



provisions specified in the Act,<sup>3</sup> files a waiver petition with the Board and receives approval from it to proceed.<sup>4</sup> Among the land use areas that require a waiver before siting a solar project is permitted are wetlands.<sup>5</sup> The Act requires that the “petition shall set out the unique factors that make the project consistent with the character of the specific parcel.” In such cases, the Board is required to consult with the NJDEP or Secretary of Agriculture, as appropriate, and “may [...] grant a waiver if it determines that a project is in the public interest.”<sup>6</sup>

By Board Order dated December 7, 2022, the Board approved the establishment of the CSI Program.<sup>7</sup> The CSI Program is open to qualifying grid supply solar projects (i.e., those selling into the wholesale markets) and net metered non-residential projects greater than five (5) MW in size.

On September 18, 2023, the proposed rules for siting grid supply and large net metered solar facilities (“CSI Siting Rules”) were adopted with non-substantial changes and published in the New Jersey Register at 55 N.J.R. 2015(a). The CSI Siting Rules include a mechanism to allow siting of CSI-eligible facilities on otherwise restricted land uses if the developer seeks and receives a waiver of the siting prohibition. The CSI Siting Rules also provide for an administrative waiver in appropriate circumstances. An administrative waiver may be obtained for projects that would be constructed on prohibited land but are proposed to be located exclusively on the built environment. Such projects are deemed to be presumptively in the public interest, and the Board has designated the approval of such applications to Board Staff (“Staff”) or the program administrator.

In compliance with the Act, the CSI Siting Rules at N.J.A.C. 14:8-12.6(a) require any petitioner to include documentation of “sufficient facts and circumstances” to demonstrate why siting a CSI-eligible project on a prohibited land use is in the public interest. In such cases, the Board requires consultation with other State agencies, as appropriate, to determine if a project is in the public interest. N.J.A.C. 14:8-12.6(a)(1). The Board, or its designee, may request additional evidence prior to approving or denying a request for any waiver requested, pursuant to this section. N.J.A.C. 14:8-12.6(c).

On January 20, 2026, Governor Mikie Sherill signed Executive Order (“EO”) 2,<sup>8</sup> directing the BPU to initiate a solicitation for qualifying solar facilities or solar facilities in combination with storage under the CSI Program within forty-five (45) days. By Order dated March 4, 2026, the Board set the pre-qualification window for the fourth CSI Program solicitation to open on March 11, 2026, and close to bids on April 24, 2026, at 11:59:59 PM EST, with anticipated Board awards in June 2026. Staff recommended that awards be made before the end of Q2 to enable any projects that may meet the July 4, 2026, deadline for ITC qualification to do so.

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<sup>3</sup> N.J.S.A. 48:3-119(f).

<sup>4</sup> N.J.S.A. 48:3-119(c).

<sup>5</sup> N.J.S.A. 48:3-119(c)(4) and N.J.S.A. 48:3-119(f).

<sup>6</sup> Id.

<sup>7</sup> In re Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c.169, Order Launching the CSI Program, BPU Docket No. QO21101186, Order dated December 7, 2022. (“CSI Program Order”).

<sup>8</sup> Exec. Order No. 2 (Jan. 20, 2026), 58 N.J.R. 1041(a), available at <https://nj.gov/infobank/eo/057sherrill/pdf/EO-2.pdf>.

The Board also created Tranche 1A, Basic Grid Supply for Project  $\geq$  20 MW, to account for the differing costs experienced by these larger projects. This differentiation is anticipated to allow solar facilities to better compete on a cost basis and to promote the selection of competitively priced solar generation projects that will best address the State's energy affordability emergency.

Prices Lane submitted a prequalification application in the fourth solicitation of the CSI Program on March 27, 2026, in Tranche 3.<sup>9</sup> On April 22, 2026, Staff notified all prospective applicants that pre-qualification includes an evaluation of all proposed project sites to confirm whether any projects were located on land uses prohibited in the Solar Act of 2021; those projects seeking to site on prohibited land use types require a waiver issued by the Board pursuant to the Siting rules for Grid Supply and Large Net Metered Solar Facilities at N.J.A.C. 14:8-12. Furthermore, prospective applicants were notified that in order to be considered in the fourth CSI Program solicitation, applicants in need of a land use waiver must submit a petition to the Board prior to the close of the solicitation on April 24, 2026.

On April 24, 2026, Prices Lane submitted a petition that was signed by the Managing Member. On May 5, 2026, Staff informed Prices Lane that the Board's rules require that an attorney submit a petition and requested that the submission should be re-submitted by counsel. Staff noted that this re-submission would not impact compliance with the April 24, 2026, deadline. On May 6, 2026, Prices Lane submitted the corrected petition.

### **Petition**

By Verified Petition dated May 6, 2026, Prices Lane requested that the Board either: (1) determine that the proposed solar facility satisfies the applicable Competitive Solar Incentive ("CSI") Program siting requirements pursuant to N.J.A.C. 14:8-12.3; or, alternatively, (2) grant a waiver of the applicable CSI siting prohibitions pursuant to N.J.A.C. 14:8-12.6 and N.J.A.C. 14:1-1.2(b) to permit participation in the CSI Program, as well as such other relief as the Board deems proper. Prices Lane proposes to develop an approximately 9.3 megawatt direct current ("MWdc") solar facility ("Facility" or "Project") on property identified as Lot 4 in Block 12001 in Sparta Township, Sussex County, New Jersey ("Property").

Prices Lane explained that the Property is a municipal landfill that ceased operations in approximately 1985 but has not been closed and remains subject to NJDEP closure and post-closure oversight. The property is owned by Sparta Township and is designated as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law. Prices Lane stated that it is the designated redeveloper of the Property through a redevelopment agreement with Sparta Township. Portions of the Property currently include freshwater wetlands that were historically impacted by landfill operations and were not fully remediated as part of prior closure activities ("Wetlands Area"). Prices Lane asserted that prior to or in conjunction with development of the Facility, the wetlands must be remediated, and some must be filled, to complete proper landfill closure in accordance with NJDEP requirements. Prices Lane asserted that the Facility is not proposed to be constructed within areas that will remain wetlands following NJDEP-approved closure activities.

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<sup>9</sup> Sparta Township Landfill was previously considered for TREC eligibility under the TI Program. For more details, see In re The Matter of the New Jersey Solar Transition Pursuant to P.L. 2018, c. 17 – Application for Certification of Solar Facility as Eligible for TRECs Pursuant to Subsection (t) of the Solar Act of 2012 – Sparta Township, Sparta Township Municipal Landfill, BPU Docket No. QO21081104, Order dated January 31, 2024.

Prices Lane attached to its petition the Freshwater Wetlands General Permit No. 5, Permit No. 1918-04-0014.2 LUP220001, issued by NJDEP to the Township of Sparta on July 21, 2025. The permit authorizes the filling of approximately 2.75 acres of freshwater wetlands for the express purpose of completing the closure of the landfill. The permit includes a Water Quality Certificate and allows permanent disturbance of approximately 2.75 acres of freshwater wetlands and 2.78 acres of transition areas associated with landfill closure activities. In addition, the permit requires mitigation for the permanent disturbance of approximately 2.25 acres of forested wetlands through land donation of multiple preserved parcels in Sparta Township, Sussex County. This mitigation was accepted by the Freshwater Wetlands Mitigation Council on May 6, 2025. The permit further requires that mitigation activities be completed prior to or concurrent with construction activities associated with the solar project. In support of the request for relief, Prices Lane argued that the Project does not involve the siting of a solar facility on intact wetlands as contemplated by the Board's siting restrictions; rather, Prices Lane maintains that its activities will constitute NJDEP-authorized remediation and elimination of wetlands resulting from historic landfill operations.

Finally, Prices Lane contended that granting the requested relief is in the public interest because the Project will facilitate the proper closure, remediation, and long-term maintenance of a legacy municipal landfill while converting a disturbed and environmentally constrained property into a productive source of renewable energy generation. Denying the requested relief, in Prices Lane's opinion, would perpetuate the unresolved environmental impacts associated with the inadequately closed landfill, without advancing environmental protection or public health objectives. Prices Lane therefore requested that the Board either determine that the Facility satisfies the applicable CSI siting requirements or, alternatively, grant a waiver of the applicable freshwater wetlands siting restrictions.

### **Consultation with State Agencies**

Pursuant to the Act and the CSI Siting Rules, Staff consulted with the NJDEP. In an advisory memorandum dated May 21, 2026,<sup>10</sup> the NJDEP's Office of Permitting and Project Navigation provided a review of the Project and stated that Prices Lane had supplied sufficient information for permit review. NJDEP recommended that the Board grant the requested waiver to permit the Project to participate in the CSI Program, subject to continued compliance with all applicable permitting and approval requirements. In support of its recommendation, NJDEP noted that it had previously approved permit authorization for landfill closure activities, including wetlands disturbance and mitigation requirements associated with the Property. NJDEP advised that the Project serves the public interest by proposing a reduction in environmental stressors through supporting the closure of the sanitary landfill. However, NJDEP also noted that the recommendation to grant this waiver is not indicative that the NJDEP has made any decisions on the permits required by the proposed project and provided a summary of documentation, permits and approvals that the Project may necessitate. Specifically, NJDEP noted the following requirements and considerations that may be applicable to the Project:

- NJDEP's Bureau of Solid Waste Management noted that the project would need to provide documentation of a lot line adjustment for the parcel; resolution deed agreement between the Property owner and the Township of Sparta; documentation of the horizontal extent of the wetlands areas; documentation of quarterly landfill gas monitoring and inspection

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<sup>10</sup> May 21, 2026 NJDEP Memo at Attachment A.

reports required by the Closure Plan Approval; and an application for a modification of the Closure Plan Approval to include the construction of the solar array.

- NJDEP's Division of Land Resource Protection confirmed that it had previously issued Freshwater Wetlands permits and noted that further permits may be required from DLRP for the addition of the solar panels and any associated equipment, and for placement within the riparian zone.
- The New Jersey Fish and Wildlife Division recommended that any ground clearing or site preparation not be done from April 1 through August 31 to avoid impact to ground nesting bird species. The Fish and Wildlife Division further advised that Prices Lane may need to consult with US Fish and Wildlife Service regarding solar panel water flow impacts on species found in the Paulins Kill tributary directly below the solar installation site.
- NJDEP's Office of Transactions and Public Land Administration noted that a Request for Use of State Property would be needed for any work proposed to occur on state-owned property at any time during the project.

## **DISCUSSION AND FINDINGS**

The Board recognizes the significant benefits associated with the expansion of local, distributed, renewable, non-polluting sources of energy. The Board's design for the CSI Program implements the directive of the Solar Act to target grid supply solar "toward marginal land and the built environment and away from open space, flood zones, and other areas especially vulnerable to climate change" and to create a land use policy for grid supply siting "to affordably expand New Jersey's commitment to renewable energy while not compromising the State's commitment to preserving and protecting open space and farmland."<sup>11</sup>

The Board has effectuated this policy priority through the creation of the CSI Siting Rules in cooperation with the NJDEP, the Department of Agriculture, and the State Agriculture Development Committee. In addition to implementing the statutory protections on prohibited land use types, the CSI Siting Rules at N.J.A.C. 14:8-12.6 require that when the Board considers a petition seeking to waive the prohibitions for good cause shown, the Board may make a positive finding with regard to any such petition only after: (1) consultation with other state agencies, as appropriate; (2) determination that a petitioner has documented sufficient facts and circumstances to establish the public's specific interest in siting the CSI-eligible facility on or within a specific prohibited land use; and (3) a finding that the waiver is in the public interest, wherein the specific project being allowed outweighs the public interest in preserving the land. The waiver framework established by the Board contemplates a site-specific review that places the onus on the petitioner to demonstrate the unique circumstances that would support a Board finding that a proposed project remains in the public interest and consistent with the character of the parcel.

The Board **FINDS** that the process for considering a waiver request was properly followed for the Facility. The Board **FINDS** that, as required by the Act and codified at N.J.A.C. 14:8-12.6(a), Staff consulted with the NJDEP on the Project.

Following a review of the application, petition, and the advisory memo from NJDEP, the Board **FINDS** that the wetland area to be impacted by the solar farm is the same area that must be filled for remediation purposes and that is also the subject of permits issued by the NJDEP. The Board **FURTHER FINDS** that the NJDEP determined that it had received the information necessary to

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<sup>11</sup> N.J.S.A. 48:3-114(c).

determine that the Project meets the public interest. In addition, the Board **FINDS** that NJDEP recommends that the Board grant a waiver to permit the Project to participate in the CSI Program, provided that the applicant rectify all outstanding requirements of the Landfill Closure Plan Approval and reporting requirements, and obtain all permits for any necessary work that may impact regulated wetlands, transition areas, and riparian zones.

Based on the information contained in the petition and the recommendation of the NJDEP, the Board **FINDS** that granting the waiver of the Board's CSI Siting Rules pursuant to N.J.S.A. 48:3-119(f) and N.J.A.C. 14:8-12.3(a)(4) is in the public interest and **APPROVES** the waiver for the Project.

The Board **FINDS** that the Project must follow all permitting and approval requirements established by the NJDEP under its permitting and/or approval authorities; the waiver granted pursuant to N.J.S.A. 48:3-119 does not waive any of these requirements. More specifically, prior to an issuance of post-construction certification, the Petitioner must receive all approvals and permits from NJDEP, which may include, but are not limited to: the specific permits mentioned in the advisory memo, such as a lot line adjustment for the parcel; resolution deed agreement between the Property owner and the Township of Sparta; documentation of the horizontal extent of the wetlands areas; documentation of quarterly landfill gas monitoring and inspection reports required by the Closure Plan Approval; and an application for a modification of the Closure Plan Approval to include the construction of the solar array.

After careful consideration of the information provided by the Petitioner in the petition and in materials submitted to the CSI Program as a part of prequalification application, the Board **FINDS** that, upon the receipt of the land use waiver, the Petitioner has provided sufficient evidence of meeting CSI Program prequalification requirements set forth in the Board's rules at N.J.A.C. 14:8-11.10(d). The Board therefore **DIRECTS** that the Petitioner's bid shall be considered for an SREC-II award in Tranche 3 in the fourth CSI Program solicitation.

The effective date of this Order is June 30, 2026, effective immediately.

DATED: June 30, 2026

BOARD OF PUBLIC UTILITIES  
BY:



CHRISTINE GUHL-SADOVY  
PRESIDENT

ABSTAINED

DR. ZENON CHRISTODOLOU  
COMMISSIONER



MICHAEL BANGE  
COMMISSIONER



EMMA REBHORN  
COMMISSIONER



JOSEPH COVIELLO  
COMMISSIONER

ATTEST:



SHERRIL L. LEWIS  
BOARD SECRETARY

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

IN THE MATTER OF THE VERIFIED PETITION OF PRICES LANE SOLAR FARM, LLC FOR A WAIVER OF THE  
CSI SITING PROHIBITIONS AT N.J.A.C. 14:8-12.3 TO ALLOW FOR PARTICIPATION IN THE COMPETITIVE  
SOLAR INCENTIVE PROGRAM

DOCKET NO. QW26040140

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# State of New Jersey

## DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF PERMITTING AND PROJECT NAVIGATION

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**Ed Potosnak**  
*Acting Commissioner*

**Mikie Sherrill**  
*Governor*

**Dr. Dale G. Caldwell**  
*Lt. Governor*

May 21, 2026

Sherri L. Golden, Board Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue  
Trenton, NJ 08625

**Subject: Prices Lane Solar Farm, LLC  
Waiver of the CSI Siting Prohibitions  
Block: 4, Lot 12001  
Sparta Township, Sussex County, New Jersey**

Dear Ms. Golden,

The New Jersey Department of Environmental Protection's (NJDEP) Office of Permitting and Project Navigation (OPPN) has reviewed a petition for a waiver to the siting requirements under the New Jersey Board of Public Utilities (Board) Competitive Solar Incentive Program (CSI) for the Prices Lane Solar Farm Project. According to the Solar Act of 2021 (P.L. 2021, c. 169), grid-supply solar generation facilities that are eligible for the CSI program are prohibited from siting on wetlands without a waiver granted by the Board (N.J.A.C. 14:8-12.3). The applicant proposes to develop a 9.3 MW dc solar facility located on Block 4, Lot 12001 in Sparta Township, Sussex County, New Jersey.

Based on the information reviewed, the project is proposed on a sanitary landfill with an approved Closure and Post-Closure Plan dated June 11, 2009. However, requirements of the Closure Plan Approval have not been completed. The wetland area east of the main portion of the landfill is located on an adjacent property (Block 12001; Lot 5) owned by East Coast Development Associates, LLC (ECDA). ECDA allowed the waste to remain on the property and be capped. It is the Bureau of Solid Waste Permitting's (BSWP) understanding that both ECDA and the Township of Sparta agreed to a lot line adjustment, where the wetlands portion of the parcel was to be deeded to the Township of Sparta, and that a deed agreement for such was to be finalized following the completion of the landfill capping and preparation of as-built documents. The BSWP has no records indicating that the property line was, in fact, adjusted to include the wetlands, nor does the BSWP have records of an agreement between the Township and the Block 12001, Lot 5 property owner for landfill capping and lot adjustment; therefore, a resolution document with the agreement is required and documentation of the horizontal extent of the wetlands areas should be provided.

In addition, quarterly landfill gas monitoring and inspection reports are required by the Closure Plan Approval but have not been submitted. Previous reports, if available, must be submitted to the BSWP. Future quarterly inspections and monitoring shall be performed and respective reports submitted to the BSWP. Should the solar project move forward, the applicant must apply for a modification of the Closure Plan Approval to include the construction of the solar array.

The Division of Land Resource Protection (DLRP) has previously issued Freshwater Wetlands permits for this site in relation to the closure of the landfill. Further permits may be required from DLRP for the addition of the solar panels and any associated equipment. It appears that the solar array is proposed to be placed within the riparian zone. This action may qualify for a Permit-by-Registration 18 which can be applied for online. Should the solar project move forward, NJDEP recommends consultation with DLRP regarding further permitting requirements.

The proposed solar array includes parcels valued for Endangered and Threatened Species (E&T) and “Special Concern” wildlife species which include, Brown Thrasher, Least Flycatcher, and Wood Thrush. New Jersey Fish and Wildlife (NJFW) recommends any ground clearing or site preparation be done outside the nesting season (April 1 to August 31) to avoid impact to ground nesting birds.

The Paulins Kill tributary directly below the solar installation is valued for Brook and Rainbow Trout production and live sightings of Dwarf Wedge Mussel (Federal & State listed – Endangered), Triangle Floater (State -Threatened), and Creeper mussel (Special Concern). Solar panels do not increase the amount of water coming off the landfill but may increase the velocity. Consultation with USFWS may be needed for Dwarf Wedge Mussel as the velocity of water may cause changes to their habitat.

Lastly, the site is located directly adjacent to State owned property. If any work is proposed to occur on state-owned property at any time during the project, a [Request for Use of State Property](#) must be submitted to the Office of Transactions and Public Land Administration.

The NJDEP recommends that Prices Lane Solar Farm, LLC be granted a waiver to participate in the CSI program solicitation, provided that the applicant rectify all outstanding requirements of the Landfill Closure Plan Approval and reporting requirements. In addition, all permits should be obtained from the DLRP for any necessary work that may impact regulated wetlands, transition areas and riparian zones. The NJDEP determined the project meets the public interest by proposing reduction in environmental stressors via the continued closure of the sanitary landfill. The recommendation to grant this waiver is not indicative that the NJDEP has made any decisions on whether the proposed project will be permitted.

Should circumstances or conditions become other than as set forth in the information that was provided to the NJDEP, the regulatory requirements and recommendations are subject to change and may no longer hold true. Thank you for providing the New Jersey Department of Environmental Protection the opportunity to review the proposed Prices Lane Solar project. Should you have any questions or need additional information, please contact Katherine Nolan with the Office of Permitting and Project Navigation at [Katherine.Nolan@dep.nj.gov](mailto:Katherine.Nolan@dep.nj.gov).

Sincerely,



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David Pepe, Director  
Office of Permitting and Project Navigation

