



State of New Jersey
Department of Environmental Protection

Revised: June 3, 2021 Website: www.nj.gov/dep/landuse



FRESHWATER WETLANDS APPLICATION CHECKLIST

General Permit-by-certification 24 — Repair or modification of a malfunctioning individual subsurface sewage disposal (septic) system

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

To apply for an authorization under general permit-by-certification 24, please visit the Department's online permitting system at www.nj.gov/dep/online.

Please prepare the following information prior to beginning the general permit-by-certification 24 online application (DO NOT submit paper copies of this information to the Department):

1. The number (and subject matter) of the general permit-by-certification under which the application for authorization is being submitted.
2. The name of or other identifier for the proposed development or project.
3. The location of the proposed development or project, including address, city, state, zip code, municipality, State plane coordinates, and lot and block numbers.
4. Information specific to the proposed project related to the requirements of the general permit-by-certification under which the application is being submitted (see section below and N.J.A.C. 7:7A-6.2).
5. Contact information for both the applicant and the property owner, including: name, address, telephone number, e-mail address, municipality, county, organization, and organization type.
6. Documentation that notice of the application has been provided in accordance with N.J.A.C. 7:7A-17, as follows:
 - i. Notice to municipal clerk (N.J.A.C. 7:7A-17.3(a))

A copy of the entire application, as submitted to the Department, must be provided to the municipal clerk in each municipality in which the site is located. For electronic submissions, the application consists of a description of the project, the specific permit(s)/authorization(s) being sought, and all items that will be uploaded to the online service, including all required items on this checklist.

 - Documentation of compliance with this requirement shall consist of a copy of the certified United States Postal Service white mailing receipt, or other written receipt, for each copy of the application sent.
 - ii. Notice to governmental entities and property owners (N.J.A.C. 7:7A-17.3(b) and (c))

A brief description of the proposed project, a legible copy of the site plan, and the form notice letter described at N.J.A.C. 7:7A-17.3(e)1iii must be sent to the following recipients:

 - A. The construction official of each municipality in which the site is located;
 - B. The environmental commission, or other government agency with similar responsibilities, of each municipality in which the site is located;
 - C. The planning board of each municipality in which the site is located;
 - D. The planning board of each county in which the site is located;

E. The local Soil Conservation District if the regulated activity or project will disturb 5,000 square feet or more of land; and

F. Adjacent property owners:

If the application is for one of the following projects (listed at N.J.A.C 7:7A-17.3(c)1-5), notice shall be sent to all owners of real property, including easements, located within 200 feet of any proposed above-ground structure, except for any conveyance lines suspended above the ground or small utility support structures (e.g. telephone poles):

- A linear project of one-half mile or longer
- A trail or boardwalk of one-half mile or longer
- A public project on a site of 50 acres or more
- An industrial or commercial project on a site of 100 acres or more
- A project to remove sediment or debris from a channel of one-half mile or longer

For any other project, notice shall be sent to all owners of real property, including easements, located within 200 feet of the site of the proposed regulated activity.

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

- Documentation of compliance with this requirement shall consist of:
 1. A copy of the certified United States Postal Service white mailing receipt for each public notice that was mailed, or other written receipt;
 2. A certified list of all owners of real property, including easements, located within 200 feet of the property boundary of the site (including name, mailing address, lot, and block) prepared by the municipality for each municipality in which the project is located. The date of certification of the list shall be no earlier than one year prior to the date the application is submitted to the Department; and
 3. A copy of the form notice letter.
- The form notice letter required under N.J.A.C. 7:7A-17.3(e)1iii shall read as follows:

“This letter is to provide you with legal notification that an application for an authorization under freshwater wetlands general permit-by-certification 24 <<has been/will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Resource Protection for the development shown on the enclosed plan(s). A brief description of the proposed project follows: <<INSERT DESCRIPTION OF THE PROPOSED PROJECT>>

The complete permit application package can be reviewed at either the municipal clerk’s office in the municipality in which the site subject to the application is located, or by appointment at the Department’s Trenton Office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 calendar days of receiving this letter to:

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

iii. Newspaper notice (N.J.A.C. 7:7A-17.4)

Newspaper notice, in the form of a legal notice or display advertisement in the official newspaper of the municipality(ies) in which the project site is located, or if no official newspaper exists, in a newspaper with general circulation in the municipality(ies), is required for the following projects:

- A. A linear project of one-half mile or longer
- B. A shore protection development, including beach nourishment, beach and dune maintenance, or dune creation of one-half mile or longer
- C. A public project on a site of 50 acres or more
- D. An industrial or commercial project on a site of 100 acres or more
- E. Maintenance dredging of a State navigation channel of one-half mile or longer

If your project is not one listed above, newspaper notice is not required.

- Documentation of newspaper notice shall consist of:
 - 1. A copy of the published newspaper notice; and
 - 2. The date and name of the newspaper in which notice was published.
- The newspaper notice may be either a legal notice or display advertisement and must read as follows:

“Take notice that an application for an authorization under freshwater wetlands general permit-by-certification 24 <<has been/ will be>> submitted to the New Jersey Department of Environmental Protection, Division of Land Resource Protection for the development described below:

APPLICANT:

PROJECT NAME:

PROJECT DESCRIPTION:

PROJECT STREET ADDRESS:

BLOCK: LOT:

MUNICIPALITY: COUNTY:

The complete permit application package can be reviewed at either the municipal clerk’s office in the municipality in which the site subject to the application is located, or by appointment at the Department’s Trenton Office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 calendar days of the date of this notice to:

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

- 7. Certification that the applicant has obtained written consent that the property owner that the application can be made on the property owner’s behalf. This certification is required regardless of whether the applicant and property owner are the same person. The Property Owner Certification form is available at https://nj.gov/dep/landuse/download/lur_042.pdf.
- 8. The PIN that was issued to the applicant upon registering with the Department’s online permitting system.
- 9. The application fee for a general permit-by-certification set forth at N.J.A.C. 7:7A-18.

To obtain an authorization under general permit-by-certification 24 for the repair or modification of a malfunctioning individual subsurface sewage disposal (septic) system, it will be necessary to certify to the following concerning the proposed activity:

1. Activities performed under a general permit-by-certification shall be associated with a proposed project. The Department shall not authorize activities under a general permit-by-certification for the purpose of eliminating a natural resource in order to avoid regulation.
2. The regulated activities shall not occur in the proximity of a public water supply intake.
3. The activities shall not destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species; and shall not jeopardize the continued existence of any local population of a threatened or endangered species.
4. The activities will not occur in a component of either the Federal or State Wild and Scenic River System; nor in a river officially designated by Congress or the State Legislature as a "study river" for possible inclusion in either system while the river is in an official study status; except that the activity may occur in these waters if approved by the National Park Service in accordance with 40 CFR 233.
5. The activities shall not adversely affect properties which are listed or are eligible for listing on the New Jersey or National Register of Historic Places unless the applicant demonstrates to the Department that the proposed activity avoids or minimizes impacts to the maximum extent practicable or the Department determines that any impact to the affected property would not impact the property's ability to continue to meet the criteria for listing at N.J.A.C. 7:4-2.3 or otherwise negatively impact the integrity of the property or the characteristics of the property that led to the determination of listing or eligibility. The Department shall not issue a conditional permit if it finds that the mitigation proposed is inadequate to compensate for the adverse effect. Any permit for an activity which may adversely affect a property listed or eligible for listing on the New Jersey or National Register of Historic Places shall contain conditions to ensure that any impact to the property is minimized to the maximum extent practicable and any unavoidable impact is mitigated.
 - a. If the permittee, before or during the work authorized, encounters a possible historic property, as described at N.J.A.C. 7:7A-19.5(l), that is or may be eligible for listing in the New Jersey or National Register, the permittee shall preserve the resource, immediately notify the Department and proceed as directed.
 - b. The Department shall not issue a general permit-by-certification authorization if the applicant, its consultants, engineers, surveyors and/or agents significantly adversely affect a historic property to which the general permit-by certification applies, unless the Department determines that circumstances justify issuing the general permit-by-certification or authorization.
6. Any discharge of dredged or fill material shall consist of clean, suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules regarding use of dredged or fill material.
7. Any structure or fill authorized shall be maintained as specified in the construction plans.
8. The activities will not result in a violation of the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50, or implementing rules at N.J.A.C. 7:13.
9. If activities under the general permit meet the definition of "major development" at N.J.A.C. 7:8-1.2, then the project of which the activities are a part shall comply in its entirety with the Stormwater Management Rules at N.J.A.C. 7:8.
10. If activities under the general permit-by-certification involve excavation or dredging, the applicant shall use an acceptable disposal site for the excavated or dredged material. No material shall be deposited or dewatered in freshwater wetlands, transition areas, State open waters or other environmentally sensitive areas. The Department may require testing of dredged material if there is reason to suspect that the material is contaminated. If any dredged material is contaminated with toxic substances, the dredged material shall be removed and disposed of in accordance with Department approved procedures.

11. The amount of rip-rap or other energy dissipating material shall not exceed the minimum necessary to prevent erosion, as calculated under the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90.
12. Best management practices shall be followed whenever applicable.
13. If the general permit activities are subject to the Department's Water Quality Management Planning rules at N.J.A.C. 7:15, the activities shall be consistent with those rules and with the applicable approved Water Quality Management Plan (208 Plan) adopted under the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.
14. The timing requirements at 7:7A-5.7(c) shall be met.
15. Activities authorized under a general permit-by-certification shall not take place in a vernal habitat, or in a transition area adjacent to a vernal habitat.
16. The site identified in the application is the actual location of the project site.
17. Public notice of the application has been provided in accordance with N.J.A.C. 7:7A-17.
18. Written consent from the property owner that the application can be made on the property owner's behalf has been obtained by the applicant. This certification is required regardless of whether the applicant and property owner are the same person.
19. The total area of disturbance including freshwater wetlands, transition areas, and non-regulated areas is no more than one-quarter acre and all disturbance is located on the same property where the malfunctioning system is located.
20. The proposed activities do not include disturbance of State open waters.
21. The repair or modification of the system is limited to serve only those volumes of sanitary sewage, estimated in accordance with N.J.A.C. 7:9A-7.4, that were approved prior to the malfunction.
22. Prior to applying for this general permit-by-certification, the applicant obtains a letter from the local board of health with jurisdiction over the individual subsurface sewage disposal system, stating that:
 - a. The proposed activities are authorized under, and comply with, the Department's Standards for Individual Subsurface Sewage Disposal Systems at N.J.A.C. 7:9A.
 - b. The proposed activities are not directly or indirectly caused by an expansion of the facility the individual subsurface sewage disposal system serves, or a change in its use, including a change from disuse or abandonment to any type of use.
 - c. There is no alternative location on the site that:
 - i. Has a seasonal high water table deeper than 1.5 feet below the existing ground surface; and
 - ii. Can be used for a subsurface sewage disposal system.

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