



Agenda Date: 8/20/14
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 SOLAR RENEWABLE ENERGY CERTIFICATES TO CERTIFIED BROWNFIELD, HISTORIC FILL AND LANDFILL FACILITIES)	DOCKET NO. EO12090862V
)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY PARKLANDS LANDFILL)	DOCKET NO. QO13111130
)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY KINSLEY’S LANDFILL)	DOCKET NO. QO13111111

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Alexander C. Stern, Esq., Public Service Electric and Gas Company

BY THE BOARD:

BACKGROUND

Kinsley’s Landfill - (Deptford Township) – Dkt. No. QO13111111

On October 29, 2013, Public Service Electric and Gas Company (“PSE&G” or “applicant”) submitted an application to the Board to have its Kinsley Landfill project certified as located on a properly closed landfill pursuant to pursuant to L. 2012, c. 24 (“Solar Act”), codified as N.J.S.A. 48:3-87(t) (“Subsection t”). In the application, PSE&G represented that the project was comprised of 10 MW DC (8 MW AC) and would be located on Kinsley’s Landfill in Deptford Township, New Jersey.

Staff forwarded the application to the New Jersey Department of Environmental Protection (“NJDEP”) for review and an advisory recommendation. NJDEP advised Board Staff that it reviewed the application and found that the landfill received Closure and Post-Closure Care Plan Approval on July 1, 1987. NJDEP further advised Board Staff that it subsequently issued a letter to the applicant in July 1989 indicating that the clay materials used were acceptable and that the capping system had been installed in general conformance with the Closure Plan Approval. NJDEP informed Board Staff that the project developers must address the environmental controls at the site.

Based on the information provided in the application and NJDEP's indication that additional protective measures were necessary to be completed at the landfill, 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 December 18, 2013 and granted conditional certification.

Parklands Landfill – (Bordentown) – Dkt. No. QO13111130

On November 22, 2013, PSE&G submitted an application to the Board to have its Parklands Landfill project certified as being located on a properly closed sanitary landfill pursuant to Subsection t. In the application, PSE&G represented that the project was comprised of 10 MW DC (8 MW AC) and would be located on the Parklands Landfill in Bordentown, New Jersey.

Staff forwarded the application to NJDEP for review and an advisory recommendation. NJDEP advised Board Staff that it reviewed the application and found that the proposed site is a “properly closed landfill facility”. NJDEP informed Board Staff that the landfill must address the environmental controls at the site. Based on the information provided in the application and NJDEP's indication that additional protective measures were necessary to be completed at the landfill, Staff recommended conditional certification. The Board approved Staff's recommendations and granted conditional certification by order dated January 29, 2014.

STAFF RECOMMENDATIONS

Project Descriptions

Kinsley's Landfill - (Deptford Township) – Dkt. No. QO13111111

On May 6, 2014, PSE&G filed an amended application with the Board indicating that the solar facility size for the project has increased from 10 MW DC to 11.18 MW DC. The Company also represented that the improvement 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 NJDEP for review and an advisory recommendation as previously described above.

Staff forwarded the amended application to the NJDEP for review and an advisory recommendation. NJDEP advised Board Staff that it reviewed the application and found that the increase in system size does not represent a material change with respect to the NJDEP's prior recommendation that the Kinsley's Landfill is a properly closed landfill and the proposed increase in system size does not impact the footprint of the array on the landfill.

Based on the information provided in the application and NJDEP's indication that additional protective measures are necessary, 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.

Parklands Landfill – (Bordentown) – Dkt. No. QO13111130

On May 21, 2014, PSE&G filed an amended application with the Board indicating that the solar facility size for the project has increased from 10 MW DC to 10.135 MW DC . The Company also represented that the improvement 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 NJDEP for review and an advisory recommendation as previously described above.

Staff forwarded the application to the NJDEP for review and an advisory recommendation. NJDEP advised Board Staff that it reviewed the application and found that the increase in system size does not represent a material change with respect to the NJDEP's prior recommendation that the Parklands Landfill is a properly closed landfill and the proposed increase in system size does not impact the footprint of the array on the landfill.

Based on the information provided in the application and NJDEP's indication that additional protective measures are necessary, 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 an SRP registration within fourteen days of the effective date of this Order.

FINDINGS AND CONCLUSIONS

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

Kinsley's Landfill - (Deptford Township) – Dkt. No. QO13111111

Based on information provided by NJDEP, the Board **FINDS** that the Kinsley's Landfill project is located on land meeting the definition of a "properly closed landfill." The Board also **FINDS** that NJDEP has determined that the applicant must address environmental controls in place at the site prior to construction of the solar project, such as the protection or re-establishment of the final cap, leachate collection, gas collection and storm water collection systems, settlement, slope stability, control of erosion, on-going maintenance, monitoring and source of funding.

The Board **FINDS** that the applicant must satisfy NJDEP requirements and **DIRECTS** it to demonstrate to Staff that they have 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 or final certification (whichever comes first in time) 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.

Parklands Landfill – (Bordentown) – Dkt. No. QO13111130

Based on information provided by NJDEP, the Board **FINDS** that the Parklands Landfill project is located on land meeting the definition of a "properly closed sanitary landfill." The Board also **FINDS** that NJDEP has determined that "environmental controls at the site, such as the protection or re-establishment of the final cap, leachate collection, gas collection and storm water collection systems, settlement, slope stability, control of erosion, on-going maintenance, and monitoring during the post-closure period" must be accounted for in order to construct the solar project.

The Board **FINDS** that the applicant must satisfy the aforementioned NJDEP requirements and **DIRECTS** it to demonstrate to Staff that the landfill has satisfied all NJDEP requirements in order to obtain 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 applicant for purposes of SREC creation, provided that all requirements of N.J.A.C. 14:8-2.4 are met.

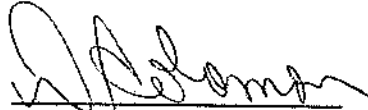
The Board further **DIRECTS** the applicant to submit or resubmit the SRP registration package to the Board within fourteen days of the effective date of the Order granting conditional or final certification (whichever comes first in time) under Subsection t and further **GRANTS** a modification of one 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 and this Board Order.

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 projects beyond designation under Subsection t, provided that the facilities are constructed in accordance with NJDEP requirements, the plans as represented in the application, and the SRP registration.

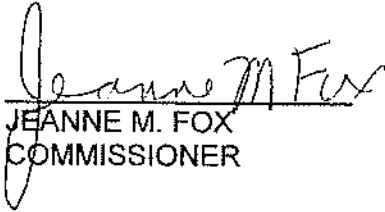
This Order shall take effect on August 29, 2014.

DATED: 8/20/14

BOARD OF PUBLIC UTILITIES
BY:



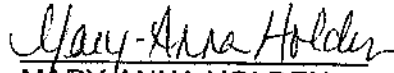
DIANNE SOLOMON
PRESIDENT



JEANNE M. FOX
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



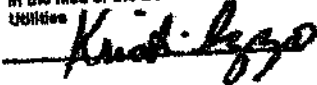
MARY-ANNA HOLDEN
COMMISSIONER

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



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

IN THE MATTER OF 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

PUBLIC SERVICE ELECTRIC AND GAS COMPANY PARKLANDS LANDFILL

PUBLIC SERVICE ELECTRIC AND GAS COMPANY KINSLEY'S LANDFILL Docket Nos. EO12090832V, EO12090862V, QO13111130 and QO13111111

SERVICE LIST

Alexander C. Stern, Esq.
Public Service Electric and Gas Company
80 Park Plaza - T5
Post Office Box 570
Newark, NJ 07102-4194
alexander.stern@pseg.com

Robert Pollock and Paul M. Drake
Public Service Electric and Gas Company
4000 Hadley Road
South Plainfield, NJ 07080
robert.pollock@pseg.com
paul.drake@pseg.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

Megan Lupo, Esq.
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

Stefanie A. Brand, Esq., Director
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
Dept. of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, New Jersey 07101-45029
caroline.vachier@dol.lps.state.nj.us

Jennifer Hsia, DAG
Dept. of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, New Jersey 07101-45029
jennifer.hsia@dol.lps.state.nj.us

Allison E. Mitchell, AAI
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

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