



Agenda Date: 12/17/14
Agenda Item: 8A

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

ORDER

IN THE MATTER OF THE IMPLEMENTATION OF L. 2012, C. 24, THE SOLAR ACT OF 2012)	
)	DOCKET NO. EO12090832V
)	
IN THE MATTER OF THE IMPLEMENTATION OF L. 2012, C. 24, <u>N.J.S.A. 48:3-87(T)</u> – A PROCEEDING TO ESTABLISH A PROGRAM TO PROVIDE SRECS TO CERTIFIED BROWNFIELD, HISTORIC FILL AND LANDFILL FACILITIES)	
)	DOCKET NO. EO12090862V
)	
SYNCARPHA EFG I, LLC BERNARDS TOWNSHIP LANDFILL)	DOCKET NO. EO13050388V
)	

Party of Record:

Cliff Chapman, Syncarpha EFG I, LLC

BY THE BOARD:

BACKGROUND

On May 6, 2013, Syncarpha EFG I (“Syncarpha” or “applicant”) submitted an application to the New Jersey Board of Public Utilities (“Board”) to have its Bernards Township project certified as located on a properly closed landfill pursuant to L. 2012, c. 24 (“Solar Act”), codified as N.J.S.A. 48:3-87(t) (“Subsection t”). In the application, Syncarpha represented that the project was comprised of 3.39 MW and would be located on Bernards Township Landfill in Bernards Township, New Jersey.

Staff forwarded the application to the New Jersey Department of Environmental Protection (“NJDEP”) for review and an advisory recommendation. NJDEP advised Staff that it reviewed the application and, upon review of the records pertaining to the landfill, determined that it was properly closed in October 1993. NJDEP also advised that it received subsequent requests to modify the closure plan, most recently approving a modification to the closure plan for a solar installation project on the landfill. Additionally, NJDEP advised that it issued the necessary approvals, specifically a Letter of Interpretation (for wetlands) and a Wetlands Delineation Buffer Zone Determination that would allow for the solar installation project to be constructed as

outlined within those approvals. NJDEP further indicated that the applicant must comply with any conditions or requirements contained in NJDEP permits and any other conditions that may be imposed.

Based on the information provided in the application and NJDEP's indication that the applicant must comply with any conditions or requirements contained in NJDEP permits, Staff recommended conditional certification. Full certification was conditioned upon the project developers satisfying NJDEP permit requirements for construction of the solar facility. The Board approved Staff's recommendations by order dated July 19, 2013 and granted conditional certification.

STAFF RECOMMENDATIONS

On October 29, 2014, Syncarpha filed an amended application with the Board indicating that the solar facility size for the project increased from 3.39 MW dc to 4.3187 MW dc. The applicant also represented that this increase in system capacity was achieved by optimizing panels and arrangements, and that there would be no impact on the overall footprint of the array on the landfill.

Staff forwarded the amended application to the NJDEP for review and an advisory recommendation. NJDEP advised Board Staff that it reviewed the application and determined that the increase in system size does not represent a material change with respect to the NJDEP's prior recommendation that the Bernards Township Landfill is a properly closed landfill.

Based on the information provided in the application and NJDEP's indication that the applicant must comply with any conditions or requirements contained in NJDEP permits, Staff recommends conditional certification. Full certification is conditioned upon the project developers satisfying NJDEP permit requirements for construction of the solar facility. Staff further recommends that the Board direct the applicant to submit or resubmit in the Solar Renewable Energy Credit ("SREC") Registration Program ("SRP") within fourteen days of the effective date of this Order.

FINDINGS AND CONCLUSIONS

The Board **FINDS** that Staff transmitted the application discussed above to NJDEP for a determination of eligible land use type and status of remediation on the proposed site.

Based on information provided by NJDEP, the Board **FINDS** that the Bernards Township Landfill project is located on land meeting the definition of a "properly closed landfill." The Board also **FINDS** NJDEP previously identified this application as subject to permit requirements and that it was previously determined by NJDEP that Syncarpha has obtained the necessary approvals to begin installation of the project as outlined within those approvals.

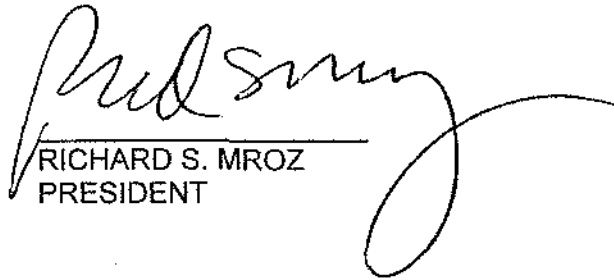
The Board further **FINDS** that Syncarpha must fulfill all applicable NJDEP permit requirements for construction of the solar facility to be eligible for full certification and **DIRECTS** it to demonstrate to Staff that it has satisfied all NJDEP requirements for full certification. The Board **DIRECTS** Staff to issue full certification upon the applicant's demonstration that it has satisfied all requirements for full certification. Finally, and after it has received full certification and satisfied all SRP requirements, the Board **DIRECTS** Staff to issue a New Jersey Certification Number to the project for purposes of SREC creation, provided that all requirements of N.J.A.C. 14:8-2.4 are met.

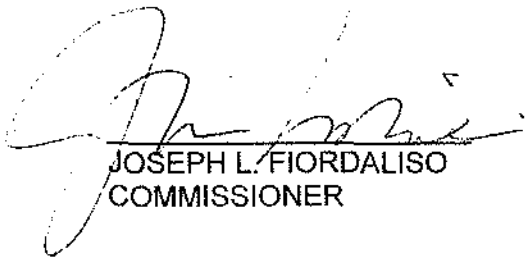
The Board further **DIRECTS** the applicant to submit or resubmit the SRP registration package to the Board within fourteen days of the effective date of the Order granting conditional certification under Subsection t and further **GRANTS** a modification of one year provided in the current SRP rules to two years for construction to accommodate the longer construction periods for Subsection t projects. The Board **HEREBY DIRECTS** Staff to begin the process of amending the SREC registration rules to conform to the requirements of the Solar Act.

This Order shall become effective on December 29, 2014.

DATED: 12/17/14

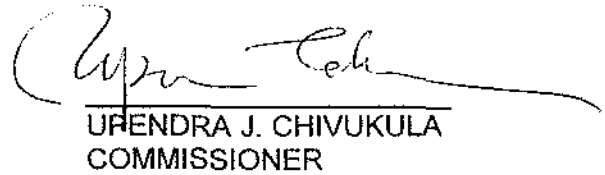
BOARD OF PUBLIC UTILITIES
BY:


RICHARD S. MROZ
PRESIDENT


JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
COMMISSIONER

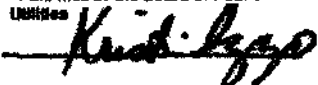

DIANNE SOLOMON
COMMISSIONER


UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST:

KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



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FACILITIES

SYNCARPHA EFG I, LLC
BERNARDS TOWNSHIP LANDFILL

DOCKET NOS. EO12090832V, EO12090862V & EO13050388V

SERVICE LIST

Cliff Chapman
Syncarpha EFG I, LLC
645 Madison Ave, 14th Floor
New York, NY 10022
cliff@syncarpha.com

Kristi Izzo, Secretary
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350
kristi.izzo@bpu.state.nj.us

Betsy Ackerman, Director
Office of Clean Energy
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350
elizabeth.ackerman@bpu.state.nj.us

Benjamin S. Hunter
Office of Clean Energy
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350
benjamin.hunter@bpu.state.nj.us

Stefanie A. Brand, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003
sbrand@rpa.state.nj.us

Felicia Thomas-Friel, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003
ftomas@rpa.state.nj.us

Sarah Steindel, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003
ssteindel@rpa.state.nj.us

Caroline Vachier, DAG
Division of Law
Dept. of Law & Public Safety
124 Halsey Street
Post Office Box 45029
Newark, NJ 07102-45029
Caroline.Vachier@dol.lps.state.nj.us

Allison E. Mitchell
Office of Clean Energy
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350
allison.mitchell@bpu.state.nj.us

Jennifer Hsia, DAG
Division of Law
Dept. of Law & Public Safety
124 Halsey Street
Post Office Box 45029
Newark, NJ 07102-45029
jennifer.hsia@dol.lps.state.nj.us

Megan Lupo, Legal Specialist
Counsel's Office
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350
megan.lupo@bpu.state.nj.us