



OFFICE OF THE MAYOR

BOROUGH OF WOODBINE

501 WASHINGTON AVENUE, WOODBINE, NJ 08720

TEL: (609) 861-5301

EMAIL: MAYOR@BOROUGHOFWOODBINE.NET

May 15, 2023

Carmen D. Diaz
Acting Secretary of the Board
Board of Public Utilities
44 South Clinton Ave., 1st Floor
Trenton, NJ 08625-0350

RE: Docket No. QO22030153 – IN THE MATTER OF THE COMMUNITY SOLAR ENERGY PROGRAM – Request for Comments

Dear Acting Secretary Diaz,

I am in receipt of the New Jersey Board of Public Utilities' (BPU) recent release of the Staff Straw proposal for the Community Solar Energy Program (CSEP), Docket No. QO22030153. The Borough of Woodbine greatly appreciates the opportunity to provide input to the BPU regarding the design of the permanent program and the potential impact it could have on future Community Solar facilities.

As you may know, Woodbine's two co-located landfill sited projects received conditional acceptance into the Transition Incentives (TI) program and had a final deadline of April 30, 2022. Our partner agency in this public project, Nexamp Solar, filed a petition with the BPU requesting a 36-month extension to this deadline, effectively taking it to April 30, 2025. On August 17th, 2022, the BPU denied the extension request under the PILOT program but recommended the following:

“Staff further recommends that these petitioners be strongly encouraged to submit a registration in the permanent Community Solar Energy Program when it opens to applications. Staff is in the process of developing proposals and recommendations for the design and implementation of the permanent Community Solar Energy Program. Staff further recommends that the Board state its intent that projects that were accepted into the Pilot Program will be provided an opportunity to transition to the Permanent Program, so as not to strand these projects that have been under development without an incentive.”

The Borough, in partnership with Nexamp, has continued to push these projects forward in develop with hopes the BPU would provide guidance for previously awarded facilities. Under the proposed parameters of the CSEP, Staff's recommendation to no longer permit co-location of community solar projects is of great concern for the Borough:

“Staff therefore recommends that the Board not permit co-location of community solar projects, defined as siting more than one system on the same property or on contiguous properties, as reflected in tax records, that are under common control or ownership, if their total capacity is greater than 5 MW.”

The Borough of Woodbine strongly urges the BPU to allow co-location of community solar facilities up to 10 MW, as was the standard under the Pilot Program. At a minimum, projects which were approved by the BPU during the Pilot program but did not meet their construction deadlines, due to the complexities of building on landfills and incurring significant development costs should be allowed to co-locate under the permanent program.

In consideration of the long-term impact of Community Solar in New Jersey, co-location creates greater scale that allows landfill and brownfield projects to be economically viable. These sites are likely to be at a disadvantage under the Straw—as rooftop projects lack the robust permitting requirements landfill sites have, as well as certain costs, such as the cost of capping a landfill. These sites provide an even greater benefit to local communities by maximizing the value of otherwise unproductive sites, improving the environmental impact of landfills, and should be a robust part of the CSEP. Allowing co-location up to 10 MW is a middle ground approach that will enable more of these types of projects to participate in the CSEP, while deferring larger projects better aligned to the CSI program.

There are 53 municipalities in the state – nearly 10% of New Jersey’s 564 communities -- that are either entirely within the State-designated Pinelands Area (such as Woodbine) or have portions that are within that area. If community solar is ever to be developed in any of these Pinelands communities, then extended review periods and additional agency requirements that necessarily result in longer project timelines and higher development costs are inevitable. I can assure you that community solar is just as needed and important in many Pinelands-, Meadowlands- and CAFRA-designated communities as it is in other municipalities throughout the state. Yet it seems that the unique circumstances of Woodbine and other similar communities are discounted merely because of our geography and the approval challenges we face as a result of that geography.

The proposed limitation on co-located project will have a negative impact on our small, highly-distressed community -- the 9th most distressed in the State, according to the NJ Department of Community Affairs’ Municipal Revitalization Index -- which is 69.31% low- to moderate-income. The Woodbine Community Solar project is anticipated to provide discounts to over 1,500+ customers, specifically the LMI community in the Borough.

Woodbine’s poverty rate is 26.1% -- nearly 3 times higher than the County’s (8.8%) and the State’s (9.2%), and our Median Household Income is only \$39,615: just 57% of the County’s (\$69,980) and only 46% of the State’s (\$85,751).

Further, of Borough residents ages 25 years and older, more than 75.4% have received no education beyond high school, which is much higher than the County (41.4%) and NJ (36.6%). This generally points to lower income.

It also bears noting that, under New Jersey’s Environmental Justice Law, the NJDEP has classified the Borough as an Overburdened Community, which is defined as one that has:

- At least 35% of the households qualify as low-income households (at or below twice the poverty threshold as determined by the United States Census Bureau)
- At least 40% of the residents identify as minority or as members of a State recognized tribal community

In light of the above, by denying co-located projects, the closure of the Woodbine landfill will no longer be economically feasible, further it is deemed inequitable and dismissive of the needs of the same disadvantaged people this program seeks to help – the same people who could most benefit from this project. I hope with robust input from affected communities like Woodbine, the BPU can provide us with a path forward as it relates to solar energy in our communities – a blueprint for green energy, if you will – because it is vitally needed.

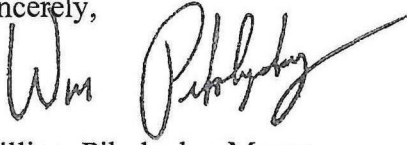
By way of an update, as I noted in my letter, the Borough and Nexamp have expended considerable time and expense for its Professionals to address the detailed requirements called for by Pinelands and DEP with regard to capping the landfill to accommodate the 10 MW Solar Array. While the Pinelands had previously approved the Solar Project, I am pleased to note that at today’s (5-12-23) Pinelands Commission Meeting, Woodbine’s landfill capping plan was approved by the Pinelands Commission! This is a major milestone in the overall permitting process and one which will enable the Borough and Nexamp to, at long last, advance this project given the BPU’s favorable consideration of this request to allow co-location of community solar facilities up to 10 MW, as was the standard under the Pilot Program.

I am hopeful that the outcome of the BPU’s deliberations will be responsive to Woodbine’s local needs and the importance of addressing both social and environmental concerns affecting this Overburdened Community. Likewise, in

my capacity as Immediate Past President of the New Jersey League of Municipalities I would welcome the opportunity to provide a broader perspective on issues and opportunities affecting Pinelands communities.

I look forward to speaking with you soon on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm Pikolycky". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

William Pikolycky, Mayor
Borough of Woodbine

Immediate Past President, NJ League of Municipalities