

State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation
501 E. State Street Mail Code 501-02A P.O. Box 420
Trenton, NJ 08625-0420
Phone #: (609) 777-0454 Web: www.nj.gov/dep/landuse

Highlands Applicability Determination (HAD) Application Form

NOTE: Pursuant to N.J.A.C. 7:38-2.4(a), if an applicant is willing to stipulate that a proposed project or activity constitutes a major Highlands development and is not exempt from the Highlands Act, a Highlands Applicability Determination (HAD) is not required and the applicant may proceed directly with an application for a Highlands Preservation Area Approval (HPAA).

PLEASE TYPE OR PRINT CLEARLY: Complete all sections of the form and provide supporting documentation as outlined in the "Highlands Applicability Determination Checklist".

Section I. General Highlands Application Information

1. **Applicant Name:** Mr./Ms./Mrs _____ E-Mail: _____
Address: _____ Daytime Phone: _____ Ext. _____
City/State: _____ Zip Code _____ Cell Phone: _____

2. **Agent Name:** Mr./Ms./Mrs _____
Firm Name: _____ E-Mail: _____
Address: _____ Daytime:Phone: _____ Ext. _____
City/State: _____ Zip Code _____ Cell Phone: _____

3. **Property Owner:** Mr./Ms./Mrs _____ E-mail: _____
Address: _____ Daytime Phone: _____ Ext. _____
City/State: _____ Zip Code _____ Cell Phone: _____

4. **Project Name:** _____ Address/Location: _____
Municipality: _____ County: _____ Zip Code _____
Block(s): _____ Lot(s): _____
N.A.D. 1983 State Plane Coordinates (feet) E (x): _____ N(y): _____ *Not Longitude/Latitude*
Water Quality Management Area: _____ Watershed: _____
Total Project or Activity Cost: _____ Total Fee: _____ Check #: _____

5. **Project Description:** _____

Provide if applicable: Previous DEP File # (s): _____

6. APPLICATION(S) FOR: (Check all that apply)

	Exemption - HAD	Fee Paid Amount
<input type="checkbox"/>	#1 Construction of a single-family dwelling, for an individual's own use or the use of an immediate family member	
<input type="checkbox"/>	#2 Construction of a single-family dwelling on a lot in existence on August 10, 2004, not for use by the owner or an immediate family member, provided that construction does not result in the ultimate disturbance of one or more acres or a cumulative increase in impervious surface by one-quarter acre	
<input type="checkbox"/>	#3 Construction of a major Highlands development that has received certain municipal and state approvals on or before March 29, 2004,	
<input type="checkbox"/>	#4 Reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more	
<input type="checkbox"/>	#5 Improvement(s) to a legally existing single-family dwelling in existence on August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system where that improvement shall maintain the use as a single-family dwelling and does not permit use of the structure as a multiple dwelling unit	
<input type="checkbox"/>	#6 Any improvement, for non-residential purposes, to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on August 10, 2004, including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility	
<input type="checkbox"/>	#7 Any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to the Farmland Assessment Act, N.J.S.A. 54:4-23.3 or for public lands, the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester	
<input type="checkbox"/>	#8 Construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established and filed with the deed for the lots on which the easement exists	
<input type="checkbox"/>	#9 Routine maintenance and operations, rehabilitation, preservation, reconstruction, or repair of transportation or infrastructure systems by a State entity or local government unit, provided that the activity is consistent with the goals and purposes of the Highlands Water Protection and Planning Act and does not result in the construction of any new through-capacity travel lanes of 2,640 feet or more not including tapers	
<input type="checkbox"/>	#10 Construction of transportation safety projects and bicycle and pedestrian facilities by a State entity or local government unit, provided that the activity does not result in the construction of any new through-capacity travel lanes of 2,640 feet or more not including tapers,	
<input type="checkbox"/>	#11 Routine maintenance and operations, rehabilitation, preservation, reconstruction, repair or upgrade of public utility lines, rights-of-way, or systems by a public utility, provided that the activity is consistent with the goals of purposes of the Highlands Water Protection and Planning Act	
<input type="checkbox"/>	#12 Reactivation of rail lines and rail beds existing on August 10, 2004	
<input type="checkbox"/>	#13 Construction of a public infrastructure project approved by public referendum prior to January 1, 2005 or a capital project approved by public referendum prior to January 1, 2005	
<input type="checkbox"/>	#14 Mining, quarrying, or production of ready mix concrete, bituminous concrete, or Class B recycling materials occurring or which are permitted to occur on any mine, mine site, or construction materials facility existing on June 7, 2004	
<input type="checkbox"/>	#15 Remediation of any contaminated site pursuant to N.J.S.A. 58:10B-1 et seq.	
<input type="checkbox"/>	#16 Activities on lands of a federal military installation existing on August 10, 2004	
<input type="checkbox"/>	#17 A major Highlands development located within an area designated as Planning Area 1 (Metropolitan), or Planning Area 2 (Suburban) pursuant to the State Planning Act, 52:18A-196 et seq., as of March 29, 2004, that on or before March 29, 2004 has been the subject of a settlement agreement and stipulation of dismissal filed in the Superior Court, or a builder's remedy issued by the Superior Court, to satisfy the constitutional requirement to provide for the fulfillment of the fair share obligation of the municipality in which the development is located,	

Section II. Highlands Major Development Determination

1. Does the project meet the definition of a "capital improvement" pursuant to N.J.S.A. 13:20-1 et seq.? Yes No
2. Is the project solely for agricultural or horticultural purposes pursuant to N.J.A.C. 7:38-1.4? Yes No
3. Is the proposed project required as part of an Administrative Order, Court Order, NJDEP – ACO, or Juridcial Order to which the Department is a party, from a State or Federal court? (If yes, please attach the order) Yes No
4. Are other Departmental permits or authorizations required? If yes, please indicate below. Yes No

Req'd	Type of Permit/Authorization	Submitted		Req'd	Type of Permit/Authorization	Submitted	
		Yes	No			Yes	No
<input type="checkbox"/>	Freshwater Wetlands Authorization			<input type="checkbox"/>	New NJPDES SIU		
<input type="checkbox"/>	Flood Hazard Area Permit			<input type="checkbox"/>	Modification to NJPDES SIU		
<input type="checkbox"/>	New NJPDES DSW			<input type="checkbox"/>	Sewer Extension (TWA)		
<input type="checkbox"/>	Modification to NJPDES DSW			<input type="checkbox"/>	Other Treatment Works Approval		
<input type="checkbox"/>	Expansion/Re-rating NJPDES DSW			<input type="checkbox"/>	Water Allocation Permit		
<input type="checkbox"/>	New NJPDES DGW			<input type="checkbox"/>	Water Main Extension		
<input type="checkbox"/>	Modification to NJPDES DGW			<input type="checkbox"/>	50 or More Realty Improvements (residential)		
<input type="checkbox"/>	Expansion/Re-rating NJPDES DGW			<input type="checkbox"/>	No Department permits are required		
<input type="checkbox"/>	Other: _____						

Section III. Project or Activity WQMP Consistency Determination

This section of the application form is to be used for the determination of whether a project or activity is consistent with the applicable "Areawide Water Quality Management Plan" – Refer to "Attachment B" of the "Highlands Applicability Determination Checklist".

1. Projected Wastewater Flow:

- a. No wastewater is to be generated from this proposed project. If this box is checked go to #3.
- b. Wastewater will be generated by the proposed project. Answer below:

Depending on the type of wastewater treatment and type of development, there are different criteria to use to determine the total projected wastewater flow. Use the projected flow criteria under N.J.A.C. 7:14A-23.3 or N.J.A.C. 7:9A-7.4 to determine the total amount of wastewater the proposed project will generate. (See attachment "B" of the administrative checklist)

Criteria Used – Please check

- Standards for Individual Subsurface Sewage Disposal Systems - N.J.A.C. 7:9A-7.4
- The New Jersey Pollutant Discharge Elimination System (NJPDES) Rules - N.J.A.C. 7:14A-23.3

Type of Development – Please check all that apply and complete:

- Residential
Type of Dwelling Units: _____ # of Units: _____ Bedrooms per Unit: _____
- Commercial/Institutional
Type of Establishment: _____ Max. Occupancy: _____ Total Square Ft.: _____
- Industrial
Type of Establishment: _____ Max. Occupancy: _____ Total Square Ft.: _____
- Other
Type of Establishment: _____ Total Square Ft.: _____

Table 1 - Existing Wastewater Flows (If applicable):

Establishment Type *	Measurement Unit	Number of Units		Gallons per day (gpd)		Projected Flows (gpd)
			X		=	
			X		=	
			X		=	
			X		=	
Total amount of wastewater being generated					=	

Table 2 - Proposed Wastewater Flows:

Establishment Type *	Measurement Unit	Number of Units		Gallons per day (gpd)		Projected Flows (gpd)
			X		=	
			X		=	
			X		=	
			X		=	
Total amount of wastewater this project will generate					=	

If the proposal is for a new or expanded industrial facility that will generate industrial process wastewater which is not provided for on the attached projected flow criteria tables, provide a basis for the total projected wastewater discharge from the proposal site. Where other forms of wastewater (such as domestic, stormwater, non-contact cooling water, etc.) will be generated on site and treated by the proposed industrial wastewater treatment facility, include the basis for these flow projections as well.

2. Proposed Method of Wastewater Treatment:

- a. Individual subsurface sewage disposal systems < 2,000 gallons per day.
- b. New discharge to ground water \geq 2,000 gallons per day.
- c. Conveyance to an existing wastewater treatment facility (DGW or DSW):

Name of Facility: _____ NJPDES #: _____

Location of Facility: _____

Please also provide the following:

- A letter from the above facility verifying the existence and extent of wastewater collection infrastructure on August 10, 2004, and that adequate capacity is available, with a written commitment to service the proposed project
- A copy of a site plan or other appropriately scaled map, showing the point of connection to the wastewater collection system as it existed on August 10, 2004

3. Proposed Water Supply Source:

- a. No water supply is required for this proposed project. If this box is checked go to Section IV.
- b. Proposed water supply source. Answer below:

Projected peak waster use (gpd): _____

Water Purveyor: *Provide name of water purveyor:* _____

Residential Wells: *Provide number of wells proposed:* _____

Commercial or Industrial Wells: *Provide number of wells proposed:* _____

Irrigation Wells: *Provide number of wells proposed:* _____

Section IV. Certification of Application

An application shall be signed by the person or persons specified below (check that which applies – use additional sheets if needed):

- For a corporation - by a principal executive officer of at least the level of vice president
- For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
- For a municipality, State, Federal, or other public entity - by either a principal executive officer or ranking elected official
- For an entity not covered above - by all individual owners of record

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 and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.

Print or Type Name

Signature

Title & Company

Date

Print or Type Name of Owner

Signature of Owner

Date

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

SEND COMPLETED APPLICATION FORM AND ATTACHMENTS TO:

Postal Mailing Address

NJ Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 420, Code 501-02A
Trenton, New Jersey 08625-0420
Attn: Application Support

Street Address (Courier & Hand Carry Only)

NJ Department of Environmental Protection
Division of Land Use Regulation
501 East State Street
Station Plaza 5, 2nd Floor
Trenton, New Jersey, 08609
Attn: Application Support