

## CHAPTER 141

**AN ACT** concerning solar energy and wind energy and supplementing P.L.1979, c.111 (C.13:18A-1 et seq.) and P.L.1975, c.291 (C.40:55D-1 et seq.).

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

C.13:18A-15.1 Rules, regulations providing for approval of development of solar, photovoltaic energy facility, structure on certain sites in the pinelands.

1. a. Within 180 days after the date of enactment of this act, the Pinelands Commission shall adopt rules and regulations providing for the approval of the development of a solar or photovoltaic energy facility or structure in the pinelands area on the site of a landfill or resource extraction operation, provided that the development is consistent with the comprehensive management plan, adopted pursuant to section 7 of P.L.1979, c.111 (C.13:18A-8), and:

(1) if located on a resource extraction site, the facility or structure shall be on previously disturbed lands that have not subsequently been restored, and which are not subject to any restoration obligation pursuant to the comprehensive management plan; or

(2) if located on a landfill, the facility or structure shall be on previously disturbed lands or on adjacent lands as necessary to facilitate closure of the landfill in accordance with a plan approved by the Pinelands Commission in consultation with the Department of Environmental Protection. The landfill shall be closed in accordance with a plan approved by the commission, in consultation with the department, under the requirements of the comprehensive management plan prior to, or concurrent with, the installation of the solar or photovoltaic energy facility or structure.

b. In addition to the conditions set forth in subsection a. of this section, development of the facility or structure shall not permanently or adversely impact: (1) any existing engineering devices or other environmental controls located on a site, except as may be approved by the Pinelands Commission in consultation with the Department of Environmental Protection; and (2) ecologically sensitive areas located on, adjacent to, or within the same sub-watershed as the site proposed for development, except as may be approved by the commission in consultation with the department.

c. Within one year after the termination of use of the solar or photovoltaic energy facility or structure, the facility, and all structures associated therewith, shall be removed and restoration of the site shall be completed in accordance with the comprehensive management plan, or within another time period as approved by the Pinelands Commission, in consultation with the Department of Environmental Protection and under the requirements of the comprehensive management plan.

C.40:55D-66.16 Solar, photovoltaic energy facility, structure, certain, permitted use within every municipality.

2. a. Notwithstanding any law, ordinance, rule or regulation to the contrary, a solar or photovoltaic energy facility or structure constructed and operated on the site of any landfill or closed resource extraction operation, shall be a permitted use within every municipality.

b. Notwithstanding any law, ordinance, rule or regulation to the contrary, a wind energy generation facility or structure constructed and operated on the site of any landfill or closed resource extraction operation, shall be a permitted use within every municipality outside the pinelands area as defined pursuant to section 3 of P.L.1979, c.111 (C.13:18A-3).

The Department of Environmental Protection may adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as necessary to effectuate the purposes of this subsection.

3. This act shall take effect immediately.

Approved December 14, 2011.