

**13:18A-15.1**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2011      **CHAPTER:** 141

**NJSA:** 13:18A-15.1 (Permits development of solar and wind facilities and structures on landfills and resource extraction operations under certain circumstances)

**BILL NO:** S2126 (Substituted for A3139)

**SPONSOR(S)** Whelan and others

**DATE INTRODUCED:** June 24, 2010

**COMMITTEE:**      **ASSEMBLY:** Telecommunications and Utilities  
   **SENATE:** Environment and Energy

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**      **ASSEMBLY:** December 5, 2011  
   **SENATE:** April 28, 2011

**DATE OF APPROVAL:** December 14, 2011

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Third reprint enacted)

**S2126**

<b>SPONSOR'S STATEMENT:</b> (Begins on page 3 of introduced bill)	Yes
<b>COMMITTEE STATEMENT:</b>	
<b>ASSEMBLY:</b>	Yes
<b>SENATE:</b>	Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	No

**A3139**

<b>SPONSOR'S STATEMENT:</b> (Begins on page 3 of introduced bill)	Yes
<b>COMMITTEE STATEMENT:</b>	
<b>ASSEMBLY:</b>	Yes
<b>SENATE:</b>	No
<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"NRG Energy dumps NJ offshore wind farm plan," NewJerseyNewsroom.com, 12-3-11

"Support drying up for offshore wind farms," The Press, 21-3-11

LAW/KR

P.L.2011, CHAPTER 141, *approved December 14, 2011*  
Senate, No. 2126 (*Third Reprint*)

1 AN ACT concerning solar energy <sup>1</sup>and wind energy<sup>1</sup> and  
2 supplementing P.L.1979, c.111 (C.13:18A-1 et seq.) and  
3 P.L.1975, c.291 (C.40:55D-1 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. <sup>1</sup>a.<sup>1</sup> <sup>2</sup>[The] Within <sup>3</sup>[120] 180<sup>3</sup> days after the date of  
9 enactment of this act, the<sup>2</sup> Pinelands Commission <sup>2</sup>[, in reviewing  
10 any application for] shall adopt rules and regulations providing for  
11 the approval of<sup>2</sup> the development of a solar or photovoltaic energy  
12 facility or structure <sup>2</sup>in the pinelands area<sup>2</sup> on the site of a  
13 <sup>2</sup>[closed]<sup>2</sup> landfill or <sup>2</sup>[quarry, or an existing or]<sup>2</sup> <sup>3</sup>[closed]<sup>3</sup>  
14 resource extraction operation <sup>2</sup>[, within the pinelands area, shall  
15 determine] <sup>3</sup>[which operated pursuant to a resource extraction  
16 permit on or after December 31, 1985]<sup>3</sup> , provided<sup>2</sup> that the  
17 development is <sup>2</sup>[in conformance with the applicable standards of]  
18 consistent with<sup>2</sup> the comprehensive management plan, adopted  
19 pursuant to section 7 of P.L.1979, c.111 (C.13:18A-8), <sup>1</sup>[and]  
20 <sup>2</sup>[provided that<sup>1</sup>] and<sup>2</sup>:

21 <sup>1</sup>[a.]<sup>1</sup> (1) if located on a <sup>3</sup>[<sup>2</sup>closed<sup>2</sup>]<sup>3</sup> resource extraction site,  
22 the facility or structure shall be on previously disturbed lands that  
23 have not subsequently been restored <sup>3</sup>[<sup>2</sup>, become reforested, or  
24 become habitat critical to the survival of a threatened or endangered  
25 species of animal or plant]<sup>3, 2</sup> and which are not subject to any  
26 restoration obligation pursuant to the comprehensive management  
27 plan; <sup>3</sup>or<sup>3</sup>

28 (2) if located on a <sup>3</sup>[closed]<sup>3</sup> landfill, the facility or structure  
29 shall be on previously disturbed lands <sup>2</sup>[or] <sup>3</sup>[, and may be on]<sup>2</sup>  
30 adjacent lands <sup>2</sup>[,] thereto but only<sup>2</sup> if required to ensure the  
31 viability of the proposed facility or structure <sup>2</sup>and as necessary  
32 solely for access to the facility or structure and transmission ingress  
33 and egress<sup>2</sup> ; or

**EXPLANATION** – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Senate SEN committee amendments adopted July 19, 2010.

<sup>2</sup>Assembly ATU committee amendments adopted December 13, 2010.

<sup>3</sup>Senate amendments adopted in accordance with Governor's recommendations March 21, 2011.

1 (3) if located on a landfill that has not been closed in accordance  
2 with a plan approved by the Pinelands Commission in consultation  
3 with the Department of Environmental Protection, the development  
4 of the facility or structure shall] or on adjacent lands as necessary  
5 to<sup>3</sup> facilitate closure of the landfill in accordance with <sup>3</sup>[such]<sup>3</sup> a  
6 plan <sup>3</sup>approved by the Pinelands Commission in consultation with  
7 the Department of Environmental Protection<sup>3</sup> . The landfill shall be  
8 closed in accordance with a plan approved by the commission, in  
9 consultation with the department, under the requirements of the  
10 comprehensive management plan prior to, or concurrent with, the  
11 installation of the solar or photovoltaic energy facility or  
12 structure<sup>1</sup>[;] .<sup>1</sup>

13 b. <sup>1</sup>[Development] In addition to the conditions set forth in  
14 subsection a. of this section, development<sup>1</sup> of the facility or  
15 structure shall not permanently or adversely impact: (1) any  
16 existing engineering devices or other environmental controls  
17 located on a site, except as may be approved by the Pinelands  
18 Commission in consultation with the Department of Environmental  
19 Protection; and (2) ecologically sensitive areas located on, adjacent  
20 to, or within the same sub-watershed as the site proposed for  
21 development, except as may be approved by the commission in  
22 consultation with the department.

23 c. Within one year after the termination of use of the solar or  
24 photovoltaic energy facility or structure, the facility, and all  
25 structures associated therewith, shall be removed and restoration of  
26 the site shall be completed in accordance with the comprehensive  
27 management plan, or within another time period as approved by the  
28 Pinelands Commission, in consultation with the Department of  
29 Environmental Protection and under the requirements of the  
30 comprehensive management plan.

31  
32 2. <sup>1</sup>a.<sup>1</sup> Notwithstanding any law, ordinance, rule or regulation  
33 to the contrary, a solar or photovoltaic energy facility or structure  
34 constructed and operated on the site of any <sup>2</sup>[closed]<sup>2</sup> landfill <sup>2</sup>[or  
35 quarry, or a legally existing]<sup>2</sup> or closed resource extraction  
36 operation, shall be a permitted use within every municipality.

37 <sup>1</sup>b. Notwithstanding any law, ordinance, rule or regulation to the  
38 contrary, a wind energy generation facility or structure constructed  
39 and operated on the site of any <sup>2</sup>[closed]<sup>2</sup> landfill <sup>2</sup>[or quarry, or a  
40 legally existing]<sup>2</sup> or closed resource extraction operation, shall be a  
41 permitted use within every municipality outside the pinelands area  
42 as defined pursuant to section 3 of P.L.1979, c.111 (C.13:18A-3).<sup>1</sup>

43 <sup>2</sup>The Department of Environmental Protection may adopt,  
44 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410  
45 (C.52:14B-1 et seq.), rules and regulations as necessary to  
46 effectuate the purposes of this subsection.<sup>2</sup>

**S2126 [3R]**

3

1       3. This act shall take effect immediately.

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6       Permits development of solar and wind facilities and structures  
7 on landfills and resource extraction operations under certain  
8 circumstances.

# SENATE, No. 2126

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 24, 2010

**Sponsored by:**

**Senator JIM WHELAN**

**District 2 (Atlantic)**

**Senator PHILIP E. HAINES**

**District 8 (Burlington)**

**SYNOPSIS**

Permits development of solar and photovoltaic energy facilities and structures over landfills and quarries.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning solar energy and supplementing P.L.1979,  
2 c.111 (C.13:18A-1 et seq.) and P.L.1975, c.291 (C.40:55D-1 et  
3 seq.).

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. The Pinelands Commission, in reviewing any application for  
9 the development of a solar or photovoltaic energy facility or  
10 structure on the site of a closed landfill or quarry, or an existing or  
11 closed resource extraction operation, within the pinelands area,  
12 shall determine that the development is in conformance with the  
13 applicable standards of the comprehensive management plan,  
14 adopted pursuant to section 7 of P.L.1979, c.111 (C.13:18A-8), and:

15 a. (1) if located on a resource extraction site, the facility or  
16 structure shall be on previously disturbed lands that have not  
17 subsequently been restored and which are not subject to any  
18 restoration obligation pursuant to the comprehensive management  
19 plan;

20 (2) if located on a closed landfill, the facility or structure shall  
21 be on previously disturbed lands or adjacent lands, if required to  
22 ensure the viability of the proposed facility or structure; or

23 (3) if located on a landfill that has not been closed in accordance  
24 with a plan approved by the Pinelands Commission in consultation  
25 with the Department of Environmental Protection, the development  
26 of the facility or structure shall facilitate closure of the landfill in  
27 accordance with such a plan. The landfill shall be closed in  
28 accordance with a plan approved by the commission, in consultation  
29 with the department, under the requirements of the comprehensive  
30 management plan prior to, or concurrent with, the installation of the  
31 solar or photovoltaic energy facility or structure;

32 b. Development of the facility or structure shall not  
33 permanently or adversely impact: (1) any existing engineering  
34 devices or other environmental controls located on a site, except as  
35 may be approved by the Pinelands Commission in consultation with  
36 the Department of Environmental Protection; and (2) ecologically  
37 sensitive areas located on, adjacent to, or within the same sub-  
38 watershed as the site proposed for development, except as may be  
39 approved by the commission in consultation with the department.

40 c. Within one year after the termination of use of the solar or  
41 photovoltaic energy facility or structure, the facility, and all  
42 structures associated therewith, shall be removed and restoration of  
43 the site shall be completed in accordance with the comprehensive  
44 management plan, or within another time period as approved by the  
45 Pinelands Commission, in consultation with the Department of  
46 Environmental Protection and under the requirements of the  
47 comprehensive management plan.

**S2126 WHELAN, HAINES**

1        2. Notwithstanding any law, ordinance, rule or regulation to the  
2 contrary, a solar or photovoltaic energy facility or structure  
3 constructed and operated on the site of any closed landfill or quarry,  
4 or a legally existing or closed resource extraction operation, shall be  
5 a permitted use within every municipality.

6

7        3. This act shall take effect immediately.

8

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10                                **STATEMENT**

11

12        This bill would permit the development of solar or photovoltaic  
13 energy facilities or structures on any closed landfill or quarry, or an  
14 existing or closed resource extraction operation, including those  
15 located within the Pinelands area. The bill requires the Pinelands  
16 Commission to determine that the development of the facility or  
17 structure would not impact any engineering devices or other  
18 environmental controls existing on the site and would not impact  
19 ecologically sensitive areas.

20        The bill would allow the expansion of renewable solar energy  
21 resources in areas which are not actively being used, and which  
22 would be minimally intrusive to conservation efforts.



# SENATE ENVIRONMENT AND ENERGY COMMITTEE

## STATEMENT TO

### **SENATE, No. 2126**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JULY 15, 2010

The Senate Environment and Energy Committee favorably reports Senate Bill No. 2126 with committee amendments.

This bill, as amended, would require the Pinelands Commission to determine that the development of a solar or photovoltaic energy facility or structure on the site of a closed landfill or quarry, or an existing or closed resource extraction operation, is in conformance with the standards of the pinelands comprehensive management plan, provided that: (1) if located on a resource extraction site, the facility or structure is located on previously disturbed lands that have not subsequently been restored and which are not subject to any restoration obligation pursuant to the comprehensive management plan; (2) if located on a closed landfill, the facility or structure is located on previously disturbed lands or adjacent lands, if required to ensure the viability of the proposed facility or structure; or (3) if located on a landfill that has not been closed in accordance with a plan approved by the Pinelands Commission in consultation with the Department of Environmental Protection, the development of the facility or structure would facilitate closure of the landfill in accordance with such a plan. In the latter case, the bill would require that the landfill be closed in accordance with a plan approved by the commission, in consultation with the department, under the requirements of the comprehensive management plan prior to, or concurrent with, the installation of the solar or photovoltaic energy facility or structure. In all cases, the bill would require that the development would not impact any engineering devices or other environmental controls existing on the site and would not impact ecologically sensitive areas.

Finally, the bill, as amended, would provide that under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), a solar energy facility or structure on any closed landfill or quarry, or on a legally existing or closed resource extraction operation, is a permitted use within every municipality of the State and a wind energy generation facility or structure on any closed landfill or quarry, or on a legally existing or closed resource extraction operation, is a permitted use within every municipality outside of the pinelands area.

The committee amendments would declare wind energy generation facilities or structures on a closed landfill or quarry, or legally existing or closed resource extraction operation, to be a permitted use in every municipality of the State outside of the pinelands area. The committee amendments also make technical corrections to the bill.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES  
COMMITTEE

STATEMENT TO

[First Reprint]  
**SENATE, No. 2126**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 16, 2010

The Assembly Telecommunications and Utilities Committee favorably reports Senate Bill No. 2126 (1R) with committee amendments.

As amended, this bill would require the Pinelands Commission to adopt rules and regulations providing for the approval of the development of a solar or photovoltaic energy facility or structure in the pinelands area on the site of a landfill or closed resource extraction operation which operated pursuant to a resource extraction permit on or after December 31, 1985, provided that the development is consistent with the pinelands comprehensive management plan, and: (1) if located on a closed resource extraction site, the facility or structure is located on previously disturbed lands that have not subsequently been restored, become reforested, or become habitat critical to the survival of a threatened or endangered species of animal or plant, and which are not subject to any restoration obligation pursuant to the comprehensive management plan; (2) if located on a closed landfill, the facility or structure is located on previously disturbed lands, and may be on adjacent lands thereto but only if required to ensure the viability of the proposed facility or structure and as necessary solely for access to the facility or structure and transmission ingress and egress; or (3) if located on a landfill that has not been closed in accordance with a plan approved by the Pinelands Commission in consultation with the Department of Environmental Protection (DEP), the development of the facility or structure would facilitate closure of the landfill in accordance with such a plan. In the latter case, the bill would require that the landfill be closed in accordance with a plan approved by the commission, in consultation with the department, under the requirements of the comprehensive management plan prior to, or concurrent with, the installation of the solar or photovoltaic energy facility or structure. In all cases, the bill would require that the development would not impact any engineering

devices or other environmental controls existing on the site and would not impact ecologically sensitive areas.

Finally, the bill, as amended, would provide that under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), a solar energy facility or structure on any landfill or closed resource extraction operation is a permitted use within every municipality of the State and a wind energy generation facility or structure on any landfill or closed resource extraction operation is a permitted use within every municipality outside of the pinelands area.

COMMITTEE AMENDMENTS:

The committee amendments would:

1) require the Pinelands Commission to adopt regulations providing for the approval of the development of a solar or photovoltaic energy facility or structure in the pinelands area within 120 days after the date of enactment of this bill into law;

2) delete specific references to quarries, which are considered a resource extraction operation;

3) add that for a closed resource extraction site in the pinelands area, the solar or photovoltaic energy facility or structure cannot be located on land that has become reforested or habitat critical to the survival of a threatened or endangered species of animal or plant;

4) add that for a closed landfill in the pinelands area, undisturbed adjacent lands may be used only if required to ensure the viability of the proposed facility or structure and as necessary solely for access to the facility or structure and transmission ingress and egress;

5) allow the DEP to adopt rules and regulations concerning wind energy generation facilities or structures to be constructed and operated on the site of any landfill or closed resource extraction operation located outside of the pinelands; and

6) make technical corrections to the bill.

**SENATE BILL NO. 2126**  
**(Second Reprint)**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 2126 (Second Reprint) with my recommendations for reconsideration.

This bill requires the Pinelands Commission to adopt regulations providing for the development of solar or photovoltaic energy facilities within the Pinelands on the site of a landfill or resource extraction operation. The bill also addresses solar or photovoltaic energy facility development on landfills and closed resource extraction operations statewide as a permitted use under the Municipal Land Use Law, and addresses the development of wind energy facilities on landfills and closed resource extraction facilities as a permitted use outside of the Pinelands area. With regard to the latter, the bill authorizes the Department of Environmental Protection to adopt regulations as relates to wind energy development projects on these landfills and closed resource extraction operations.

I wholeheartedly support efforts to develop solar and wind energy facilities on landfills and resource extraction operations as it complements this Administration's pursuit of home grown renewable energy which will benefit New Jersey's environment, create local jobs and promote energy independence by lessening our reliance on foreign sources.

I have been advised by the Pinelands Commission and the primary sponsor of this legislation that some technical changes to the bill are needed to accomplish the intention of the legislation concerning the existing landfill and resource extraction operations within the Pinelands area. As a result, I am recommending changes to address these issues. The proposed changes eliminate limitations based upon whether the landfill or extraction

operations in the Pinelands are active or closed, and better protect the environment by limiting projects to disturbed lands and otherwise ensure that such energy facilities are sited and developed in conformance with plans approved by the Pinelands Commission in consultation with the Department of Environmental Protection.

Accordingly, I herewith return Senate Bill No. 2126 (Second Reprint) and recommend that it be amended as follows:

<u>Page 2, Section 1, Line 8:</u>	After "Within" delete "120" and insert "180"
<u>Page 2, Section 1, Line 13:</u>	After "or" delete "closed"
<u>Page 2, Section 1, Lines 15-16:</u>	Delete "which operated pursuant to a resource extraction permit on or after December 31, 1985"
<u>Page 2, Section 1, Line 20:</u>	After "a" delete "closed"
<u>Page 2, Section 1, Lines 22-24:</u>	After "restored" delete ", become reforested, or become habitat critical to the survival of a threatened or endangered species of animal or plant"
<u>Page 2, Section 1, Line 25:</u>	After "plan;" insert "or"
<u>Page 2, Section 1, Line 26:</u>	After "a" delete "closed"
<u>Page 2, Section 1, Line 27:</u>	After "lands" delete ", and may be on adjacent"
<u>Page 2, Section 1, Lines 28-33:</u>	Delete in their entirety
<u>Page 2, Section 1, Line 34:</u>	Delete "of the facility or structure shall" and insert "or on adjacent lands as necessary to"
<u>Page 2, Section 1, Line 35:</u>	After "with" delete "such" and after "plan" insert "approved by the Pinelands Commission in consultation with the Department of Environmental Protection"

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attest:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor

# ASSEMBLY, No. 3139

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JULY, 1, 2010

**Sponsored by:**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblyman RUBEN J. RAMOS, JR.**

**District 33 (Hudson)**

**Assemblywoman CONNIE WAGNER**

**District 38 (Bergen)**

**Co-Sponsored by:**

**Assemblywoman Casagrande**

**SYNOPSIS**

Permits development of solar and photovoltaic energy facilities and structures over landfills and quarries.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/14/2010)**

1 AN ACT concerning solar energy and supplementing P.L.1979,  
2 c.111 (C.13:18A-1 et seq.) and P.L.1975, c.291 (C.40:55D-1 et  
3 seq.).

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. The Pinelands Commission, in reviewing any application for  
9 the development of a solar or photovoltaic energy facility or  
10 structure on the site of a closed landfill or quarry, or an existing or  
11 closed resource extraction operation, within the pinelands area,  
12 shall determine that the development is in conformance with the  
13 applicable standards of the comprehensive management plan,  
14 adopted pursuant to section 7 of P.L.1979, c.111 (C.13:18A-8), and:

15 a. (1) if located on a resource extraction site, the facility or  
16 structure shall be on previously disturbed lands that have not  
17 subsequently been restored and which are not subject to any  
18 restoration obligation pursuant to the comprehensive management  
19 plan;

20 (2) if located on a closed landfill, the facility or structure shall  
21 be on previously disturbed lands or adjacent lands, if required to  
22 ensure the viability of the proposed facility or structure; or

23 (3) if located on a landfill that has not been closed in accordance  
24 with a plan approved by the Pinelands Commission in consultation  
25 with the Department of Environmental Protection, the development  
26 of the facility or structure shall facilitate closure of the landfill in  
27 accordance with such a plan. The landfill shall be closed in  
28 accordance with a plan approved by the commission, in consultation  
29 with the department, under the requirements of the comprehensive  
30 management plan prior to, or concurrent with, the installation of the  
31 solar or photovoltaic energy facility or structure;

32 b. Development of the facility or structure shall not  
33 permanently or adversely impact: (1) any existing engineering  
34 devices or other environmental controls located on a site, except as  
35 may be approved by the Pinelands Commission in consultation with  
36 the Department of Environmental Protection; and (2) ecologically  
37 sensitive areas located on, adjacent to, or within the same sub-  
38 watershed as the site proposed for development, except as may be  
39 approved by the commission in consultation with the department.

40 c. Within one year after the termination of use of the solar or  
41 photovoltaic energy facility or structure, the facility, and all  
42 structures associated therewith, shall be removed and restoration of  
43 the site shall be completed in accordance with the comprehensive  
44 management plan, or within another time period as approved by the  
45 Pinelands Commission, in consultation with the Department of  
46 Environmental Protection and under the requirements of the  
47 comprehensive management plan.



1       2. Notwithstanding any law, ordinance, rule or regulation to the  
2 contrary, a solar or photovoltaic energy facility or structure  
3 constructed and operated on the site of any closed landfill or quarry,  
4 or a legally existing or closed resource extraction operation, shall be  
5 a permitted use within every municipality.

6

7       3. This act shall take effect immediately.

8

9

10

#### STATEMENT

11

12       This bill would permit the development of solar or photovoltaic  
13 energy facilities or structures on any closed landfill or quarry, or an  
14 existing or closed resource extraction operation, including those  
15 located within the Pinelands area. The bill requires the Pinelands  
16 Commission to determine that the development of the facility or  
17 structure would not impact any engineering devices or other  
18 environmental controls existing on the site and would not impact  
19 ecologically sensitive areas.

20       The bill would allow the expansion of renewable solar energy  
21 resources in areas which are not actively being used, and which  
22 would be minimally intrusive to conservation efforts.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3139**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 16, 2010

The Assembly Telecommunications and Utilities Committee favorably reports Assembly Bill No. 3139 with committee amendments.

As amended, this bill would require the Pinelands Commission to adopt rules and regulations providing for the approval of the development of a solar or photovoltaic energy facility or structure in the pinelands area on the site of a landfill or closed resource extraction operation which operated pursuant to a resource extraction permit on or after December 31, 1985, provided that the development is consistent with the pinelands comprehensive management plan, and: (1) if located on a closed resource extraction site, the facility or structure is located on previously disturbed lands that have not subsequently been restored, become reforested, or become habitat critical to the survival of a threatened or endangered species of animal or plant, and which are not subject to any restoration obligation pursuant to the comprehensive management plan; (2) if located on a closed landfill, the facility or structure is located on previously disturbed lands, and may be on adjacent lands thereto but only if required to ensure the viability of the proposed facility or structure and as necessary solely for access to the facility or structure and transmission ingress and egress; or (3) if located on a landfill that has not been closed in accordance with a plan approved by the Pinelands Commission in consultation with the Department of Environmental Protection (DEP), the development of the facility or structure would facilitate closure of the landfill in accordance with such a plan. In the latter case, the bill would require that the landfill be closed in accordance with a plan approved by the commission, in consultation with the department, under the requirements of the comprehensive management plan prior to, or concurrent with, the installation of the solar or photovoltaic energy facility or structure. In all cases, the bill would require that the development would not impact any engineering devices or other environmental controls existing on the site and would not impact ecologically sensitive areas.

Finally, the bill, as amended, would provide that under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), a solar energy facility or structure on any landfill or closed resource extraction operation is a permitted use within every municipality of the State and a wind energy generation facility or structure on any landfill or closed resource extraction operation is a permitted use within every municipality outside of the pinelands area.

COMMITTEE AMENDMENTS:

The committee amendments would:

1) require the Pinelands Commission to adopt regulations providing for the approval of the development of a solar or photovoltaic energy facility or structure in the pinelands area within 120 days after the date of enactment of this bill into law;

2) delete specific references to quarries, which are considered a resource extraction operation;

3) add that for a closed resource extraction site in the pinelands area, the solar or photovoltaic energy facility or structure cannot be located on land that has become reforested or habitat critical to the survival of a threatened or endangered species of animal or plant;

4) add that for a closed landfill in the pinelands area, undisturbed adjacent lands may be used only if required to ensure the viability of the proposed facility or structure and as necessary solely for access to the facility or structure and transmission ingress and egress;

5) declare wind energy generation facilities and structures on a landfill or closed resource extraction operation to be a permitted use in every municipality of the State outside of the pinelands area;

6) allow the DEP to adopt rules and regulations concerning wind energy generation facilities or structures to be constructed and operated on the site of any landfill or closed resource extraction operation located outside of the pinelands; and

7) make technical corrections to the bill.