



Agenda Date: 10/9/24
Agenda Item: 8B

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 COMPETITIVE SOLAR INCENTIVE (“CSI”) PROGRAM PURSUANT TO P.L. 2021, C. 169)	ORDER
)	
)	DOCKET NO. QO21101186
)	
IN THE MATTER OF CITIZENS NP SOLAR, LLC - APPLICATION FOR COMPETITIVE SOLAR INCENTIVE PROGRAM TRANCHE 3 ELIGIBILITY)	
)	
)	DOCKET NO. QO24080621

Party of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
Michael Kennedy, Citizens NP Solar, LLC

BY THE BOARD:

This Order concerns an application submitted by Citizens NP Solar, LLC (“Citizens NP” or “Applicant”) for certification in Tranche 3 (Contaminated Sites or Landfills) of the Competitive Solar Incentive (“CSI”) Program, established by the Board’s December 7, 2022 Order,¹ pursuant to the Solar Act of 2021 (“Solar Act” or “Act”).² Citizens NP seeks certification for eligibility to generate Solar Renewable Energy Certificate-IIs (“SREC-IIs”) for a proposed solar electric generation facility to be located at the Hawthorne INC (National Park) Sanitary Landfill site, Block 111, Lots 1, 2 & 3 on Woodlawn Avenue, Borough of National Park, Gloucester County, New Jersey (“Project”). The Applicant alleges that the proposed site is eligible to participate in the CSI Program as a landfill facility and its associated disturbed area pursuant to the Solar Act.

BACKGROUND

On June 9, 2021, Governor Murphy signed into law the Solar Act, which directed the Board to establish a program to incent the development of 3,750 MW of solar by 2026, by establishing a new program to incentivize solar generation through the mechanism of SREC-IIs. SREC-IIs represent the value of the environmental attributes of electricity produced by the solar electric power generation facility. The Act directed the Board to create both a solar facilities program for

¹ 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 Order”).

² L. 2021, c. 169.

smaller projects, with administratively set incentive values, and a competitive solicitation process for awarding contracts for grid supply solar facilities and net metered solar facilities greater than five (5) MW. Among other changes, the Act also expanded the definition of compromised sites eligible for the siting of solar facilities to include “any currently contaminated portion of a property on which industrial or commercial operations were conducted and a discharge occurred, and its associated disturbed areas” and “a properly closed sanitary landfill facility and its associated disturbed areas.” N.J.S.A. 48:3-51.

Section 6 of the Act (C.48:3-119) also directed the Board, in consultation with New Jersey Department of Environmental Protection (“NJDEP”) and the Secretary of the New Jersey Department of Agriculture, to establish solar siting rules that apply to projects eligible to participate in the CSI Program. The siting criteria determines where it is permissible for solar projects to be located, where solar construction is subject to restrictions, and where it is prohibited. For some prohibited locations, the Act allows the Board to grant a waiver if it deems the project to be in the public interest after consultation with NJDEP or the Secretary of Agriculture, as appropriate.³

By Order dated July 28, 2021, the Board created the Successor Solar Incentive (“SuSI”) Program, which is divided into the Administratively Determined Incentive (“ADI”) and CSI Programs.⁴ The ADI Program, opened to new registrants on August 28, 2021, offers a fixed incentive in the form of New Jersey SREC-IIs for net metered residential projects, net metered non-residential solar projects of five (5) MW or less, and community solar programs.⁵ Incentive values are set administratively, following comprehensive modeling of costs and multiple rounds of stakeholder involvement. Incentive values vary by market segment, and in some cases, according to project size and siting. Since the opening of the ADI Program, it has incented the development of more than 442.7 MW of solar.⁶

By the CSI Order, the Board approved the establishment of the CSI Program. The CSI Program covers qualifying grid supply solar projects (i.e., those selling into the wholesale markets) and net metered non-residential projects above five (5) MW in size. The program uses competitive principles to ensure that the cost of the SREC-II awards represent the lowest incentive contribution from New Jersey’s ratepayers. The CSI Program aims to provide incentives for 300 MW of new solar annually, thus forming a critical element in achieving the goals of 5.2 gigawatts (“GW”) by 2025, 12.2 GW by 2030 and 17.2 GW by 2035.

Rules establishing the CSI Program and codifying the accompanying siting criteria were approved by the Board on December 7, 2022 for publication in the New Jersey Register at 55 N.J.R. 127(a) and 55 N.J.R. 135(a), respectively, for a sixty (60)-day comment period on February 6, 2023; notices of correction were issued on March 20, 2023 at 55 N.J.R. 522(a) and 55 N.J.R. 523(a). The public comment period closed for the notice of proposal on April 7, 2023 and for the notice of correction on May 19, 2023. Siting rules for grid supply and large net metering solar facilities were adopted on September 18, 2023.⁷ CSI Program rules were adopted and substantial

³ N.J.S.A. 48:3-119(f).

⁴ In re a Solar Successor Incentive Program Pursuant to P.L. 2018, c.17, BPU Docket No. QO20020184, Order dated July 28, 2021.

⁵ Ibid.

⁶ Solar Activity reports, Jan. 31, 2024 update, available at <https://njcleanenergy.com/renewable-energy/project-activity-reports/project-activity-reports>

⁷ 55 N.J.R. 2015(a).

changes on adoption were proposed on December 18, 2023.⁸ The proposal of substantial changes was then published in the New Jersey Register for a sixty (60)-day public comment period.⁹

The CSI Program awards SREC-IIs through a competitive solicitation, with five (5) separate market tranches:

1. Tranche 1, basic grid supply projects;
2. Tranche 2, grid supply projects sited on the built environment;
3. Tranche 3, grid supply projects sited on contaminated sites and landfills;
4. Tranche 4, net metered non-residential projects greater than five (5) MW.
5. Tranche 5, storage with a grid supply project eligible for Tranche 1, 2 or 3.

Of note, the CSI Program provides an avenue for solar generation projects on contaminated sites or landfills that had previously been eligible for incentives under subsection (t) of the Solar Act of 2012, N.J.S.A. 48:3-87(t) ["Subsection (t)"]. Under Subsection (t), a landfill was required to be properly closed at the time the Board issued its conditional project registration, which meant that landfills that were in the process of being properly closed (i.e., with an approved site mitigation plan, but where the work had not been completed) were ineligible to receive a conditional registration from the Board. In the CSI Order, the Board looked to the new statutory definition of "contaminated site or landfill" to implement a change to prior practice to allow landfills that are in the process of being properly closed to participate in the CSI Program, upon the condition that they commit to achieving properly closed status prior to the solar facility reaching a Commercial Operation Date ("COD").¹⁰ Projects awarded in Tranche 3 undergo an additional eligibility verification process by the Board in consultation with NJDEP. The Board issues an Order granting or denying conditional certification of eligibility for a Tranche 3 project to generate SREC-IIs, memorializing NJDEP documentation of site requirements, including site remediation or proper landfill closure, that a project must meet before it can receive post-construction certification and begin producing SREC-IIs. Receipt of SREC-IIs remains contingent upon receipt of final certification from NJDEP that the landfill has been properly closed or the site remediated, and that all NJDEP-imposed conditions and permitting requirements have been met.¹¹

The first solicitation of the CSI Program opened for prequalification applications on February 1, 2023 and bid submission closed on March 31, 2023. By Order dated March 6, 2023, the Board established confidential price caps pursuant to the Solar Act¹² for all tranches in which projects would compete during the first CSI Program solicitation.¹³ During the pre-qualification period, projects provided evidence that they met maturity requirements and specific tranche eligibility criteria; applications were administratively reviewed by the solicitation manager. Eligible CSI projects then submitted a bid for an SREC-II award in their tranche, specified in dollars per MWh of solar electricity production; pre-qualified projects competed on bid price only. By Order dated

⁸ 55 N.J.R. 2555(a).

⁹ 55 N.J.R. 2461(a).

¹⁰ CSI Order at 17-18.

¹¹ CSI Order at 18.

¹² N.J.S.A. 48:3-117(d).

¹³ In re the Competitive Solar Incentive ("CSI") Program Pursuant to P.L. 2021, c. 169 - Order Addressing Price Cap Determination, BPU Docket No. QO21101186, Order dated March 6, 2023.

July 12, 2023, the Board announced the results of the CSI Program first solicitation, declining to make any awards as all bids were higher than the price caps.¹⁴ By the July 2023 Order, the Board also directed Board Staff (“Staff”) to conduct an analysis of market conditions impacting solar development in New Jersey prior to the second solicitation. The Board directed the next solicitation in the CSI Program to open on an expedited timeline.

The second solicitation of the CSI Program opened for prequalification applications on November 27, 2023 and closed to bids on February 29, 2024. The total procurement target for the second solicitation was set at 300 MW of solar generation and 160 MWh of storage. The Board received fourteen (14) submissions totaling 374.34 MW of solar generation capacity. Nine (9) projects totaling 339.96 MW were submitted in Tranche 1 (Basic Grid Supply), and five (5) projects totaling 34.38 MW were submitted in Tranche 3 (Contaminated Sites or Landfills). One (1) Tranche 1 project and one (1) Tranche 3 project also submitted bids for storage paired with solar electric generation in Tranche 5, totaling 92 MWh. No bids were submitted in Tranche 2 (Grid Supply on the Built Environment) or Tranche 4 (Net Metered Projects >5 MW).

By Order dated April 17, 2024, the Board awarded the 7.416 MWdc Citizens NP project, located at the Hawthorne INC (National Park) Sanitary Landfill site, Block 111, Lots 1, 2 and 3, Woodlawn Ave, Borough of National Park, Gloucester County, New Jersey, an SREC-II incentive of \$124/MWh in Tranche 3.¹⁵ Pursuant to N.J.A.C. 14:8-11.5, projects that have received an SREC-II award under Tranche 3 (Contaminated Sites and Landfills) of the CSI Program must obtain conditional certification of eligibility from the Board and include documentation of that conditional certification as part of its registration package. The developer must apply for conditional certification using the Contaminated Sites and Landfills Eligibility Verification Form located on the Board’s New Jersey Clean Energy Program website at www.njcleanenergy.com. Per the April 17 Order, the project was granted thirty (30) days after the effective date of the award Order to submit a completed registration packet to the Program Administrator, including a Contaminated Site or Landfill Eligibility Verification form and NJDEP Permit Readiness Checklist.

Project Description

On May 22, 2024, Citizens NP submitted the initial registration package in the CSI Program, including the Contaminated Sites and Landfills Eligibility Verification Form; a letter acknowledging receipt and notifying the Applicant of the Pending Certification for the project was issued on the same date. Staff transmitted a copy of the Eligibility Verification Form and NJDEP Permit Readiness Checklist to NJDEP on June 4, 2024.

The Applicant filed the Eligibility Verification Form with supporting documentation to enable the Board, in consultation with NJDEP, to determine whether the Project meets the requirements to participate in the “Contaminated Sites and Landfills” tranche of the CSI Program. NJDEP’s Office of Permitting and Project Management (“OPPN”) coordinated the site review to determine any compliance issues at the site, required permits and approvals, and impacts to regulated areas that should be addressed prior to construction of the project, and issued an advisory memo to the

¹⁴ In re Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c. 169 - Order on the Outcome of the 2023 CSI Program Solicitation, BPU Docket No. QO21101186, Order dated July 12, 2023 (“July 2023 Order”).

¹⁵ In re the Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c. 169 - Order on the Outcome of the Second Solicitation in the CSI Program, BPU Docket No. QO21101186, Order dated April 17, 2024 (“April 17 Order”).

Board on August 7, 2024.¹⁶

NJDEP Memorandum

In response to the request for a site review, NJDEP offered the following comments:

Contaminated Site Remediation and Redevelopment (“CSRR”)

The site was an undeveloped tidal flat prior to the operation of the sanitary landfill. The fifty-three (53)-acre landfill was operated by Robert Hawthorne Inc., between July 1970 and February 1978. The landfill accepted municipal solid waste, commercial waste and construction and demolition debris. The waste material consists of concrete, brick, masonry, plastic and asphalt with occasional tires, batteries, miscellaneous municipal waste, telephone poles, metal, plastics and electronics to depths ranging from six (6) to twenty-six (26) feet below ground surface.

The Borough of National Park has utilized the NJDEP’s Hazardous Site Remediation Fund which has been used for all remedial phases; therefore, the landfill is subject to both Solid Waste Rules and Contaminated Site Remediation and Redevelopment Rules. The Site Investigation/Remedial Investigations indicated that discharges occurred to soils beneath the landfill, ground water, off-site surface water and sediments.

The Office of Brownfield and Community Revitalization (“OBCR”, formerly “OBR”) has dealt with this site since 2008. OBR approved the Remedial Investigation Workplan on October 1, 2008, and the Remedial Investigation Report on November 17, 2011. An Entire Site Remedial Action Workplan was submitted on May 1, 2017 by a Licensed Site Remediation Professional (“LSRP”). The mandatory timeframe for the submission of the Remedial Action Report is May 5, 2025. The Remedial Action Permits will be submitted at that time. There are no CSRR-related compliance issues at this time.

OBR issued the initial Closure Plan Approval on April 26, 2017. There were subsequent Closure Plan Modification Approvals issued on December 17, 2018 and May 19, 2021. The As-Built Certification Approval was issued by OBCR on March 19, 2024. OBCR expects a Closure Plan Modification Application to be submitted soon that will include detailed plans for the solar array. Once the solar panels, associated electrical lines and transformer pads are installed, an as-built report for the closure plan modification will be submitted and reviewed by OBCR. There are no Solid Waste compliance issues at this time.

Division of Fish and Wildlife

As the project plans indicate necessary tree clearing for the construction of the solar array, NJDEP Fish and Wildlife would recommend a seasonal restriction from April 1st – August 31st be considered for tree or shrub trimming/removal. Such a restriction would help to prevent/avoid taking of active nests with eggs or unfledged chicks of non-game migratory birds, addressing concerns covered under the NJ Endangered & Non-game Species Conservation Act.

The project area is potential summer habitat for Northern Myotis (Federally listed - E), Little Brown Bat, Eastern Small-footed Myotis, and Tri-colored Bat, all of which are found state-wide and after review by Endangered and Non-game Species Program Biologists and the NJ Endangered and Nongame Advisory Committee, have a “Consensus Status” of “Endangered” in NJ, and should

¹⁶ Appendix A.

be considered when tree clearing is part of any project.

The removal of highly suitable roost trees including snags (dead trees), shagbark hickories (*Carya ovata*), other trees with shaggy or exfoliating bark, and trees of any species over five (5) inches diameter base height (dbh) should be avoided between April 1st and September 30th.

Lastly, County Soil Conservation District Best Management Practices for prevention of sediment movement should be used at all times and maintained for function.

Division of Land Resource Protection (“DLRP”)

Bureau of Freshwater Wetlands

The Bureau of Freshwater Wetlands recommends that the applicant apply for a Freshwater Wetland Letter of Interpretation - Line Verification and all necessary freshwater wetland permits/waivers required for the proposed project activities.

The site should have a landfill closure plan in place along with a remedial action work plan from an LSRP before permits are issued by DLRP.

The applicant will need to obtain a landfill disruption permit for installation of solar panels on top of the closed landfill. The disruption permit must be obtained prior to applying for any DLRP application or the application will be deficient and review will stop until the required information is obtained.

Flood Hazard Area

The Bureau of Flood Hazard advises that there are extension requests currently pending for the previously approved Flood Hazard Area Individual Permit and Method 2 Verification for the solar project associated with this site (0812-11-0002.1 FHA230001 & FHA230002). The Stormwater Management rules have been revised multiple times since the initial issuance of the original permit, and these revisions affect the NJDEP's ability to extend the permit per N.J.A.C. 7:13-10.2.

Bureau of NJ Pollutant Discharge Elimination System (“NJPDES”) Stormwater Permitting

If more than one (1) acre will be disturbed, a general permit for Construction Activities (5G3) may be required.¹⁷

Bureau of Stationary Sources

Air Permitting

The applicant should review the requirements of N.J.A.C. 7:27-8.2(c) 1-22 for stationary permitting requirements. Among other matters, these rules govern construction equipment: stationary construction equipment and emergency generators. These rules may require air pollution permits if such equipment is located on the site for longer than one year. N.J.A.C. 7:27-8.2(d)15.

¹⁷ A 7.416 MW solar generation facility will involve disturbance of more than one (1) acre.

Any vehicles involved on the project must adhere to the idling standards [less than three (3) minutes] in N.J.A.C. 7:27-14 and 15. Air pollution, including odors that are detectable offsite that are injurious to human health or would result in citizen complaints, are prohibited pursuant to N.J.A.C. 7:27-5.2. Fugitive dust emissions, either windblown or generated from construction activities, should be controlled to prevent offsite impacts or material tracked onto the roadways pursuant to N.J.A.C. 7:27-5.2. An Air permit may be needed if a generator producing thirty-seven (37) KW or greater will be used for the project pursuant to N.J.A.C. 7:27-8.2(c)21.

NJDEP further noted that the comments provided were not indicative that NJDEP has made any decisions on whether the proposed project will be permitted. The Applicant must comply with all other NJDEP rules and regulations and obtain any necessary permits as appropriate. 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.

Permit Status

According to the Permit Readiness Checklist submitted by Citizens NP, the Applicant provides that they have submitted a Landfill Closure and Post-Closure Plan to NJDEP and notes the closure is in progress. Additionally, the Applicant documented that they have previously obtained Permit 5G3 from the Bureau of NJPDES Stormwater Permitting, and addressed Fish and Wildlife Threatened and Endangered Species Program and Division of Land Resource Protection concerns under NJDEP Land Use Approvals file # 0812-11-0002.1 WFD180001.

DISCUSSION AND FINDINGS

At issue is the request by Citizens NP to have its proposed Project certified as eligible for SREC-IIs pursuant to N.J.A.C. 14:8-11.5(d)(2)(viii).

The Board **FINDS** that, as directed in the Board's April 17 Order and required at N.J.A.C. 14:8-11.5, the Applicant satisfied the initial registration requirements for a Tranche 3 project in the CSI Program. The Board **FINDS** that Staff transmitted the application discussed above to NJDEP for a review of eligible land use type and status of compliance issues at the site, required permits and approvals, and impacts to regulated areas that should be addressed prior to construction of the Project on the proposed site.

Following a thorough review of the information submitted by the Applicant with their initial registration package, including the Contaminated Site or Landfill Eligibility Verification Form, site maps and NJDEP Permit Readiness Checklist, and NJDEP's findings, the Board **FINDS** that NJDEP has documented numerous permitting, approval and impact considerations that the Applicant will need to address in order to obtain full certification for the Project. The Board **FINDS** that the NJDEP memo does not identify any major, current compliance issues with the site. The Board **FURTHER FINDS** that the NJDEP memo identifies numerous permitting, approval and impact considerations that the Applicant will need to address in order to obtain full certification for the Project.

The Board **FINDS** that the memorandum issued by NJDEP is not indicative of all permitting and approval requirements that the Project must meet and 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 in order to achieve full certification to generate SREC-

IIs, the landfill project must first achieve properly closed status, in compliance with all appropriate NJDEP rules and regulations, prior to the solar facility achieving commercial operation.

The Board **FINDS** that provided these conditions are satisfied, the Applicant's 7.416 MWdc Project will be eligible to generate SREC-IIs in the CSI Program as a landfill facility with associated disturbed area. The Board **ORDERS** that the Applicant shall document that the conditions for certification provided by the NJDEP, including but not limited to those considerations presented in the advisory memorandum, have been satisfied before full certification of the Project's eligibility for SREC-IIs can issue.

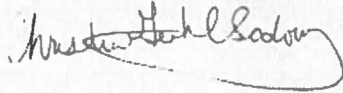
The Board **GRANTS** conditional certification of the Applicant's proposed Project. To obtain full certification, the Board **DIRECTS** the Applicant to demonstrate to Staff that all NJDEP requirements have been satisfied.

In addition, to obtain full certification, the Board **DIRECTS** Citizens NP to submit this Order with the final registration package within thirty (30) days of the effective date of this Order and achieve commercial operation within thirty-six (36) months in accordance with N.J.A.C. 14:8-11.5(g)(3)(iii). The Board **DIRECTS** Staff to issue full certification to the Project upon the Applicant's demonstration that all requirements for full certification – including but not limited to all NJDEP requirements – 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 SREC-II creation for a fifteen (15)-year Qualification Life.

The effective date of this Order is October 16, 2024.

DATED: October 9, 2024

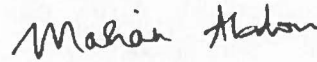
BOARD OF PUBLIC UTILITIES
BY:



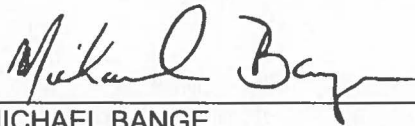
CHRISTINE GUHL SADOVY
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MICHAEL BANGE
COMMISSIONER



ATTEST:

SHERRI L. GOLDEN
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 COMPETITIVE SOLAR INCENTIVE (“CSI”) PROGRAM PURSUANT TO P.L. 2021, C. 169

IN THE MATTER OF CITIZENS NP SOLAR, LLC – APPLICATION FOR COMPETITIVE SOLAR INCENTIVE
PROGRAM TRANCHE 3 ELIGIBILITY

DOCKET NOS. QO21101186 AND QO24080621

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SHAWN M. LaTOURETTE
Commissioner

TAHESHA L. WAY
Lt. Governor

MEMORANDUM

TO: Diane Watson
NJBPU Clean Energy Program

FROM: David Pepe, Director
NJDEP Office of Permitting and Project Navigation

Katherine Nolan, Environmental Specialist
NJDEP Office of Permitting and Project Navigation

DATE: August 7, 2024

SUBJECT: Competitive Solar Incentive (CSI) Tranche 3 Review
Citizens National Park Landfill Solar
Woodlawn Avenue, National Park Borough
Gloucester County, New Jersey 08063
Block 111, Lots 1, 2, &3

Per Board Order, the New Jersey Board of Public Utilities (NJBPU) announced the opening of the second solicitation of the CSI Program. The CSI program structure has separate categories, or tranches, to ensure that a range of solar project types are able to participate. The New Jersey Department of Environmental Protection's (NJDEP) Office of Permitting and Project Navigation (OPPN) has been tasked with reviewing Tranche 3, grid supply projects on Contaminated Sites & Landfills that have been conditionally awarded SREC-II incentives by the NJBPU to determine any compliance issues at the site, required permits and approvals, and impacts to regulated areas that should be addressed prior to construction of the project.

In response to the request for a determination as to whether the proposal will have any adverse impacts to land resources, historical or cultural resources, threatened and endangered species and migratory birds, contaminated sites or landfills, or whether there are any impacts to Green Acres encumbered parkland held by the State, local government units and/or nonprofit organizations, the Department offers the following comments for NJBPU's consideration:

Contaminated Site Remediation and Redevelopment

The site was an undeveloped tidal flat prior to the operation of the sanitary landfill. The 53-acre landfill was operated by Robert Hawthorne Inc., between July 1970 and February 1978. The landfill accepted municipal solid waste, commercial waste and construction and demolition debris. The waste material consists of concrete, brick, masonry, plastic and asphalt with occasional tires, batteries, miscellaneous

municipal waste, telephone poles, metal, plastics and electronics to depths ranging from 6 to 26 feet below ground surface.

The Borough of National Park has utilized the Department's Hazardous Site Remediation Fund which has been used for all remedial phases; therefore, the landfill is subject to both Solid Waste Rules and Contaminated Site Remediation and Redevelopment Rules (CSRR). The Site Investigation/Remedial Investigations indicated that discharges occurred to soils beneath the landfill, ground water, off-site surface water and sediments.

This site has been handled in the Office of Brownfield and Community Revitalization (OBCR, formerly OBR) since 2008. OBR approved the Remedial Investigation Workplan on October 1, 2008, and the Remedial Investigation Report on November 17, 2011. An Entire Site Remedial Action Workplan was submitted on May 1, 2017 by a Licensed Site Remediation Professional (LSRP). The mandatory timeframe for the submission of the Remedial Action Report is May 5, 2025. The Remedial Action Permits will be submitted at that time. There are no CSSR-related compliance issues at this time.

OBR issued the initial Closure Plan Approval on April 26, 2017. There were subsequent Closure Plan Modification Approvals issued on December 17, 2018 and May 19, 2021. The As-Built Certification Approval was issued by OBCR on March 19, 2024. OBCR expects a Closure Plan Modification Application to be submitted soon that will include detailed plans for the solar array. Once the solar panels, associated electrical lines and transformer pads are installed, an as-built report for the closure plan modification will be submitted, and subsequently approved by OBCR. There are no Solid Waste compliance issues at this time.

If you have any questions, please contact Ron Wienckoski at Ronald.Wienckoski@dep.nj.gov.

New Jersey DEP Fish and Wildlife

As the project plans indicate necessary tree clearing for the construction of the solar array, New Jersey DEP Fish and Wildlife would recommend a seasonal restriction from April 1st – August 31st be considered for tree or shrub trimming/removal to prevent/avoid taking of active nests with eggs or unfledged chicks of non-game migratory birds to address concerns covered under the NJ Endangered & Non-game Species Conservation Act.

The project area is potential summer habitat for Northern Myotis (Federally listed - E). Little Brown Bat, Eastern Small-footed Myotis, and Tri-colored Bat, all of which are found state-wide and after review by Endangered and Non-game Species Program Biologists and the NJ Endangered and Nongame Advisory Committee, have a "Consensus Status" of "Endangered" in NJ, and should be considered when tree clearing is part of any project.

The removal of highly suitable roost trees including snags (dead trees), shagbark hickories (*Carya ovata*), other trees with shaggy or exfoliating bark, and trees of any species over 5 inches diameter base height (dbh) should be avoided between April 1st and September 30th.

Lastly, County Soil Conservation District BMP's for prevention of sediment movement should be used at all times and maintained for function.

If you have any questions, please contact Kelly Davis at Kelly.Davis@dep.nj.gov.

Division of Land Resource Protection

Freshwater Wetlands

The Bureau of Freshwater Wetlands recommends that the applicant apply for a Freshwater Wetland Letter of Interpretation- Line Verification and all necessary freshwater wetland permits/waivers required for the proposed project activities.

The site should have a landfill closure plan in place along with a remedial action work plan from a LSRP before permits are issued by the Division of Land Resource Protection (DLRP).

The applicant will need to obtain a landfill disruption permit for installation of solar panels a top the closed landfill. The disruption permit must be obtained prior to applying for any DLRP application or the application will be deficient and review will stop until the required information is obtained.

If you have any questions about Freshwater Wetlands please contact Brett Kosowski at Brett.Kosowski@dep.nj.gov or Katie Todoroff at Katherine.Todoroff@dep.nj.gov.

Flood Hazard Area

There are extension requests currently pending for the previously approved Flood Hazard Area Individual Permit and Method 2 Verification for the solar project associated with this site (0812-11-0002.1 FHA230001 & FHA230002). The Stormwater Management rules have been revised multiple times since the initial issuance of the original permit, which affect the ability for NJDEP to extend the permit per NJAC 7:13-10.2.

NJDEP will reach out to the agent associated with the pending extensions to confirm if an extension will be possible.

If you have any questions regarding Flood Hazard Area permitting, please contact Todd Stueber at Todd.Stueber@dep.nj.gov.

NJPDES Stormwater

If more than one acre will be disturbed, a general permit for Construction Activities, (5G3) may be required. The permit application process is available online at <https://dep.nj.gov/njpdcs-stormwater/industrial-stormwater-program/general-permits/5g3/>.

If you have any questions, please contact Dan Kuti at Daniel.Kuti@dep.nj.gov.

Air Permitting

The applicant should review the requirements of N.J.A.C. 7:27-8.2(c) 1-22 for stationary permitting requirements. This includes but is not limited to, construction equipment-stationary construction equipment or emergency generators, may require air pollution permits if it is located on the site for longer than one year N.J.A.C. 7:27-8.2(d)15.

There are general permits for boilers and emergency generators (<https://www.state.nj.us/dep/aqpp/gp.html>) if the units can meet the prescribed requirement in the general permits.

Idling Vehicles- any vehicles involved on the project must adhere to the idling standards (less than 3 minutes) in N.J.A.C. 7:27-14 and 15.

Air pollution including odors that are detectable offsite that are injurious to human health or would result in citizen complaints are prohibited. N.J.A.C. 7:27-5.2.

Fugitive Dust - dust emissions either windblown or generated from construction activities should be controlled to prevent offsite impacts or material tracked onto the roadways. N.J.A.C. 7:27-5.2.

An Air permit may be needed if a generator producing 37 KW or greater will be used for the project (N.J.A.C. 7:27-8.2(c)21).

If you have any questions, please contact Danny Wong at Danny.Wong@dep.nj.gov.

The comments provided on behalf of the NJDEP are not indicative that the Department has made any decisions on whether the proposed project will be permitted. The applicant must comply with all other Department rules and regulations and obtain any necessary permits as appropriate.

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 solar project at the Citizens National Park Landfill. Should you have any questions or need additional information, please contact Katie Nolan with the Office of Permitting and Project Navigation at Katherine.Nolan@dep.nj.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'DP', with a long horizontal line extending to the right.

David Pepe, Director