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District 14 (Mercer and Middlesex)
Assemblyman  RUBEN J. RAMOS, JR.
District 33 (Hudson)
Assemblywoman  CONNIE WAGNER
District 38 (Bergen)

Co-Sponsored by:
Senators Beach, Madden, Greenstein, Assemblywoman Casagrande,
Assemblymen Rudder and Delany

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

CURRENT VERSION OF TEXT
As reported by the Assembly Telecommunications and Utilities Committee on December 13, 2010, with amendments.

(Sponsorship Updated As Of: 1/11/2011)

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. a. 2 The within 120 days after the date of enactment of this act, the Pinelands Commission, in reviewing any application for, shall 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 closed landfill or quarry, or an existing or closed resource extraction operation, within the pinelands area, shall determine which operated pursuant to a resource extraction permit on or after December 31, 1985, provided that the development is in conformance with the applicable standards of consistent with the comprehensive management plan, adopted pursuant to section 7 of P.L.1979, c.111 (C.13:18A-8), and provided:

(1) if located on a closed resource extraction site, the facility or structure shall be 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 shall be on previously disturbed lands or 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, the development facility or structure shall facilitate closure of the landfill in accordance with such a plan. The landfill shall 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.  

b. Development In addition to the conditions set forth in subsection a. of this section, development of the facility or structure shall not permanently or adversely impact: (1) any

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:

2Senate SEN committee amendments adopted July 19, 2010.

Assembly ATU committee amendments adopted December 13, 2010.
existing engineering devices or other environmental controls
located on a site, except as may be approved by the Pinelands
Commission in consultation with the Department of Environmental
Protection; and (2) ecologically sensitive areas located on, adjacent
to, or within the same sub-watershed as the site proposed for
development, except as may be approved by the commission in
consultation with the department.

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

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

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

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

3. This act shall take effect immediately.