

[First Reprint]

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)

Co-Sponsored by:

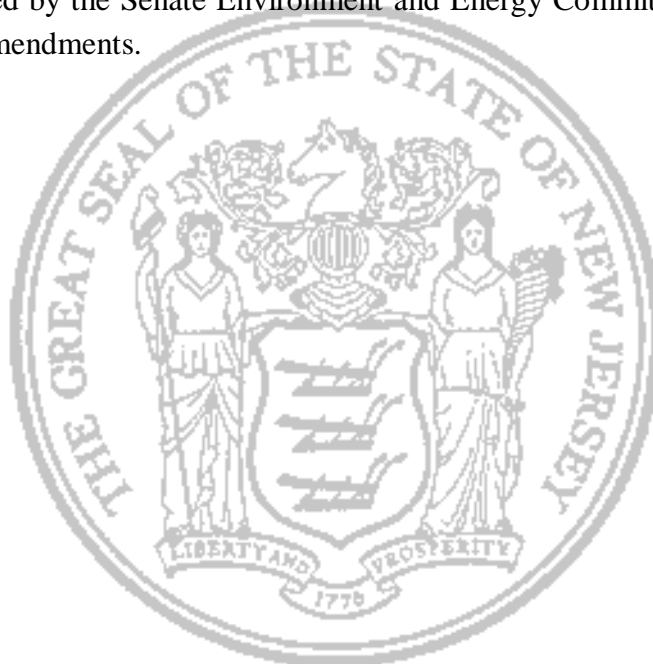
Senators Beach and Madden

SYNOPSIS

Permits development of solar and wind facilities and structures on landfills and quarries.

CURRENT VERSION OF TEXT

As reported by the Senate Environment and Energy Committee on July 19, 2010, with amendments.



(Sponsorship Updated As Of: 8/24/2010)

1 AN ACT concerning solar energy ¹and wind energy¹ 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. ¹a.¹ The Pinelands Commission, in reviewing any application
9 for 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),
15 ¹**[and]** ¹provided that¹:

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

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

24 (3) if located on a landfill that has not been closed in accordance
25 with a plan approved by the Pinelands Commission in consultation
26 with the Department of Environmental Protection, the development
27 of the facility or structure shall facilitate closure of the landfill in
28 accordance with such a plan. The landfill shall be closed in
29 accordance with a plan approved by the commission, in consultation
30 with the department, under the requirements of the comprehensive
31 management plan prior to, or concurrent with, the installation of the
32 solar or photovoltaic energy facility or structure¹**;**¹.

33 b. ¹**[Development]** ¹In addition to the conditions set forth in
34 ¹subsection a. of this section, development¹ of the facility or
35 structure shall not permanently or adversely impact: (1) any
36 existing engineering devices or other environmental controls
37 located on a site, except as may be approved by the Pinelands
38 Commission in consultation with the Department of Environmental
39 Protection; and (2) ecologically sensitive areas located on, adjacent
40 to, or within the same sub-watershed as the site proposed for
41 development, except as may be approved by the commission in
42 consultation with the department.

43 c. Within one year after the termination of use of the solar or
44 photovoltaic energy facility or structure, the facility, and all

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:

¹Senate SEN committee amendments adopted July 19, 2010.

1 structures associated therewith, shall be removed and restoration of
2 the site shall be completed in accordance with the comprehensive
3 management plan, or within another time period as approved by the
4 Pinelands Commission, in consultation with the Department of
5 Environmental Protection and under the requirements of the
6 comprehensive management plan.

7
8 2. 'a.' Notwithstanding any law, ordinance, rule or regulation
9 to the contrary, a solar or photovoltaic energy facility or structure
10 constructed and operated on the site of any closed landfill or quarry,
11 or a legally existing or closed resource extraction operation, shall be
12 a permitted use within every municipality.

13 'b. Notwithstanding any law, ordinance, rule or regulation to the
14 contrary, a wind energy generation facility or structure constructed
15 and operated on the site of any closed landfill or quarry, or a legally
16 existing or closed resource extraction operation, shall be a permitted
17 use within every municipality outside the pinelands area as defined
18 pursuant to section 3 of P.L.1979, c.111 (C.13:18A-3).¹

19
20 3. This act shall take effect immediately.