

Solar Siting Stakeholder Meeting #1



March 29, 2022



Welcome

This is the second public stakeholder meeting for

[Docket # QO21101186](#)

Competitive Solar Incentive (“CSI”) Program
pursuant to P.L. 2021, c.169

This meeting will focus on the Solar Siting Straw Proposal released on March 16, 2022.

Webinar Instruction Page

- All attendees will be automatically muted
- Questions? Please use the “Q & A” function in Zoom
- Please note that the “Chat” function in Zoom is not available for this meeting
- This meeting is being recorded. By attending and participating in this meeting, you acknowledge and consent to being recorded.
- A copy of the recording and slides will be made available on the New Jersey Board of Public Utilities (“NJBPU”) website:
<https://www.nj.gov/bpu/newsroom/public/>

Disclaimer

This presentation is provided for informational purposes only and should not be taken to represent the views of the NJBPU, its Commissioners, or the State of New Jersey.

Please be aware that any information presented is subject to change if there are changes to New Jersey statutes, rules, or policies.

All viewers are responsible for ensuring that they rely only on current legal authority regarding the matters covered in the presentation.

Agenda

- Background review
- Discussion of today's focus areas:
 - Applicability of siting criteria
 - Four categories of siting
 - Identification of farmland subject to caps
 - Implementation of farmland caps
 - Waiver process
- Stakeholder Comment Guidelines
- Stakeholder Comment Session

POLL: PARTICIPANTS



Solar Program Background

Solar Act of 2021 and SuSI Program

- The Solar Act of 2021, P.L. 2021, c.169 (“Solar Act”), signed by Governor Murphy on July 9, 2021, directs the NJBPU to establish a comprehensive program to provide incentives for the development of at least 3,750 megawatts (“MW”) of new solar power generation by 2026.
- The Board took a significant step in implementing the Solar Act by establishing the Successor Solar Incentive (“SuSI”) Program on July 28, 2021.

The SuSI Program – Part 1

The SuSI program, pursuant to the Solar Act, consists of two parts:

Part 1

- The **Small Solar Facilities program**, covering the **Administratively Determined Incentive (“ADI”) program**

- All net metered residential solar installations
- Net metered commercial solar installations of 5 MWdc or smaller
- A temporary program for grid supply solar installations previously covered under “Subsection (t)”
- The Community Solar program

Note: Design of the permanent Community Solar program is subject of another proceeding

- The ADI program has been in operation since August 28, 2021

The SuSI Program – Part 2

Part 2

- The **Competitive Solar Incentive (“CSI”) program**, covering
 - All grid supply solar installations
 - Net metered commercial solar installations greater than 5 MWdc
- The CSI Program is under design, with a Straw Proposal release and further stakeholder proceedings expected soon

Siting Background

The Solar Act specifies siting criteria for all grid supply solar facilities and net metered solar facilities greater than five megawatts. ([N.J. Stat. § 48:3-119 \(2021\)](#))

As the Solar Act directs, NJBPU Staff has consulted with the New Jersey Department of Environmental Protection (“DEP”), the New Jersey Department of Agriculture, and the State Agriculture Development Committee (“SADC”) to develop recommendations for implementing the statute.

Applicability of Siting Criteria

- Siting criteria to apply to all grid supply projects, as well as net metered non-residential projects greater than 5 MWdc that intend to connect to the electric grid in NJ.
- All projects would be required to register under the CSI program. Projects not seeking an incentive would have to register with a \$0 bid.

Siting Categories

The Solar Act recognizes 4 categories of solar siting:

1. Siting where solar is prohibited outright
2. Siting where solar requires a waiver from the Board
3. Siting subject to caps
4. Unrestricted siting

Note that all siting not explicitly covered under categories 1-3 automatically falls under category 4, and is therefore not subject to siting restrictions as proposed for the purposes of this program. Local permitting and other restrictions still apply.

Category 1: Outright Prohibition

- Preserved farmland, except allowed under N.J.S.A. 4:1C-32.4 *et seq.*
- Projects that would exceed five percent of unpreserved land containing prime agricultural soils and soils of Statewide importance located within any county's Agricultural Development Area ("ADA")
 - See Category 3

Category 2: Siting requiring a waiver

- Land preserved under the Green Acres Program
- Land located within the preservation area of the pinelands area
- Land designated as forest area in the pinelands comprehensive management plan
- Land located within the Highlands preservation area
- Land designated as freshwater wetlands or coastal wetlands
- Forested lands
- Projects that would exceed two and a half percent of NJ land containing prime agricultural soils and soils of Statewide importance located within any ADA
 - See Category 3

Category 3: Siting subject to Caps

Farmland located in any ADA on prime soils and soils of Statewide importance

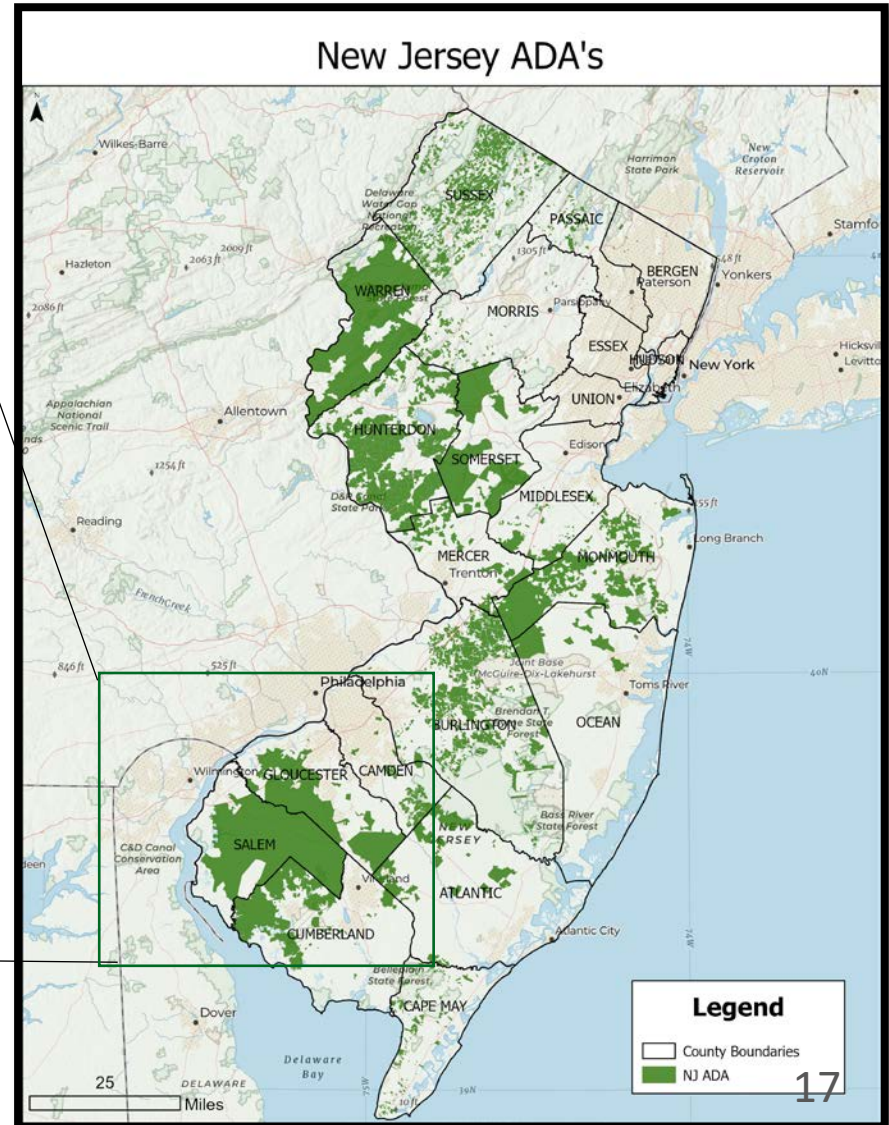
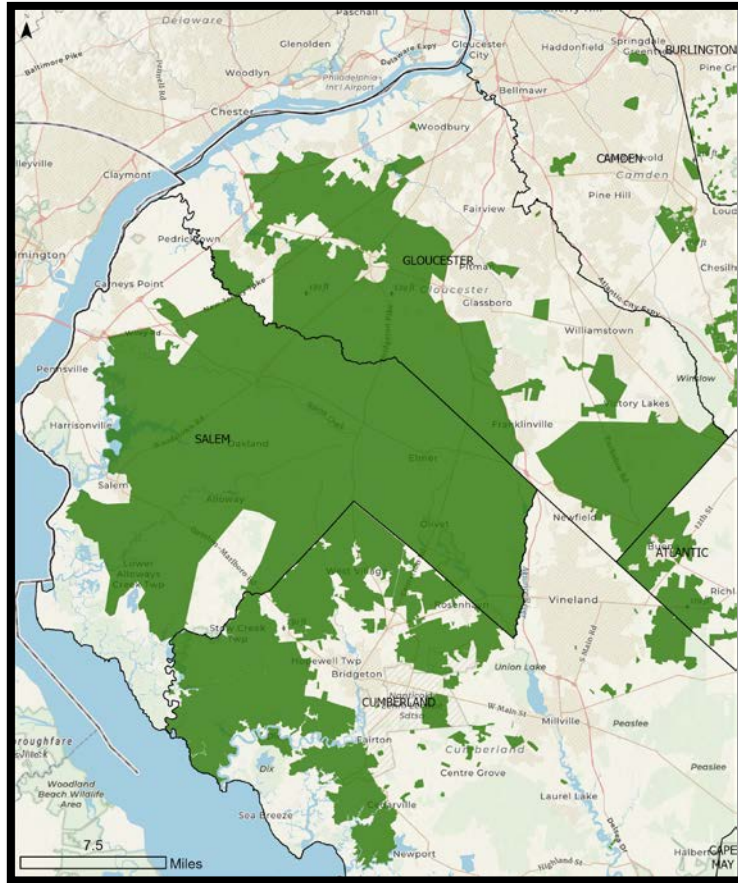
Subject to:

- 2.5% Statewide Threshold, above which a waiver is required
- Per county 5% County Concentration limit, counting only unpreserved land, above which solar construction is prohibited

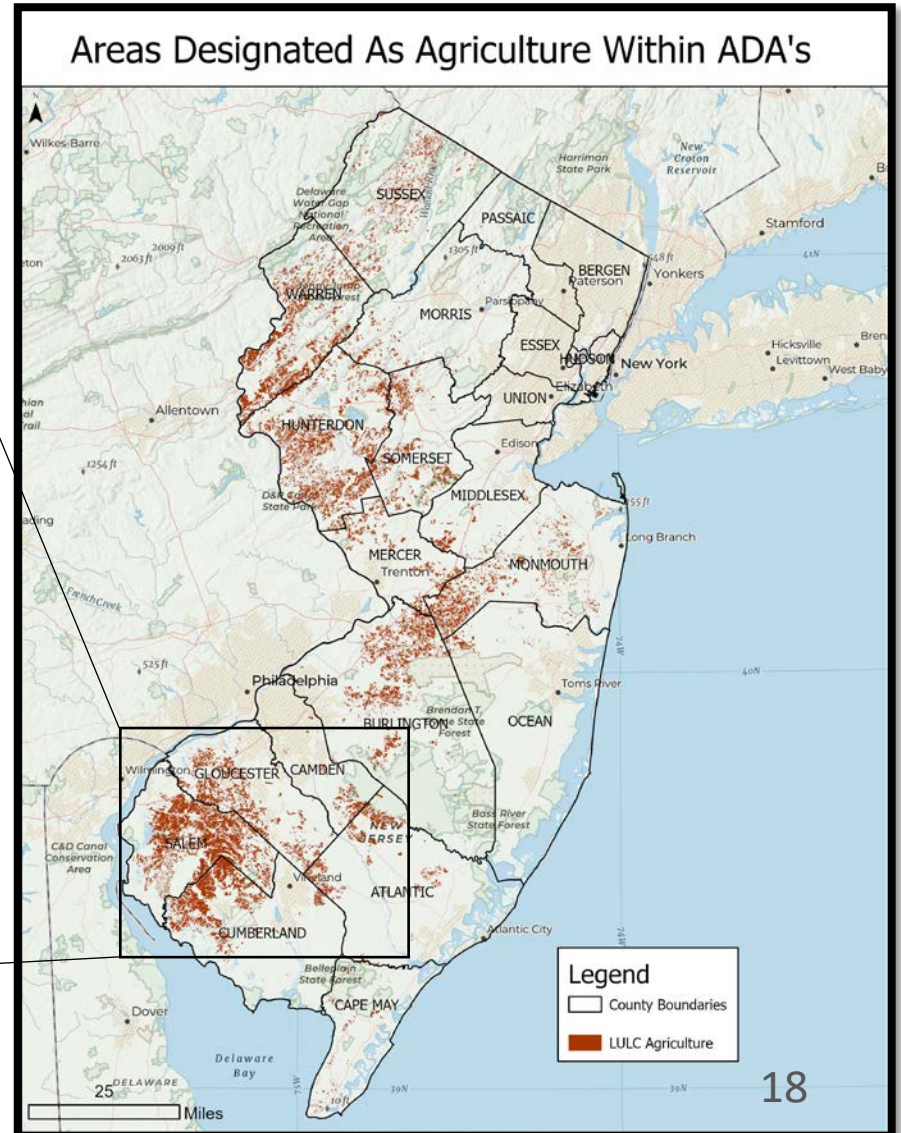
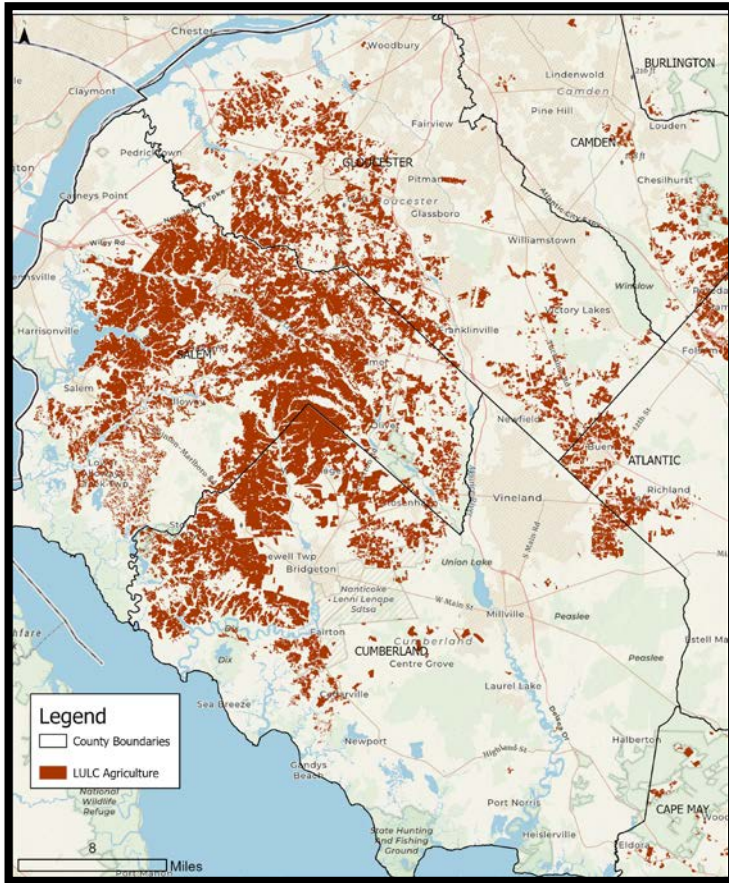
Category 4: Unrestricted siting

- All land not explicitly covered under categories 1-3
- Examples:
 - All land not in the areas requiring a waiver, with a Land Use / Land Cover (“LULC”) classification in the DEP modified Anderson Classification system other than
 - Agricultural lands: 2000 series
 - Forested lands: 4000 series
 - Wetlands: 6000 series
 - Agricultural land outside ADAs

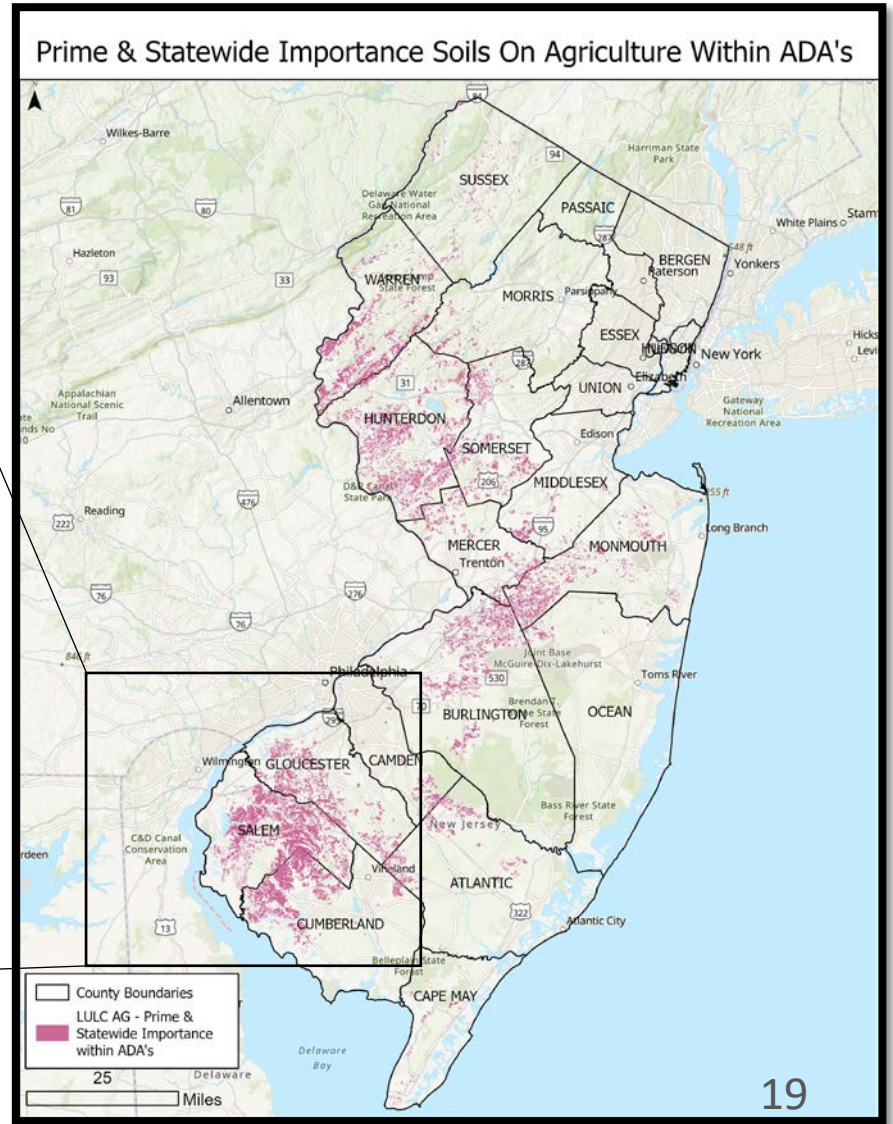
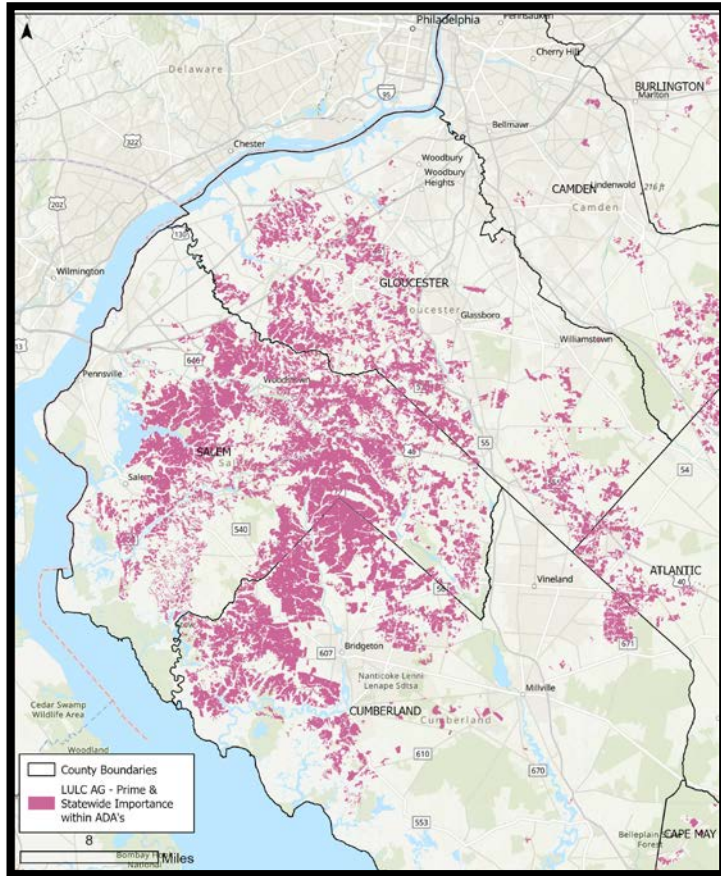
Example of determining land subject to caps



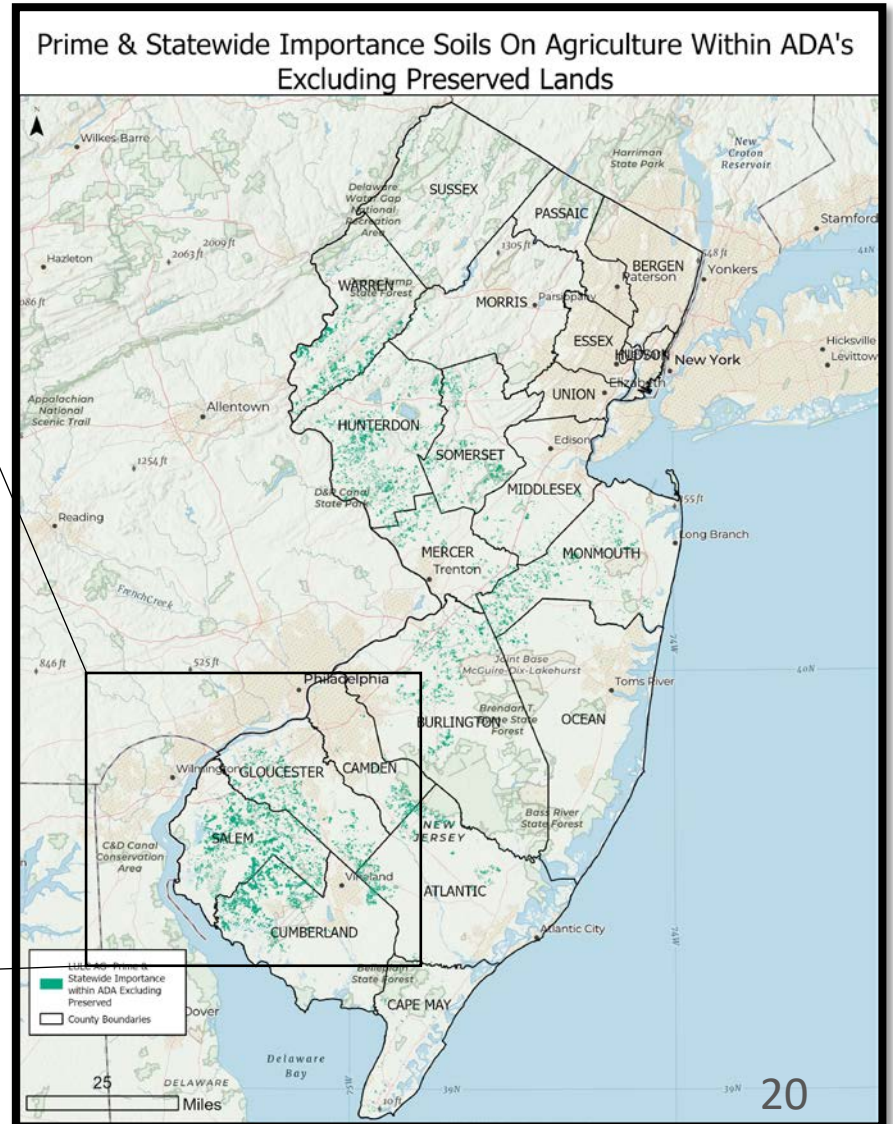
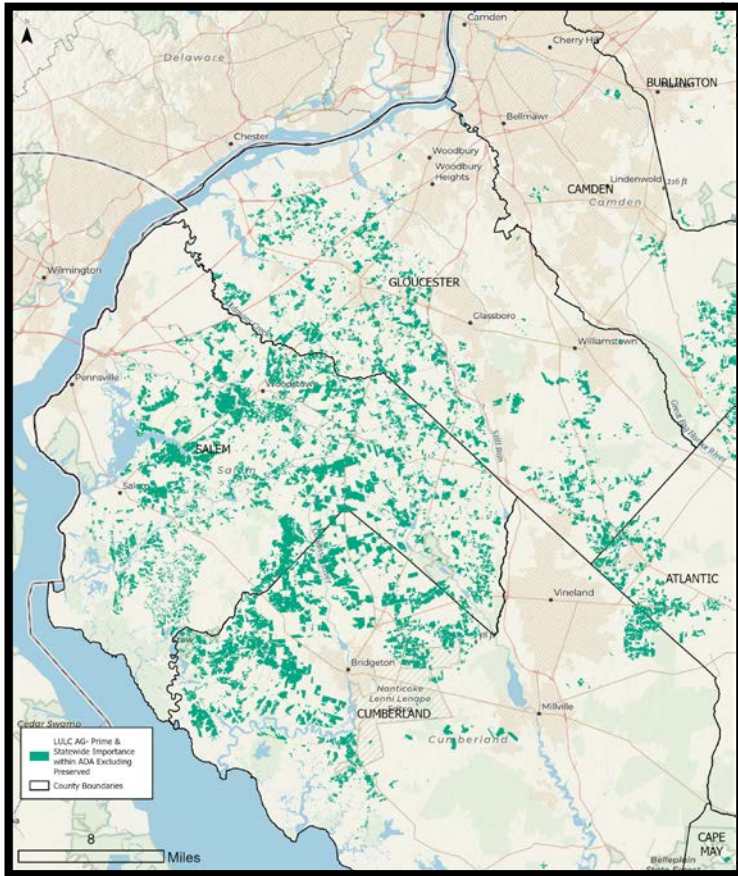
Example of determining land subject to caps



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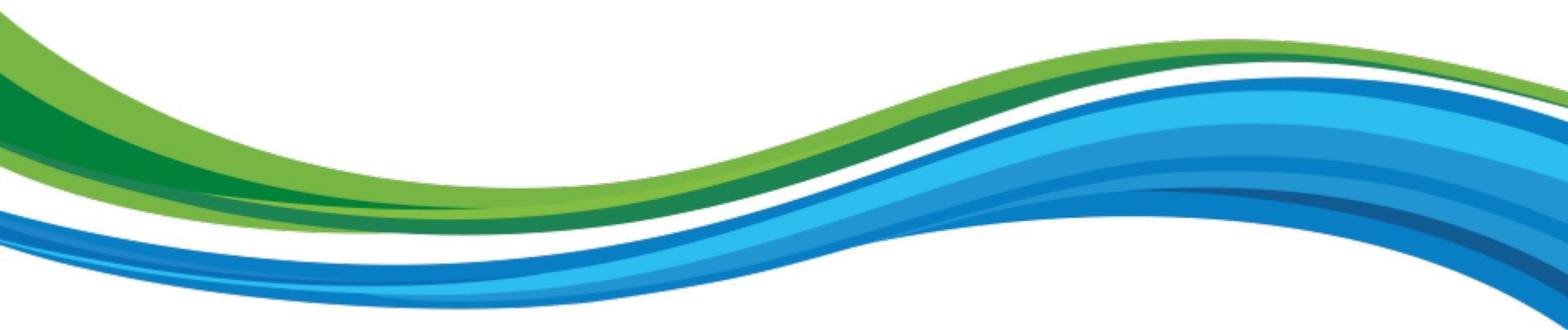
Example of determining land subject to caps



Implementation of Farmland Caps

- Pursuant to the Solar Act, like projects in the CSI program will be ranked, and the highest ranked project(s) will receive award(s) under the program.
- If a project would breach either the Statewide Threshold without having obtained a waiver, or any County Concentration Limit, it will not receive an award. Instead, the next project in line that would not breach any threshold will be awarded.
- If a project does not begin construction before the registration deadline, the allocated farmland will be returned to the pool available for subsequent solicitations.

POLL: CLARITY OF FARMLAND GUIDANCE



Waiver process

- Projects that would fall in whole or in part on “Category 2” sites, will require a waiver from the NJBPU.
- Where a “Category 2” site simultaneously has another LULC designation, by itself not subject to a waiver, the waiver requirement still applies (e.g., rooftop project where the building is in a “Category 2” location).
- The NJBPU will consult with the appropriate land use agency in reviewing the waiver request.
- Projects proposed on the built environment in otherwise “Category 2” sites, to be subject to an expedited waiver process.

Construction requirements

- The Straw Proposal includes a proposal, developed by the Department of Ag. and the SADC, for construction requirements to be applied to solar on “Category 3” farmland.
- The requirements will be subject of a specific stakeholder meeting on April 8, which NJBPU Staff will co-host with the Department of Ag and the SADC.

Commenting ground rules

- Please state your name and organization
- Please limit your comments to the specific matter at hand:
general siting
- Remain respectful of other commenters
- Please limit your comments to approximately 5 minutes
- At 3:00 pm, we will take a 15 min break

STAKEHOLDER COMMENTS



Break

The meeting will resume at 3:15 PM

STAKEHOLDER COMMENTS



Written Stakeholder Comment Guidelines

- The deadline for comments on the Siting Straw is 5:00 p.m. ET on Friday, April 22, 2022
- Please submit comments directly to Docket No. QO21101186, using the “Post Comments” button on the NJBPU’s Public Document Search tool.
- Comments are considered “public documents” for purposes of the State’s Open Public Records Act and any confidential information should be submitted in accordance with the procedures set forth in N.J.A.C. 14:1-12.3.
- Written comments may also be submitted to:
 - Secretary of the Board
 - 44 South Clinton Avenue, 1st Floor
 - Post Office Box 350
 - Trenton, NJ 08625-0350
 - Phone: 609-292-1599
 - Email: board.secretary@bpu.nj.gov





THANK YOU – Let's continue the conversation

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