
Suite 1B
Haddon Heights, NJ 08035
T: 856-547-0505
F: 856-547-9174

www.pennoni.com

August 29, 2019

NEXMP19003

Nexamp
Attn: Ms. Dallas Manson
101 Summer Street, 2nd Floor
Boston, MA 02110

**RE: STORMWATER MANAGEMENT REGULATORY REQUIREMENTS
WOODBINE SOLAR FACILITY
BLOCK 117, LOT 1**

Dear Ms. Manson:

Site development that results in either the disturbance of greater than 1.0 acres, or an increase in impervious cover by greater than 0.25 acres is defined as a "Major Development" resulting in the requirement to address NJDEP's Stormwater Management BMP Regulations identified by N.J.A.C. 7:8. These guidelines require that stormwater runoff quantity, stormwater quality, and stormwater recharge need to be addressed as part of the design. Stormwater maintenance requirements will be provided within a Stormwater Operation and Maintenance Manual. The O&M Manual is recorded as a requirement within the site's property deed.

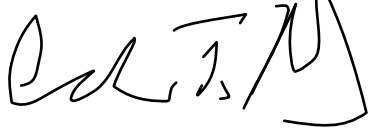
The required stormwater management analysis will demonstrate that the site design provides erosion control with installation of stormwater conveyance. Properly designed stormwater conveyance systems consist of a combination of naturalized surfaces, drainage swales, stormwater piping and attenuation. Low impact stormwater measures will be implemented to provide decreased peak stormwater flow rates. An off-site stability analysis will be provided to show downstream stability for the stormwater discharge and conveyance pathways. Permeant erosion control measures will be implemented for steep slopes, drainage swales and at conduit outlets.

Groundwater recharge measures will be implemented as permitted by the applicable stormwater regulations. Generally, areas within the urban redevelopment zones and/or adjoining landfill areas are exempt from maintaining groundwater recharge. The stormwater quality will be provided at an 80% TSS removal rate.

A licensed professional engineer is responsible to design the stormwater management measures. A feasible stormwater management system can be designed and installed at the site mitigating the negative impacts associated with uncontrolled stormwater runoff. If you have any comments and/or require additional information to assist you, please do not hesitate to contact this office.

Sincerely,

PENNONI ASSOCIATES INC.

A handwritten signature in black ink, appearing to read 'A. T. Banff', written over a horizontal line.

Andrew T. Banff, PE, PP, CME, CFM
NJPE License No. 45121



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

July 2, 2019

Lisa Garrison, Municipal Clerk
501 Washington Avenue
Woodbine, NJ 08270

Re: Pinelands Landfill Closure Standards
Review of Woodbine Borough landfill report and groundwater data submission

Dear Ms. Garrison,

A member of my staff has recently received an email from Thomas P. Maher, Jr. of Taylor, Wiseman & Taylor in regard to the closure of the Woodbine Borough Landfill. I would like to take this opportunity to commend the Borough for its interest in working with the Pinelands Commission to evaluate and environmentally close this legacy landfill.

The Pinelands Comprehensive Management Plan (CMP) requires that any landfill that accepted waste materials on or after January 14, 1981 must be capped with an impermeable material unless an alternative means of addressing the public health and ecological risks associated with the landfill is available; there is no leachate plume associated with the landfill and the landfill is not generating leachate; or a leachate plume associated with the landfill exists, but poses no significant ecological risk to wetlands.

It is our understanding that Woodbine Borough has evaluated groundwater in the vicinity of the landfill to determine the presence or absence of public health or ecological risks and that the Borough wishes to proceed in accordance with the findings of this evaluation.

The CMP, at N.J.A.C. 7:50-1.7(a) provides that the Executive Director may request that an escrow be posted with the Commission for review of complex matters. Our review of the above-referenced matter is one that involves complex issues, including but not limited to an analysis of the potential impacts of landfill leachate. The Commission has used this provision for the review of landfill closure options in several Pinelands municipalities.

I have determined that an escrow in the amount of [REDACTED] is required for Commission staff to undertake a review of the Woodbine Borough landfill. In assessing the status of the landfill, Commission staff will evaluate the NJPDES permit conditions, hydrologic framework of the landfill and surroundings, landfill monitoring well data collected to date, determine compliance with the Commission's anti-degradation and ecologically based water quality standards, determine the potential need for additional groundwater sampling and/or fate and transport modeling, work with the Borough's

professionals in reviewing additional modeling results, if warranted, and work in cooperation with the NJDEP, to determine the appropriate post closure groundwater remediation program, if applicable.

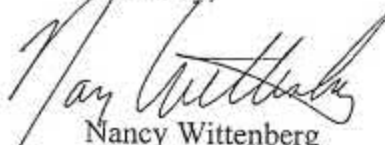
When the Borough is ready for Commission staff to proceed in this evaluation, please forward a check in this amount made payable to The Pinelands Commission.

Should the funds held in escrow prove insufficient to defray the costs associated with the review of the above-referenced matter, we will provide you with an accounting of the use of said funds and request an additional escrow deposit. Should the funds held in escrow prove to be more than is required to defray the costs associated with the review of the above-referenced matter, we will provide you with an accounting of the use of said funds and return any remaining funds to you at the time the Commission renders its decision on the above-referenced matter.

Mr. Maher has requested to meet with a member of my staff along with the firm that is interested in pursuing development on the landfill parcel on July 18, 2019. Please note that this meeting has been confirmed and is not contingent on the Commission's receipt of escrow funds prior to the July 18 meeting date.

We look forward to working with the Borough in resolving all outstanding Pinelands related matters concerning the landfill. If you have any questions related to this matter, please feel free to contact our Environmental Technologies Coordinator, Ed Wengrowski.

Sincerely,



Nancy Wittenberg
Executive Director

C: Larry Liggett
Susan Grogan
Ed Wengrowski



Dismas House

Worcester and Oakham, Massachusetts

For anyone who has served time in prison, returning to the community can be a very complex and challenging transition. Organizations that serve this population and provide resources to aid in the process are extending a vital service. Since 1988, Dismas House, Dismas Family Farm and Father John Brooks House in Massachusetts have been providing a welcoming place for former prisoners to live and work. Residents who were previously homeless are now engaged in the hard work of rebuilding lives and rekindling hope for themselves and their families. The dedicated staff at the facilities—many of them former prisoners themselves—provide important educational, recovery and re-entry tools to residents. Dismas believes that by offering a supportive community environment, it becomes easier to reconcile former prisoners to society and society to former prisoners.

In 2015, Dismas House enrolled in the Community Solar with Nexamp program and now is offsetting much of its annual electricity expense with a subscription to one of Nexamp's local community solar farms. With no equipment to install, no upfront costs and no cancellation fee, Community Solar with Nexamp is an easy and risk-free way for Dismas House to benefit from locally produced clean energy. By saving on electricity costs, Dismas is able to invest more in the programs and resources that directly align with its mission. And, because there is no maintenance involved in a community solar subscription, there is nothing to distract the staff from focusing on the needs of residents.

Dismas House Co-Executive Director David McMahon sees this partnership as a fourth pillar in nonprofit sustainability, enhancing the traditional fundraising, grant writing and government funding. Clean energy provided through the Community Solar with Nexamp program lowers utility costs and reduces the organization's carbon footprint, creating exciting new opportunities for Dismas to help former prisoners once again become happy and productive members of the community.

“ ”

Nexamp is a critical partner to our organization. With the reduction in costs on our electric bill, we are able to utilize the savings to support our clients with housing and services. Additionally, we are able to participate in the developing green economy, signaling to our donors and supporters that we are an environmentally responsible nonprofit.

David McMahon

Co-Executive Director, Dismas House of Massachusetts Inc., Worcester MA

Get Started

Contact Nexamp to learn how your organization can subscribe to community solar.

Call: 800-945-5124

Email: solarize@nexamp.com

Nexamp Solar O&M Overview

Nexamp Asset Management Services, LLC
Solar PV Operations & Maintenance Services,
Assets & Leadership



Submitted by:
Will Thompson
Senior Vice President

Contact:
wthompson@nexamp.com
978-653-4448
101 Summer Street, 2nd Floor
Boston, MA 02110

Overview

We appreciate the opportunity to provide this operations and maintenance services overview for a 4.98 MW (DC) ground mounted solar photovoltaic (PV) array to be constructed in Franklin Township, NJ. Nexamp's veteran team of power and solar professionals understands what it takes to manage, maintain and deliver maximum revenue from solar plants. We provide full spectrum operations and asset management services for our own, as well as third party systems. Our team actively monitors and provides preventative, corrective and condition-based maintenance for 127 MWs of PV at over 160 commercial, residential and government owned plants. Our network of experienced, licensed and insured solar trained electricians evaluate plant performance remotely and respond on site quickly.

Proposed Scope of Work

Nexamp Asset Management Services (NAMS) proposes to provide monitoring, scheduled and unscheduled maintenance services as follows.

Active Monitoring

- Seven-day, Nexamp Energy Center support and real time monitoring of owner's data acquisition system (DAS) and alert management system.
- Monthly report to owner of actual versus modeled production.
- Annual report to owner of actual production versus performance guarantee.

Annual Scheduled Maintenance

- Comprehensive inspection of modules and exposed array wiring.
- Comprehensive inspection of the mounting system components and foundations.
- Visual check of power terminations & connections including DC combiner boxes, AC & DC disconnects, inverters and PV modules and re-torque as necessary.
- Infrared inspection of combiner boxes, AC & DC disconnects, inverter and switchgear connections.
- Ground continuity testing and correction of any unsafe or abnormal issues.
- Inspection of all fuses in inverters, combiner boxes, and disconnects.
- Testing and documentation of string level voltage and amperage values.
- Complete inverter preventative maintenance inspection to include cleaning and replacement of air filters where applicable.
- Visual inspection and verification of weather station component operation.
- Visual inspection and replacement of unserviceable or missing labeling.
- Visual site inspection to include drainage controls, vegetation, shading, etc.
- Vegetation management of array areas and overhead lines.

Service (Unscheduled Maintenance)

- Upon receipt of automated equipment alerts, remote troubleshooting activities, or service requests, and as personnel safety and weather conditions permit, Nexamp initiates actions within 24 hours to return the facility to full capacity.

Service Offerings

The following services are typically included in our services agreement or offered on a time and material (T&M), cost plus basis. This applies to parts and labor, as well as subcontracted services including mileage and expenses. Examples of our most commonly requested services include, but are not limited to:

- 7/365 active monitoring and tailored performance reporting
- Full spectrum scheduled and unscheduled maintenance
- Warranty and spare parts management
- Performance guarantee management
- Site storm water controls maintenance and improvements
- Array and overhead vegetation management
- Original equipment manufacturer warranty support
- 3rd party commissioning and performance testing
- IV curve tracing and infrared analysis
- Aerial photography and infrared inspections
- Module snow removal from ground mounted arrays
- Module washing in accordance with manufacturer requirements
- Performance based contracting
- Renewable energy attribute management, aggregation and sales

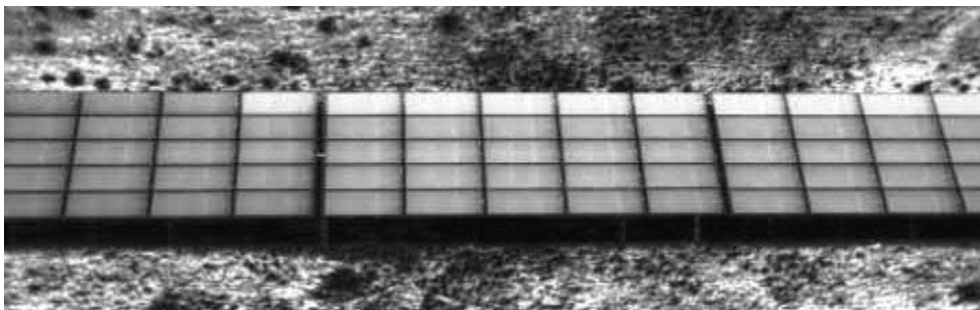


Figure 1. Compromised string located through drone infrared inspection.

Why Nexamp?

Experience

- **Capability:** Nexamp has an established track record of expertise in solar system maintenance, original equipment manufacturer repair and electrical construction and operations, with trained electricians on staff and a host of supporting subcontractor relationships based throughout the northeast U.S.
- **Expertise:** Your plant is monitored by the Nexamp Energy Center. Our staff of competent and proactive analysts track production in real time, detect faults and mitigate system issues every day including weekends and holidays.
- **Technology:** Our personnel use the best available testing equipment to ensure peak performance during every maintenance inspection we perform. Testing is completed using certified tools from Kipp & Zonen®, Solmetric®, Seaward®, SolarBOS® and FLIR®, with results incorporated into our maintenance reports.
- **Financial stability:** Nexamp has proven itself in the solar business for over 12 years, has a solid financial standing and maintains a strong balance sheet.
- **Customer service:** We provide the same expert level of care, rapid response and attention to detail that we do for Nexamp's owned and operated assets.

Safety

Safety is of the utmost importance to Nexamp. We create and maintain site specific health and safety plans tailored to each plant. Members of our team hold either OSHA 10, 30 or 40 level certifications and all are CPR/First Aid trained. Our employees complete a variety of electrical safety and code related training on an ongoing basis and always wear the appropriate personal protective equipment.



Figure 3. The Nexamp Energy Center



Thank you for considering this project for
the New Jersey Community Solar Energy
Pilot Program Year 1.