



Agenda Date: 10/25/23
Agenda Item: 8D

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF THE IMPLEMENTATION OF <u>L.</u> 2012, <u>C.</u> 24, THE SOLAR ACT OF 2012)	ORDER
)	
)	DOCKET NO. EO12090832V
IN THE MATTER OF THE SOLAR TRANSITION PURSUANT TO <u>P.L.</u> 2018, <u>C.</u> 17)	
)	DOCKET NO. QO19010068
)	
ESKY SOLAR – APPLICATION FOR SOLAR ACT SUBSECTION (T), BLOCK 57, LOT 9 (PARTIAL), LOT 12, LOT 12.01 AND LOT 13)	DOCKET NO. QO21081089
)	

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
Mark Valori, Vice President, NJR Clean Energy Ventures III Corporation

BY THE BOARD:

This Order concerns an application by Stags Leap Ranch Development, LLC (“NJR Clean Energy Ventures” or “Applicant”) for certification pursuant to L. 2012, C. 24 (“Solar Act”), codified at N.J.S.A. 48:3-87(t) [“Subsection (t)”]. NJR Clean Energy Ventures seeks certification for eligibility to generate Transition Renewable Energy Certificates (“TREC’s”) for a proposed solar electric generation facility to be located on 54 acres at the Henry Harris Landfill site, Block 57, Lots 9 (partial), 12, 12.01 and 13 on 279 Bridgeton Pike, Harrison Township, Gloucester County, New Jersey (“Project”). The Applicant claimed that the proposed site is located on a “properly closed sanitary landfill facility” as that term is defined in the Solar Act.

BACKGROUND

On July 23, 2012, the Solar Act was signed into law. The Solar Act amends certain aspects of the statute governing generation, interconnection, and financing of renewable energy. Among other actions, the Solar Act requires the New Jersey Board of Public Utilities (“Board”) to conduct proceedings to establish new standards and to develop new programs to implement the statute’s directives.

By Order dated October 10, 2012, the Board directed Board Staff (“Staff”) to initiate proceedings and convene a public stakeholder process to fulfill the directives of the Solar Act.¹

The Solar Act – specifically, Subsection (t) – provides that:

No more than 180 days after [July 23, 2012], 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. . . . Projects certified under this subsection shall be considered “connected to the distribution system” [and] shall not require such designation by the board[.]

[N.J.S.A. 48:3-87(t).]

The Solar Act defines the terms “brownfield,” “area of historic fill,” and “properly closed sanitary landfill facility.” A “brownfield” is “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.” N.J.S.A. 48:3-51. “Historic fill” is “generally large volumes of non-indigenous material, no matter what date they were placed on the site, used to raise the topographic elevation of a site” Id. A “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 Department of Environmental Protection” Id.

Toward implementing the October 10, 2012 Order, Staff met with staff of the New Jersey Economic Development Authority and the New Jersey Department of Environmental Protection (“NJDEP” or “Department”). On November 9, 2012, consistent with the requirements of the Solar Act, the Board held a public hearing presided over by then-Commissioner Joseph L. Fiordaliso. In addition, the public was invited to submit written comments through November 23, 2012.

In an Order dated January 24, 2013, the Board approved Staff’s proposed process for certifying solar generation projects as being located on brownfields, areas of historic fill, and properly closed

¹ In re the Implementation of L. 2012, c. 24, The Solar Act of 2012; In re the Implementation of L.2012, c. 24, N.J.S.A 48:3-87(d)(3)(b) – A Proceeding to Investigate Approaches to Mitigate Solar Development Volatility; In re the Implementation of L. 2012, c. 24, N.J.S.A 48:3-87(e)(4) – Net Metering Aggregation Standards; In re the Implementation of L. 2012, c. 24, N.J.S.A 48:3-87(Q), (R) and (S) – Proceedings to Establish the Processes for Designating Certain Grid-Supply Projects as Connected to the Distribution System; In re the Implementation of L. 2012, c.24, N.J.S.A 48:3-87(T) – A Proceeding to Establish a Program to Provide Solar Renewable Energy Certificates to Certified Brownfield, Historic Fill and Landfill Facilities; and In re the Implementation of L. 2012, c. 24, N.J.S.A 48:3-87(W) – A Proceeding to Consider the Need for a Program to Provide a Financial Incentive to Supplement Solar Renewable Energy Certificates for Net Metered Projects Greater than Three Megawatts; 2012 N.J. PUC LEXIS 286 (Oct. 10, 2012).

sanitary landfill facilities.² The certification process for projects seeking approval pursuant to Subsection (t) provides three (3) potential recommendations from Staff to the Board: full certification, conditional certification, or denial of certification. Conditional certification may be granted for projects located on sites which NJDEP has determined require further remedial action or, in the case of properly closed sanitary landfill facilities, additional protective measures, and full certification may be granted for projects located on sites for which NJDEP has determined no further remedial or protective action is necessary. The process incorporates the expertise of NJDEP to confirm a potential project's land use classification for eligibility and to account for the state of remediation of the project site.³

The January 24, 2013 Order states that certification would be limited to those areas delineated by NJDEP. In compliance with this directive, applicants are required to delineate the precise section(s) of the location where the solar facility is proposed to be sited, and NJDEP reviews this material in making its recommendation.

The Board found that an application for solar projects located on brownfields, areas of historic fill, or properly closed sanitary landfill facilities was necessary to initiate the certification process and directed Staff to work with NJDEP to develop an application. Id. at 33.

On May 23, 2018, Governor Murphy signed L. 2018, c. 17, codified at N.J.S.A. 48:3-51 to -87 into law ("Clean Energy Act" or "CEA" or "Act"), effective immediately. The CEA effected many changes to the legal and regulatory framework for solar development, including directing the closure of the Solar Renewable Energy Certificate ("SREC") program by no later than June 2021, reducing the SREC term or "qualification life" to 10 years, and imposing a cap on the cost to ratepayers of certain Class I renewable energy requirements.

The CEA mandated that the Board close the SREC Registration Program ("SRP") once it determined that 5.1% of the kilowatt-hours sold in the State had been generated by solar electric power generators connected to the distribution system ("5.1% Milestone") or, in the alternative, by no later than June 2021. On December 18, 2018, the Board approved the adoption of rule amendments to close the SREC market to new applications upon attainment of the 5.1% Milestone. The new rules took effect upon publication in the New Jersey Register on January 22, 2019.⁴ Pursuant to these rules, the Board determined that the 5.1% Milestone would be reached prior to May 2020 and closed the SRP on April 30, 2020.

² In re the Implementation of L. 2012, c. 24, The Solar Act of 2012; In re the Implementation of L. 2012, c. 24, N.J.S.A 48:3-87(T) – A Proceeding to Establish a Program to Provide SRECS to Certified Brownfield, Historic Fill and Landfill Facilities; and In re the Implementation of L. 2012, c. 24, N.J.S.A 48:3-87(U) – A Proceeding to Establish a Registration Program for Solar Power Generation Facilities, 2013 N.J. PUC LEXIS 27, Order dated January 24, 2013 ("January 24, 2013 Order").

³ January 24, 2013 Order at 31–33.

⁴ 51 N.J.R. 138(e) (Jan. 22, 2019).

On December 6, 2019, the Board established a Transition Incentive (“TI”) Program to provide a bridge between the legacy SREC program and a Successor Incentive program in an orderly and efficient manner.⁵ The TI Program provides eligible projects with TRECs for each megawatt hour of electricity produced. Incentives are tailored to specific project types by the use of factors, which are applied to a base incentive rate to provide a particular project type with the full incentive amount or a set percentage of that amount depending on the costs and anticipated revenue streams for the project type. Projects certified pursuant to Subsection (t) receive a factor of 1.0 and thus the full amount of the base incentive.

At a Special Agenda Meeting held on April 27, 2020, the Board approved a TI rule proposal⁶ that codified this treatment at N.J.A.C. 14:8-10, which was published on May 18, 2020.⁷ On September 10, 2020, the Board adopted the rule proposal, and the rules became effective on October 5, 2020 when published in the New Jersey Register.⁸ The rule provides that the transition incentive “shall be available to projects that submitted a complete SREC Registration Program registration or a complete Subsection (t) application after October 29, 2018” (emphasis added) but that have not received a Permission to Operate at the time that the 5.1% Milestone is achieved.⁹ The rule also incorporates the eligibility requirements enumerated at N.J.S.A. 48:3-87(t) and the Board’s Implementing Order and requires developers seeking eligibility for TRECs to use the same application process developed for SREC eligibility.¹⁰ Moreover, the TI rules require compliance with all rules and regulations of the SRP at N.J.A.C. 14:8-2.4.¹¹

On August 17, 2022, the Board provided the opportunity for a conditional extension of the TI deadline to Subsection (t) projects registered in the TI Program or with applications pending review with NJDEP.¹² The Board waived its rules and modified prior orders to allow up to a 12-month extension to all Subsection (t) solar projects with current registrations as well as those that receive conditional certification by the Board in the future, provided these projects can meet specified criteria. In addition, the Board granted the same relief to Subsection (t) applicants with applications pending review at the Board or NJDEP that received conditional certification. Such applicants thus received an automatic additional six (6) months to the registration expiration date that would otherwise be set in the Board order granting the project’s conditional certification pursuant to N.J.A.C. 14:8-10.4(e) or (f).

Projects certified under Subsection (t) are subject to all of the Board’s SRP and TI rules; the statutory language exempts such projects from the need for further Board designation as

⁵ In re a New Jersey Solar Transition Pursuant to P.L. 2018 c. 17, BPU Docket No. QO19010068, Order dated December 6, 2019 (“December 2019 Order”).

⁶ In re a Rulemaking Proceeding to Amend the Renewable Portfolio Standard Rules and Create New Rules Establishing a Transition Incentive Program Pursuant to P.L. 2018, c.17, BPU Docket No. QX20030253 (“TI Rule Proposal”).

⁷ 52 N.J.R. 1048(a) (May 18, 2020).

⁸ 52. N.J.R. 1850(a) (October 5, 2020).

⁹ N.J.A.C. 14:8-10.4(a).

¹⁰ N.J.A.C. 14:8-10.4(h).

¹¹ N.J.A.C. 14:8-10.4(i).

¹² In re a New Jersey Solar Transition Pursuant to P.L. 2018, c. 17, Order Granting an up to 12-Month Extension for Projects Seeking an Incentive Pursuant to Subsection (t) in the Solar Transition Incentive Program BPU Docket No. QO19010068, Order dated August 17, 2022 (“TI Extension Order”).

“connected to the distribution system” but does not remove any of the Board’s oversight authority. For example, projects seeking TREC eligibility must comply with the TI rules at N.J.A.C. 14:8-10 and applicable Board orders concerning registration with the TI Program.¹³ The size and location of the subject project will then be reflected in the public reporting of solar development pipeline data.

STAFF RECOMMENDATIONS

Project Description

On August 25, 2021, Staff received the NJR Clean Energy Ventures application for inclusion in the TI Program. The proposed project is partially located on land that has been actively devoted to agricultural or horticultural use, specifically Block 57, Lot 9, which has been valued, assessed, and taxed pursuant to the Farmland Assessment Act of 1964 within the 10 year period prior to July 24, 2012. Staff transmitted a copy of the application to NJDEP for review and advice on December 10, 2021.

At issue is the request by NJR Clean Energy Ventures that its proposed Stags Leap Ranch Development, LLC solar facility, to be located in Harrison Township, New Jersey, be certified as eligible for TRECs pursuant to Subsection (t). NJR Clean Energy Ventures filed an application with supporting documentation to enable a NJDEP determination as to whether 54 acres of the proposed site is a properly closed sanitary landfill facility. NJDEP reviewed the application and supplied an advisory memorandum to Staff on June 5, 2023 on the land use classification and on remediation status of the proposed site.

On the basis of NJDEP’s determination, the information certified by NJR Clean Energy Ventures in its application, records obtained by the Division of Law, and the Subsection (t) process approved in the January 24, 2013 Order, Staff recommends that the Board grant conditional certification for only the portion of the property identified by NJDEP as being located on a “properly closed sanitary landfill,” specifically Block 57, Lots 12, 12.01 and 13 as explained further below. Based on the NJDEP determination that the remaining acres on Block 57, Lot 9 do not constitute a properly closed sanitary landfill, Staff recommends that the Board deny the application for eligibility for certification on this portion of the property.

¹³ December 2019 Order at 33.

NJR Clean Energy Ventures/Stags Leap Ranch Development, LLC – Docket No. QO21081089

Developer	Docket Number	Project/ Designation Address	Location Town	County	Landfill, Brownfield or Historic Fill	Array Size (MWdc)	EDC
Stags Leap Ranch Development, LLC (NJR Clean Energy Ventures III Corporation)	QO21081089	Henry Harris Landfill	Block 57, Lot 9 (Partial), Lots 12, 12.01 and 13 279 Bridgeton Pike, Harrison Twp, 08062	Gloucester	Landfill	12.5	ACE

NJDEP provided the following description of the site background and findings from a review of the application. The Applicant is proposing a 12.5 MWdc grid supply solar farm on 54 acres at the Henry Harris Landfill site in Harrison Township (Mullica Hill), Gloucester County, New Jersey (“Property”). The Applicant proposes to construct the solar electric power generation facility on a properly closed sanitary landfill portion of the Property. However, the proposed project is partially located on land that has been actively devoted to agricultural or horticultural use, specifically Block 57, Lot 9, which is and has been valued, assessed, and taxed pursuant to the Farmland Assessment Act of 1964 within the 10 year period prior to July 24, 2012.

Prior to 1970, operations at the site consisted of sand mining from borrow pit(s). In 1970, the property owners, Henry and Alice Harris, submitted an application to the Department to obtain a solid waste disposal facility permit for the site (LBG/SAI, 2005). From the early 1970s to 1981, the site was operated as a municipal solid waste (“MSW”) landfill, which accepted municipal, bulk vegetative, animal, and food processing waste products, non-chemical industrial wastes, and construction demolition debris materials. About 2.3 million cubic yards of MSW was accepted at the landfill during its period of operation (LBG/SAI, 2005). Landfill operations ceased in 1981, and the site subsequently became overgrown with vegetation. On April 15, 2005, Stags Leap Ranch Development purchased the landfill and commenced additional, post-1982 closure (i.e., remediation) activities at the site in 2006. The Department issued a “Landfill Closure Approval,” dated February 7, 2006, and subsequently issued modification approvals, including the most recent “Closure Plan Modification Approval,” dated May 3, 2017.

On August 31, 2021, the Department received a “Current As-Built and Landfill Cover Certification,” dated August 25, 2021, certifying that the landfill has the requisite two feet of capping material of residential quality processed dredge material. In addition, a Mechanically Stabilized Earth retaining wall, which is a composite structure consisting of alternating layers of compacted backfill and soil reinforcement elements, has been built around 50% of the landfill perimeter. Using alternate fill, the landfill has achieved approved sub-cap grading below the requisite two (2) feet of the cover system. Stormwater control features, including drainage channels and drainage basins, have been constructed. The ground water contamination has been delineated. The

Approved Closure Plan also required two (2) feet of cover material, which was certified complete in the August 25, 2021 certification. The final six (6) inches of topsoil for the cover system, which are for erosion control, have been installed over 15 acres of the approximately 30 acres of the landfill area. Typically, full closure requires the plateau to include the final topsoil/vegetative layer or gravel layer. However, Stags Leap Ranch Development submitted a letter dated March 17, 2023, from the Gloucester County Soil Conservation District, that indicated, "The results of the inspection have revealed that the project has been completed and is in compliance with the Soil Erosion and Sediment Control regulations regarding permanent stabilization to control erosion. All previously disturbed areas of the project site are now well-established turf and natural vegetation. The landfill area now only requires regular property maintenance." The work undertaken since the August 2021 Soil Cover Certification was to evaluate fabric use on long slopes, replace the poor vegetation on the slopes with better quality grass that is compatible with solar panels, and to maintain storm channels.

This landfill is being remediated pursuant to Administrative Requirements for the Remediation of Contaminated Site and the Technical Requirements for Site Remediation. A Remedial Investigation Report was received April 29, 2019. A Ground Water Remedial Action Report was received February 7, 2020. A Ground Water Remedial Action Permit application was received February 13, 2020. Once the remediation is complete, the Licensed Site Remediation Professional should issue a Response Action Outcome ("RAO"). At present there is a lien on the property; following the completion of remediation activities the Contaminated Site Remediation & Redevelopment Program will warrant the lien on the property.

NJDEP provided the statutory definition of "properly closed sanitary landfill" found at N.J.S.A. 48:3-51: "[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 Department of Environmental Protection, 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, and the installation of methane gas vents or monitors and leachate monitoring wells or collection systems at the site of any sanitary landfill facility."

The Minimum Qualification Requirements, as detailed in Section I on page 1 of the Subsection (t) application state, in part, that: "Projects that are proposed to be located on land that has been actively devoted to agricultural or horticultural use that is valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (N.J.S.A. 54:4-23.1 et seq.) at any time within the ten (10) year period prior to July 24, 2012 will not be eligible for designation as being located on a brownfield, an area of historic fill, or a properly closed sanitary landfill facility for purposes of qualifying for SRECs under Subsection t."

Tax records obtained by the Division of Law from Gloucester County show that part of the property was taxed as 3B Qualified farmland pursuant to the Farmland Assessment Act of 1964, P.L. 1964, c. 48 (C.54:4-23.1 et seq.) during the period from 2002 to 2021.¹⁴ Since the proposed project is located on portions of Block 57, Lot 9 that have been actively devoted to agricultural or horticultural use that is valued, assessed, and taxed pursuant to the Farmland Assessment Act of 1964, within the ten (10) year period prior to July 24, 2012, the development proposed on Lot 9 is not eligible for solar. The remaining recommendations do not pertain to the portions of the site implicated by the Farmland Assessment Act, and instead only address those portions designated as Block 57, Lots 12, 12.01 and 13.

The Department has determined that the proposed solar array as rendered on Block 57, Lots 12, 12.01 and 13 of the Henry Harris Landfill is located on a properly closed portion of a sanitary landfill facility as defined by the Solar Act. However, in order to obtain full certification, the additional considerations below must be met. The solar installation will constitute the construction of improvements on a closed landfill, pursuant to the law and, accordingly, the property owner will need to obtain an Approval from NJDEP's Office of Brownfield and Community Revitalization, as well as any permits identified by NJDEP, prior to construction of the solar electric power generation facility. The Approval for construction of improvements on the closed landfill needs to address impacts on the environmental controls in place at the site, such as the protection/ re-establishment of the final cap/cover, leachate collection, gas collection and storm water collection systems, settlement, slope stability, and control of erosion, in addition to on-going maintenance and monitoring during the post-closure period. Consistent with the above requirements, the property owner and operator of the solar facility should ensure that all future operations continue to protect the integrity of the cap.

The property owner and the owner/operator of the solar installation must, in addition to any other actions required by law including, but not limited to, the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1 et seq., and any regulations promulgated pursuant thereto, ensure that the solar installation: a) does not exacerbate the contamination at the property; b) does not interfere with any necessary remediation of the property; and c) does not disrupt or change, without prior written permission from the NJDEP, any existing or future engineering or institutional control that is part of a remedial action for the property.

Based on the information contained in the application, NJDEP's findings, and documents obtained from the Division of Law, Staff recommends that the Board find that the solar array proposed by NJR Clean Energy Ventures for Block 57, Lots 12, 12.01 and 13 as documented in the Applicant's Electrical Site Plan map, is located on land meeting the Solar Act's definition of "properly closed sanitary landfill." Staff also recommends that the Board finds the portion of the property proposed for the project on Block 57, Lot 9 does not meet the Solar Act's definition of "properly closed sanitary landfill."

¹⁴ The Division of Law, on behalf of BPU Staff, obtained tax records for Block 57 Lot 9, for the years 2002-2012 showing the tax classification. The records were obtained on November 5, 2021, pursuant to an OPRA requested submitted to the Gloucester County Tax Assessor. The tax records show that from the years 2002-2012, the entirety of Block 57, Lot 9, consisting of 37.85 acres, was taxed as 3B Qualified farmland. Among the records obtained also included a Woodland Management/Stewardship Plan and Application for Farmland Assessments for tax years 2019-2021. These documents can be found on the Board's Public Document search, located at the following link: <https://publicaccess.bpu.state.nj.us/>

Staff recommends that the Board grant a conditional certification of eligibility for TRECs for only that portion of the property identified by NJDEP as being located on a “properly closed sanitary landfill” pursuant to Subsection (t), specifically Block 57, Lot 12, 12.01 and 13. Based on NJDEP’s determination that portion of property proposed for the Stags Leap Ranch Development LLC project located on Block 57, Lot 9 does not meet the Solar Act’s definition of a “properly closed sanitary landfill,” Staff recommends that the Board deny the conditional certification on this portion of the property.

Staff recommends that as a condition of approval, the Board direct the Applicant to submit a revised application including updated site plan maps showing the positioning of the solar generation facility on the approved Property to be located on the Henry Harris Landfill site at Block 57, Lots 12, 12.01 and 13 within 30 days of the effective date of the Order. Staff also recommends that the Board authorize Staff to require that the conditions for certification provided by the NJDEP be fully documented as satisfied by the Applicant prior to Staff’s issuance of full certification of the Project’s eligibility for TRECs. In addition, Staff recommends that the Board direct the Applicant to file its TREC registration within 14 days after submitting revised application.

DISCUSSION AND FINDINGS

Based on information provided by the Applicant, NJDEP, and records obtained by the Division of Law, the Board **FINDS** that the portion of the Property located on Block 57, Lot 9 has been actively devoted to agricultural or horticultural use that is valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.) within the 10 year period prior to July 24, 2012, and thus is ineligible for solar development under the Solar Act of 2012. The Board **FINDS** that the portion of the property on Block 57, Lot 9 does not meet the Solar Act’s definition of “properly closed sanitary landfill” and thus **DENIES** conditional certification on this portion of the property.

The Board **FINDS** that, as required by Subsection (t), Staff transmitted the application discussed above to NJDEP for a determination of eligible land use type and status of remediation on the proposed site. NJDEP determined that the solar array proposed by NJR Clean Energy Ventures for Block 57, Lots 12, 12.01 and 13, as documented in the Applicant’s Electrical Site Plan map, is located on land meeting the Solar Act’s definition of a “properly closed sanitary landfill.” To be eligible for the creation of TRECs, the facility must not exceed 12.5 MWdc and must be placed within the acreage of the properly closed sanitary landfill depicted in the application, excluding Block 57, Lot 9. Based on information provided by NJDEP, the Board **FINDS** that the Property proposed for the Stags Leap Ranch Development, LLC Project located within Block 57, Lots 12, 12.01 and 13 meets the Solar Act’s definition of a “properly closed sanitary landfill.”

The Board also **FINDS** that NJDEP determined that the Property owner will need to comply with State laws relevant to the Property for the solar installation, as well as any other permits identified by NJDEP, prior to construction of the solar electric power generation facility. The Board **FINDS** that NJDEP has stated that the construction of the solar installation on the properly closed sanitary landfill needs to address the remediation requirements of the Property.

The Board **FINDS** that NJDEP’s requirements must be addressed and thus **GRANTS** conditional certification of the Applicant’s proposed solar electric generation facility, to be located at the Henry Harris Landfill site at Block 57, Lots 12, 12.01 and 13, in Harrison Township, Gloucester County, New Jersey, with an array size not to exceed 12.5 MWdc. To obtain full certification, the Board **DIRECTS** the Applicant to demonstrate to Staff that all NJDEP requirements have been satisfied.

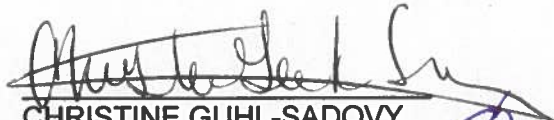
In addition, to obtain full certification, the Board **DIRECTS** NJR Clean Energy Ventures to submit an revised application package within 30 days of the effective date of this order, including updated site plan maps reflecting array placement within Block 57, Lots 12, 12.01 and 13; to submit initial TI Program registration within 14 days of the revised application and to complete construction within 30 months in accordance with N.J.A.C. 14:8-10.4(e)(4)(ii)(3) as modified by the TI Extension Order. The Board **DIRECTS** Staff to issue full certification to the Project upon the Applicant's demonstration that all requirements for full certification – including all NJDEP requirements and all TREC eligibility requirements at N.J.A.C. 14:8-10.1 et seq. – have been satisfied. After the Applicant receives full certification, the Board **DIRECTS** Staff to issue a New Jersey Certification Number to the Project for purposes of TREC creation for a 15-year Qualification Life.

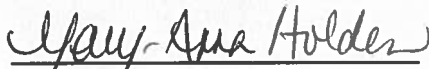
This Order is issued in reliance on the information certified in the application and does not grant any rights in connection with construction of the proposed Project beyond certification under Subsection (t), provided that the facilities are constructed in accordance with NJDEP requirements, the site plans filed with the application, and the TREC registration.

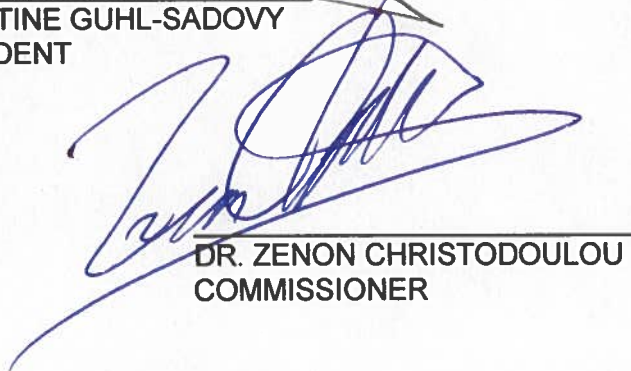
The effective date of this Order is November 1, 2023.

DATED: October 25, 2023

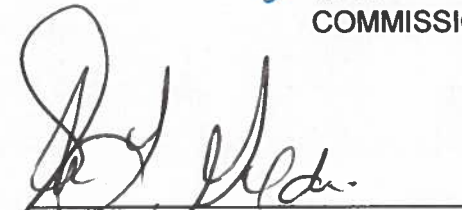
BOARD OF PUBLIC UTILITIES
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MARY-ANNA HOLDEN
COMMISSIONER


DR. ZENON CHRISTODOULOU
COMMISSIONER


MARIAN ABDOU
COMMISSIONER

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SHERRI L. GOLDEN
SECRETARY

IN THE MATTER OF THE IMPLEMENTATION OF L. 2012, C.24, THE SOLAR ACT OF 2012;

IN THE MATTER OF THE SOLAR TRANSITION PURSUANT TO L. 2018, C. 17

ESKY SOLAR – APPLICATION FOR SOLAR ACT SUBSECTION (T), BLOCK 57, LOTS 9 (PARTIAL), LOT 12, LOT 12.01 AND LOT 13

DOCKET NOS. EO12090832V, QO19010068, AND QO21081089

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