



S-1925 Subsection t Stakeholder Meeting

November 9, 2012
1:30-2:30pm
NJDEP Public Hearing Room
1st Floor, 401 East State Street
Trenton, NJ

t. (1) No more than 180 days after the date of enactment of P.L.2012, c.24, the board shall, in consultation with the Department of Environmental Protection and the New Jersey Economic Development Authority, and, after notice and opportunity for public comment and public hearing, complete a proceeding to establish a program to provide SRECs to owners of solar electric power generation facility projects certified by the board, in consultation with the Department of Environmental Protection, as being located on a brownfield, on an area of historic fill or on a properly closed sanitary landfill facility, including those owned or operated by an electric public utility and approved pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1). Projects certified under this subsection shall be considered “connected to the distribution system”, shall not require such designation by the board, and shall not be subject to board review required pursuant to subsections q. and r. of this section.

Definition – Properly Closed Landfill

“Properly closed sanitary landfill facility” means a sanitary landfill facility, or a portion of a sanitary landfill facility, for which performance is complete with respect to all activities associated with the design, installation, purchase, or construction of all measures, structures, or equipment required by the NJDEP, pursuant to law, in order to prevent, minimize, or monitor pollution or health hazards resulting from a sanitary landfill facility subsequent to the termination of operations at any portion thereof, including, but not necessarily limited to, the placement of earthen or vegetative cover, the installation of methane gas vents or monitors and leachate monitoring wells or collection systems at the site of any sanitary landfill facility.

Definitions – Brownfield & Historic Fill

“**Brownfield**” means any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant.

“**Historic Fill**” means generally large volumes of non-indigenous material, no matter what date they were emplaced on the site, used to raise the topographic elevation of a site, which were contaminated prior to emplacement and are in no way connected with the operations at the location of emplacement and which include, but are not limited to, construction debris, dredge spoils, incinerator residue, demolition debris, fly ash, and non-hazardous solid waste.

“Historic Fill” shall not include any material which is substantially chromate chemical production waste or waste from processing of metal or mineral ores, residues, slags, or tailings.

Basic DEP Requirements for Certification

- While we don't know exactly what the certification application process will entail, we do have certain basic requirements that must be met by the applicant. Some of those basic requirements are as follows:
 - An applicant must demonstrate that the site meets the definition in the bill of the applicable category (properly closed landfill, brownfield or area of historic fill).
 - For sites applying for certification as a Brownfield or Area of Historic Fill, final certification will only be issued when all remediation activities required under the Spill Compensation and Control Act (commonly referred to as the “Spill Act”) for the site have been successfully completed.
 - Conditional certification will be granted for sites that have yet to complete final remediation at the time of application.
 - Immediate certification will be granted for sites where final remediation is already complete at the time of application.
 - Projects with conditional certification will receive final certification only when the applicant demonstrates that all Spill Act required remediation has been completed.

Incentive Program

t. (con't) Notwithstanding the provisions of section 3 of P.L.1999, c.23 (C.48:3-51) or any other law, rule, regulation, or order to the contrary, for projects certified under this subsection, the board shall establish a financial incentive that is designed to supplement the SRECs generated by the facility in order to cover the additional cost of constructing and operating a solar electric power generation facility on a brownfield, on an area of historic fill or on a properly closed sanitary landfill facility.

Incentive Program – Initial Thoughts

- DEP must ensure that all remediation required under the Spill Act has been successfully completed prior to the issuance of any incentive funds.
- The incentive program is intended to *“supplement the SRECs generated...in order to cover the additional cost of constructing and operating a solar electric power generation facility on a brownfield, on an area of historic fill or on a properly closed sanitary landfill facility.”*
- DEP, BPU and EDA must determine what those “additional costs” are and what type of costs will be deemed eligible for the incentive.
- DEP would like to model the incentive on an existing state financial program that reinforces the following core principles:
 - Ensures that remediation is successfully completed;
 - Incentive money is paid out only after remediation is completed; and
 - The amount of the incentive is flexible based on the project’s alignment with environmental review criteria as well as the goals of the Energy Master Plan.
- We are currently investigating potential funding sources for an incentive program.
- We are also investigating what kind of time frame is appropriate for implementation of an incentive program given the current SREC market conditions.