



# Baseball & Brownfields Workshop June 19, 2012

Hosted by: New Jersey League of Municipalities

Agenda by: New Jersey Department of Environmental Protection (NJDEP),  
Sustainability and Green Energy (SAGE)

Featuring Speakers From:

NJDEP Sustainability and Green Energy (SAGE)

NJDEP Solid Waste Program

New Jersey Board of Public Utilities (NJBPU)

Sustainable Jersey



Welcome Mayors and Municipal Officials, members of Environmental Commission, Planners, Engineers, etc. etc. etc.!!

Thank you all for coming to the 2012 Baseball and Brownfields event hosted by the New Jersey League of Municipalities.

This years agenda was created by the New Jersey Department of Environmental Protection, Office of Sustainability and Green Energy. Our agenda today has three main topics: Solar on Landfills, Municipal Solar Siting, and Energy Efficiency.

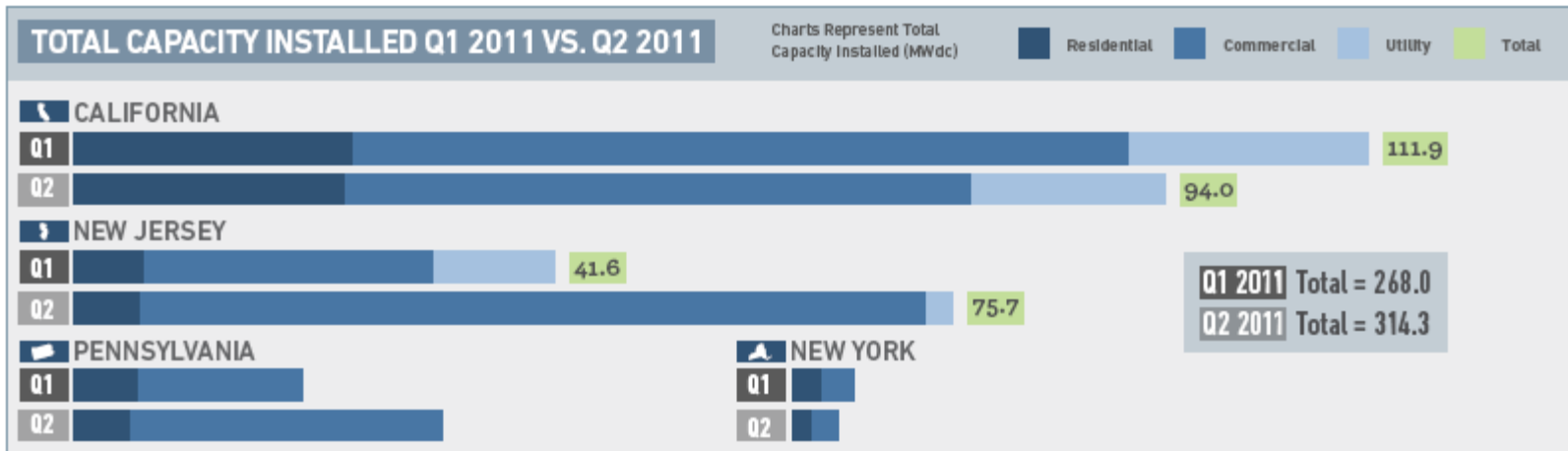
We hope to provide you with information today to help you:

- a) Consider whether or not solar is a good idea for your municipal/county landfills and if the answer is yes then explain a bit about what is involved from a regulatory standpoint;
- b) Express your concerns regarding where private solar projects are being developed in your community and explore ways to better control where they occur; and
- c) Learn more about energy efficiency programs.

# So where do we start?

Let's start with a brief overview of solar in New Jersey and how we arrived at Solar on Landfills as a good policy direction for the State of New Jersey.

New Jersey is 2<sup>nd</sup> in installed capacity for Solar behind California. New Jersey certainly doesn't have the 2<sup>nd</sup> biggest land area behind California and it certainly doesn't have the 2<sup>nd</sup> sunniest climate to California. What New Jersey DOES have is State level policies that were enacted to create and support a strong solar industry in New Jersey.



Source: U.S. Solar Market Insight, 2<sup>nd</sup> Quarter 2011, Executive Summary

# What are these State level policies that support solar in NJ?

- A strong Renewable Portfolio Standard (RPS) with a dedicated carve-out for solar generated electricity that has helped create sustainable demand and investor confidence in the market;
- Excellent interconnection and net metering standards that have made it easier for projects to connect to the distribution system and be compensated for their contribution;
- A Solar Renewable Energy Credit (SREC) financing model that provides energy certificates and additional long term financing for those who invest in solar; and...
- On November 20, 2009, S-1303 expanded the definition of “inherently beneficial use” to include solar; and...
- On April 22, 2010 Governor Christie signed into law S-921 exempting solar panels from zoning limitations on impervious cover.

# What has been the result of these policies?

--New Jersey has a robust solar industry. As of April 30, 2012 New Jersey solar installations now provide approximately 770 MW of installed capacity through 15,778 projects.

--However, over the last year, SREC prices have dropped, causing anxiety within the solar development community regarding the long term stability of the industry.

--To combat this insecurity, the Legislature is working to pass a solar bill that would reinvigorate the market, raise SREC prices, and steer large solar projects towards landfills and brownfields and away from farmland and open space.

--At the same time, the DEP is working hard to encourage solar projects on landfills, brownfields and already impervious surfaces.

# What is happening with Solar in NJ today??

--DEP is trying to help local governments partake of the benefits of solar energy: reduced energy costs, infrastructure improvements, clean energy production, reduction in GHG emissions, educational opportunities for children, etc.

--At the same time that we are trying to help facilitate municipal solar on landfill projects, we also know that Municipalities are having a hard time controlling where private solar projects occur in their communities, especially since (as previously mentioned) solar was incorporated into the definition of “inherently beneficial use”.

So...we figured we would create an agenda today that touches a little bit on all of these issues...and then also on some others topics of interest too (like Energy Efficiency and ESIP's) just for good measure!

## Overview of Agenda

- 12:30-12:45      Opening remarks, Welcome (A.C. Marshall, DEP)  
Introduction (S. Gentile, DEP)
- Topic 1:**                      **Solar on Landfills**  
12:45-1:15      Solar on Landfills Information, Regulations & Resources – BPU Office  
of Clean Energy  
1:15-1:45      Solar on Landfills Permitting Information - DEP (Solid Waste)  
1:45-2:00      Question & Answer for BPU & DEP on Solar on Landfills
- Topic 2:**                      **Municipal Solar Siting Issues**  
2:00-2:15      Solar Siting Preferences – DEP  
2:15-2:45      Sustainable Jersey Solar Siting Initiatives – Sustainable Jersey  
2:45-3:45      Interactive Discussion re: solar siting concerns at the Municipal Level  
– facilitated by DEP
- Topic 3:**                      **Energy Efficiency**  
3:45-4:15      Energy Efficiency Presentation (ESIP's, etc.) – BPU Division of  
Economic Development and Energy Policy
- 4:15-4:30      Closing remarks and Questions (S. Gentile, DEP)

Solar on Landfills Information, Regulations &  
Resources –  
BPU Office of Clean Energy



Solar on Landfills Permitting Information –  
DEP (Solid Waste)

Question & Answer for  
BPU & DEP on Solar on Landfills

# DEP Solar Siting Preferences

# Why is the DEP encouraging solar on landfills in the first place?

--Put simply, the 2011 Energy Master Plan tells us to. Governor Christie has been clear about promoting solar projects where they provide a dual benefit to the economy and the environment.

--Landfills and Brownfields sites provide this dual benefit.

## Promote Solar Installations that Provide Economic and Environmental Benefits

*“Brownfield sites and landfills are well-suited for the development of large solar generation projects. **Large-scale solar development can offset the costs to cap or remediate these sites and should be encouraged.** Other innovative, large-scale solar installations are on the horizon and should be considered in addition to, not in lieu of, smaller-scale, grid-connected applications.”*

-- (Page 7, 2011 Energy Master Plan)

# Benefits of Solar on Landfills

But there's more to the story about why solar on landfills is a good thing for the State of New Jersey. We all know that solar projects have popped up on farmland throughout the State. While the Governor has been clear that his administration will not tell property owners what they can and cannot do with their land, he has made it clear that the State is not interested in subsidizing the loss of viable farmland. Not in the Garden State.

*“Although a number of utility-scale solar installations have been proposed for, and installed on, what were previously working farms, **the Christie Administration does not support the use of ratepayer subsidies to turn productive farmland into grid-supply solar facilities.** To date, public and private entities in the Garden State have spent over \$1.4 billion to preserve almost 2,000 farms, covering nearly 200,000 acres. The policy of encouraging the development of renewable resources should not impact the preservation of open space and farmland. **While the Christie Administration will not presume to limit the disposition of private property, New Jersey will also not subsidize the loss of productive farmland.** Rules proposed by the State Agricultural Development Commission under the 2009 Farmland Assessment Act Update, but not yet finalized, should provide safeguards for property that has been designated as preserved farmland.”*

-- (Page 102-103, 2011 Energy Master Plan)

# DEP Solar Siting Preferences

--In keeping with the 2011 Energy Master Plan, the DEP is working to encourage solar projects on already impervious surfaces (like rooftops and parking lots), landfills and brownfields and to discourage solar projects on open space, farmland, and otherwise protected natural areas.

--Despite our clear preference for solar projects on impervious surfaces, brownfields and landfills, at the end of the day we only regulate solar projects when they are proposed on areas that we already regulate such as: wetlands, flood hazard areas, CAFRA zones, Highlands, etc.

--More and more, we are hearing from Municipalities and concerned citizens that solar projects are consuming acres of open space and/or farmland in their communities which they find especially frustrating since New Jersey is a State with billions of square feet of industrial rooftop available for solar installations.

--We agree! And we want to help.

## So what can we do about it?

- We can provide tools to promote solar projects where they make sense.
- We can offer extra incentives to projects that locate on landfills and brownfields and make these projects more attractive to developers.
- We can provide information to local governments regarding the possibilities that exist for them in the world of solar development. What are a Municipalities assets that can be utilized for solar development? What type of sites sit within your borders that perhaps you don't know about?
- We can provide information about BPU and DEP rules and regulations so that Municipalities understand the process they will have to undertake if interested in a solar landfill project or a brownfield redevelopment project that incorporates solar.
- We can receive information from Municipalities about the challenges they face when trying to guide solar projects to appropriate sites within their community and try to alter the process accordingly.
- All of these reasons exemplify why we are here today.

# Introduction to Municipal Solar Siting Concerns

--But we realize that despite our efforts to encourage solar on landfills and brownfields, the reality is that solar projects on farmland and open space are still occurring. It is our hope that once a solar bill is passed in the Legislature, these types of projects will slow down as it becomes less attractive from a cost perspective for solar developers to choose these types of sites for solar.

--In the meantime, we would like to help Municipalities to be as proactive as possible in deciding where the appropriate sites for solar in their communities exist.

--But first we need to gather information from you about where these projects are occurring now and what kinds of tools would be best helpful to you.

--With that, I will turn it over to Sustainable Jersey to discuss their efforts to date regarding municipal solar siting issues.



# Sustainable Jersey Solar Siting Initiatives – Sustainable Jersey

# Interactive Discussion re: solar siting concerns at the Municipal Level

# What we need from you...

## INHERENTLY BENEFICIAL USE DESIGNATION

--P.L. 2009, c. 146 (enacted 11/20/2009) – This law amends the Municipal Land Use Law, specifically by expanding the definition of Inherently Beneficial Use to include a wind, solar or photovoltaic energy facility or structure. The statute now provides, “Inherently beneficial use” means a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such a use includes, but is not limited to, a hospital, school, child care center, group home, or a wind, solar or photovoltaic energy facility or structure.”

--As most of you are aware, the effects of this amendment have been far reaching.

--What we need to know from you is what have been the unintended consequences of amending the definition of inherently beneficial use to include solar?

# What we need from you...and how can we help you?

--What are some examples of times that you have struggled with this amendment to Inherently Beneficial Use and it's effects?

--What kind of resources do you need to take more control over where solar projects occur in your community?

--Would a model solar ordinance help you?

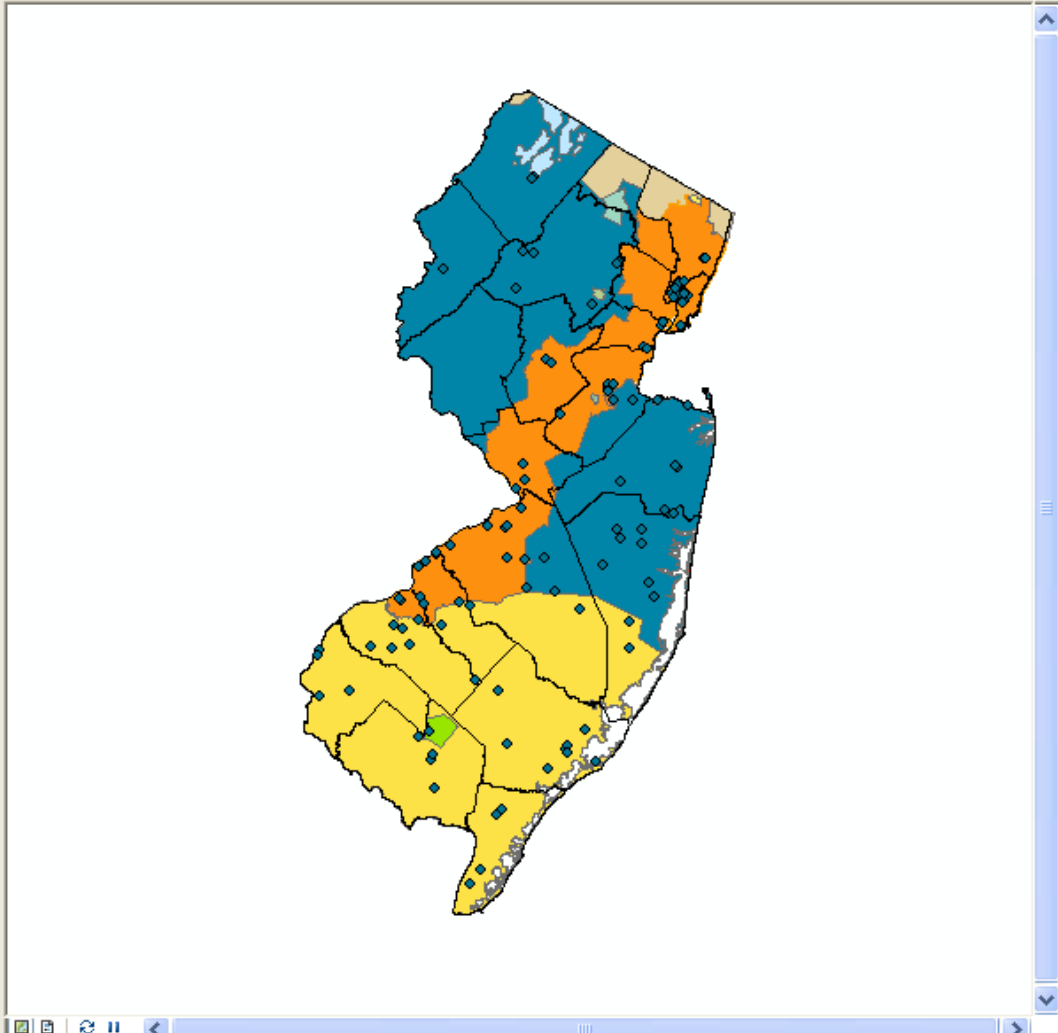
--Would resources showing GOOD sites for solar projects in your community help you? (Ex: GIS layers, lists of landfills and brownfields sites, etc.)

--Currently SAGE is working on a number of GIS profiles that will help solar developers and local governments alike in locating good sites for large scale solar development.

--One such GIS layer identifies all landfills in the State of NJ that are 35 acres or larger.

Table Of Contents

- Layers
  - Solar Resources
    - EPA Sites with Renewable Energy Potential
    - Solid Waste Landfills Sites over 35 acres
      - Solid Waste Landfills (SWL): Parcel/parcel groups over 35 acres imp
      - Solid Waste Landfills: Parcel groups over 35 acres
  - Offshore Wind Resources
    - Coastal Landuse
    - Shellfish Classification
    - Tidelands
    - Wind Turbine Siting Map (Large Scale)
  - Sites and Facilities
    - Hydropower Generation Facilities
    - Known Contaminated Sites List
    - NJEMS Sites
    - NJPDES Regulated Facility Locations
    - NJPDES Discharge Points-Surface Water
    - Schools
    - Deed Notice Areas
    - Groundwater Contamination Areas (CEA)
  - Planning Areas
    - Transit Village Centers
    - Transit Village Buffer
    - Innovation Zones
    - Areas in Need of Redevelopment
    - NJ Port Authority Port District
    - New Jersey Farmland Preservation Program
    - Sewer Service Areas
    - Urban Enterprise Zones
    - New Jersey Redevelopment Authority Eligible Municipalities (NJRA)



--We hope to also create a complimentary GIS layer of brownfields sites similar to our landfills layer.

--Do you think that these types of tools would be helpful to you in identifying sites within your community for solar?

--What other types of tools would be helpful to you?

Energy Efficiency Presentation (ESIP's, etc.) –  
BPU Division of Economic Development and Energy Policy

## Questions?? Comments??

Please feel free to email me or call me with any thoughts that occur to you after today. Any information that you provide to us can only better help us to create tools that will help you to better control where solar projects occur in your community. It will also help us to create tools to help you find your own ideal sites for municipal solar projects. It's a win-win for everyone so please provide us with any pertinent information!



Sarah Gentile, NJDEP  
Office of Sustainability and  
Green Energy

[Sarah.Gentile@dep.state.nj.us](mailto:Sarah.Gentile@dep.state.nj.us)

(609) 777-4213