

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.