

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

March 3, 2011

SENATE BILL NO. 2126
(Second Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 2126 (Second Reprint) with my recommendations for reconsideration.

This bill requires the Pinelands Commission to adopt regulations providing for the development of solar or photovoltaic energy facilities within the Pinelands on the site of a landfill or resource extraction operation. The bill also addresses solar or photovoltaic energy facility development on landfills and closed resource extraction operations statewide as a permitted use under the Municipal Land Use Law, and addresses the development of wind energy facilities on landfills and closed resource extraction facilities as a permitted use outside of the Pinelands area. With regard to the latter, the bill authorizes the Department of Environmental Protection to adopt regulations as relates to wind energy development projects on these landfills and closed resource extraction operations.

I wholeheartedly support efforts to develop solar and wind energy facilities on landfills and resource extraction operations as it complements this Administration's pursuit of home grown renewable energy which will benefit New Jersey's environment, create local jobs and promote energy independence by lessening our reliance on foreign sources.

I have been advised by the Pinelands Commission and the primary sponsor of this legislation that some technical changes to the bill are needed to accomplish the intention of the legislation concerning the existing landfill and resource extraction operations within the Pinelands area. As a result, I am recommending changes to address these issues. The proposed changes eliminate limitations based upon whether the landfill or extraction

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operations in the Pinelands are active or closed, and better protect the environment by limiting projects to disturbed lands and otherwise ensure that such energy facilities are sited and developed in conformance with plans approved by the Pinelands Commission in consultation with the Department of Environmental Protection.

Accordingly, I herewith return Senate Bill No. 2126 (Second Reprint) and recommend that it be amended as follows:

Page 2, Section 1, Line 8:
After "Within" delete "120" and insert "180"

Page 2, Section 1, Line 13:
After "or" delete "closed"

Page 2, Section 1, Lines 15-16:
Delete "which operated pursuant to a resource extraction permit on or after December 31, 1985"

Page 2, Section 1, Line 20:
After "a" delete "closed"

Page 2, Section 1, Lines 22-24:
After "restored" delete ", become reforested, or become habitat critical to the survival of a threatened or endangered species of animal or plant"

Page 2, Section 1, Line 25:
After "plan;" insert "or"

Page 2, Section 1, Line 26:
After "a" delete "closed"

Page 2, Section 1, Line 27:
After "lands" delete ", and may be on adjacent"

Page 2, Section 1, Lines 28-33:
Delete in their entirety

Page 2, Section 1, Line 34:
Delete "of the facility or structure shall" and insert "or on adjacent lands as necessary to"

Page 2, Section 1, Line 35:
After "with" delete "such" and after "plan" insert "approved by the Pinelands Commission in consultation with the Department of Environmental Protection"

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attest:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor