

SENATE, No. 212

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator JIM WHELAN

District 2 (Atlantic)

SYNOPSIS

Allows construction of wind dependent energy facilities within 500 feet of mean high water line of tidal waters under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning wind dependent energy facilities in certain
2 parts of the coastal area and supplementing P.L.1973, c.185
3 (C.13:19-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. a. Notwithstanding the provisions of any rule or regulation
9 adopted pursuant to P.L.1973, c.185 (C.13:19-1 et seq.) to the
10 contrary, construction of a wind dependent energy facility shall not
11 be prohibited within 500 feet of the mean high water line of tidal
12 waters pursuant to P.L.1973, c.185, provided that the permit
13 application filed with the department meets all other criteria
14 established by P.L.1973, c.185, any rules and regulations adopted
15 pursuant thereto, and any other applicable law, rule or regulation.

16 b. Within 30 days after the date of enactment of this act, and
17 notwithstanding any provision of the “Administrative Procedure
18 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the
19 department shall adopt, immediately upon filing with the Office of
20 Administrative Law, such rules and regulations as deemed
21 necessary to implement the provisions of this act which shall be
22 effective for a period not to exceed 12 months and shall thereafter
23 be amended, adopted or readopted in accordance with the
24 provisions of P.L.1968, c.410.

25 c. The provisions of this section shall apply only to the
26 construction of a wind dependent energy facility in a municipality
27 in which casino gaming is authorized.
28

29 2. This act shall take effect immediately.
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31

32 STATEMENT
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34 This bill would allow construction of wind dependent energy
35 facilities within 500 feet of the mean high water line of tidal waters
36 pursuant to the “Coastal Area Facility Review Act,” provided all
37 other requirements of law, rule or regulation are met. Current DEP
38 regulations permit only water dependent energy facilities to be
39 constructed within 500 feet of the mean high water line. This bill
40 also directs DEP to adopt rules and regulations concerning such
41 permits within 30 days after the date of enactment of the bill into
42 law. These rules and regulations will be effective for no more than
43 12 months and will be amended, adopted or re-adopted in
44 accordance with the “Administrative Procedure Act.”

45 The bill would limit its provisions to municipalities in which
46 casino gaming is authorized.