

13:101-7.6 Notification to juvenile of appeal results

(a) In all cases, the juvenile shall be notified in writing of the results of the review of the appeal and the reasons [therefore] **therefor**. The Disciplinary Review Appeal Form shall be used for this purpose.

[1. If a juvenile is being held in disciplinary room restriction which resulted from disciplinary action, the written decision on the appeal shall be given to the juvenile within 24 hours of receipt of the appeal, excluding weekends and holidays.]

[2.] **1.** [In all other cases, or if the sanctions have been stayed, the] **The** Superintendent or his or her designee shall respond in writing to the juvenile within two business days of receipt of the appeal.

(b)-(c) (No change.)

SUBCHAPTER 8. (RESERVED)

CHAPTER 103
COMMUNITY PROGRAMS

SUBCHAPTER 1. GENERAL PROVISIONS

13:103-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Juvenile” means [both] committed juveniles, [and] juveniles who have been placed on probation by a court, assigned to the jurisdiction of the Commission, **and juveniles who have been convicted of an offense subject to waiver under the provisions of N.J.S.A. 2A:4A-26 and sentenced to serve a custodial sentence in a Commission facility,** and who are residing in or assigned to a community program.

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

Renewable Energy and Energy Efficiency

Proposed Amendments: N.J.A.C. 14:8-1.2, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.9, and 2.10

Authorized By: The New Jersey Board of Public Utilities (Board or BPU), Richard S. Mroz, President, Dianne Solomon, Joseph L. Fiordaliso, Mary-Anna Holden, and Upendra Chivukula, Commissioners.

Authority: N.J.S.A. 48:2-1 et seq., in particular 48:2-13, 48:3-51, and 48:3-87.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

BPU Docket Number: Q016020130.

Proposal Number: PRN 2016-033.

Comments may be submitted through May 6, 2016, by e-mail in **Microsoft Word format**, or in a format that can be easily converted to Word, to: rule.comments@bpu.state.nj.us or on paper to:

Irene Kim Asbury, Secretary
New Jersey Board of Public Utilities
ATTN: BPU Docket Number: Q016020130
44 S. Clinton Ave., 3rd Floor, Suite 314
PO Box 350
Trenton, NJ 08625-0350

The agency proposal follows:

Summary

The Board of Public Utilities is hereby proposing amendments to N.J.A.C. 14:8-1, to conform portions of the current rules to the provisions of P.L. 2012, c. 24 (Solar Act), and to P.L. 2015, c. 51. The Board proposes some new definitions, as well as changes to certain definitions to conform to the provisions of the Solar Act. In addition, the Board

proposes some amendments to its Renewable Portfolio Standard (RPS) rules, at N.J.A.C. 14:8-2. Some of the proposed amendments implement substantive provisions of the Solar Act that mandate new review processes and criteria for grid supply projects to be eligible to generate Solar Renewable Energy Certificates (SRECs). In addition, the Board proposes amendments that, although not expressly mandated by the Solar Act, are necessary to make the processes governed by the RPS rules conform to the Solar Act’s requirements for grid supply solar facilities requiring Board approval, designation, or certification. These amendments are proposed to bring the Board’s rules into compliance with the law.

The Board has also proposed several amendments not related to the Solar Act. These amendments change the appropriate office of the Department of Environmental Protection to which a third-party supplier of electricity (TPS) or a Basic Generation Service (BGS) provider (TPS/BGS provider) or operator of a biomass facility must submit a request for a biomass sustainability determination and to which the TPS/BGS provider or operator of a resource recovery facility must submit a request for an environmental compliance determination. The Board also proposes amendments to clarify that a TPS/BGS provider must submit the operator’s annual affidavit of continued compliance by October 1 of each year, unless a different time is designated by the Board. In addition, the Board proposes to clarify that solar electric energy generated after a solar electric generation facility’s qualification life has ended can serve as the basis for Class I RECs.

At N.J.A.C. 14:8-1.2, new definitions are proposed for “brownfield,” “connected to the distribution system,” “farmland,” “final remediation document,” “grid supply facility,” “historic fill,” “megawatt,” “net metering aggregation,” “on-site generation facility,” “properly closed sanitary landfill facility,” “school district,” “site investigation,” “small scale hydropower facility,” “SREC registration program,” and “State entity.” The existing definition of “supplier/provider” is proposed for amendment to use instead “TPS/BGS provider,” more common terms that are used to clarify the allocation of the solar RPS obligations under the Solar Act, as well as a cross reference to N.J.A.C. 14:4-1.2 for definitions related to energy sales. All references to “supplier/provider” in this rulemaking are proposed for amendment to conform to this change in terminology including in N.J.A.C. 14:8-2.1, 2.3, 2.5, and 2.6.

The Board also proposes to amend the definition of “Class I renewable energy” to include electric energy produced from small scale hydropower facilities with a capacity of three megawatts (MW) or less and put into service after July 23, 2012, to bring that definition into compliance with the Solar Act. The Board proposes to change the definition of Class II renewable energy by limiting it to the energy produced by facilities greater than three MW but less than 30 MW rather than facilities 30 MW and less as required by P.L. 2015, c. 51.

At N.J.A.C. 14:8-2.2, the Board proposes to amend the definition of “resource recovery facility” to include a requirement that the Department of Environmental Protection determine the facility is in compliance with current environmental standards, including, but not limited to, all applicable requirements of the Federal “Clean Air Act” (42 U.S.C. §§ 7401 et seq.) The Board proposes to amend the definition of “SREC registration program” (SRP) to reflect the new requirements for grid supply facilities. The Board proposes to amend the definition of “true-up period” to replace a date certain with a specific number of days following the end of the energy year and to include the true-up period’s function as a reporting deadline for BGS providers and third-party suppliers.

At N.J.A.C. 14:8-2.3(j), the Board proposes to provide the calculations by which TPS/BGS providers determined their individual shares of total retail sales in energy year (EY) 2015 in conformance with the Solar Act’s mandate to return to an RPS-based on a percentage of total retail sales.

At N.J.A.C. 14:8-2.3(k)1i, the Board proposes to change the calculation of the solar obligation for those Basic Generation Service (BGS) providers having supply contracts that were effective prior to July 23, 2012. At N.J.A.C. 14:8-2.3(k)1ii, the Board proposes to change the calculation of the solar obligation for those BGS providers that do not have supply contracts that were effective prior to July 23, 2012. At N.J.A.C. 14:8-2.3(k)1ii Table B, the Board proposes to change the solar obligation of TPS/BGS providers from an absolute number of gigawatts to a percentage of annual retail sales.

At proposed new N.J.A.C. 14:8-2.4(b)3, the Board proposes to add a requirement for electric energy to be eligible to generate SRECs. If the energy is generated at a facility with a capacity of one megawatt dc or greater whose construction began after July 23, 2012, the construction workers must have been paid in accordance with the Prevailing Wage law.

At N.J.A.C. 14:8-2.4(c)1i, the Board proposes to change the deadline for submitting an initial registration package to Board staff for registration in the SRP. For facilities that are net metered, provide on-site generation for an end use customer, or provide power to a qualified customer engaged in aggregated net metering, as those terms are defined in the Solar Act and the Board's rules, the Board proposes to extend the period to submit a registration in the SRP from 10 to 14 business days after execution of the contract. For facilities that require Board approval, designation, or certification under the Solar Act, for energy produced at the facility to serve as the basis of an SREC, the Board proposes to change the deadline for filing in the SRP from 10 business days after the execution of the contract as provided in the current rule to 14 business days after the effective date of Board approval, certification, or designation.

At N.J.A.C. 14:8-2.4(c)2, the Board proposes to specify that net metered solar generation facilities, facilities providing power for on-site generation, and facilities providing power for public entity customers engaged in aggregated net metering shall not begin construction until Board staff or its designee has issued a conditional registration for the facility.

At N.J.A.C. 14:8-2.4(e), the Board proposes to add language stating that if a solar generating facility does not meet its applicable SRP application submittal date, the 12-month delay in eligibility of its SRECs for use to satisfy New Jersey's RPS will run from either the date of its authorization to energize under the Board's interconnection rules at N.J.A.C. 14:8-5 or from the date of its authorization to energize by PJM or the relevant electric distribution company (EDC) for projects not interconnected under N.J.A.C. 14:8-5.

At proposed new N.J.A.C. 14:8-2.4(g), the Board proposes to implement the mandate of N.J.S.A. 48:3-87.r that grid supply projects proposed to be located on land which is not a brownfield, area of historic fill, or properly closed sanitary landfill facility must file an application with the Board for designation as "connected to the distribution system" prior to registering in the SRP.

At recodified N.J.A.C. 14:8-2.4(h)4ii, the Board proposes to change the expiration date of the SRP registration of solar generation facilities for which Board approval, conditional certification, or designation is required from 12 months after the effective date of the notice of conditional registration to 24 months from the date of Board approval, conditional certification, or designation. The 12-month expiration date for facilities that are net metered, provide on-site generation, or provide power for a qualified customer engaged in aggregated net metering remains unchanged.

At recodified N.J.A.C. 14:8-2.4(i), the Board proposes to require that grid supply facilities seek extensions of their conditional registrations by application to the Board, if extension is permitted by the relevant section of N.J.S.A. 48:3-87. Registrants who file after failure to complete during the initial 18- or 24-month registration period shall not be subject to the penalty set out at N.J.A.C. 14:8-2.4(e) if the Board finds that the failure to complete within time was reasonable.

At proposed new N.J.A.C. 14:8-2.5(b)2, the Board proposes to add energy from a solar electric generation facility after the expiration of its qualification life to the list of energy that qualifies as Class I renewable energy with no prior approval required. At N.J.A.C. 14:8-2.5(g), the Board proposes to change the office in the Department of Environmental Protection (DEP) to which a biomass facility owner/operator must submit its determination of biomass sustainability from the Office of Innovative Technology to the Office of the DEP Commissioner. At N.J.A.C. 14:8-2.5(h), the Board proposes to change the date by which a biomass facility owner/operator must submit its annual determination of biomass sustainability from September 1 to October 1 of each year.

At N.J.A.C. 14:8-2.6(d), the Board proposes to change the office of the Department of Environmental Protection to which the resource recovery facility owner/operator or TPS/BGS provider must submit the request for

an environmental compliance determination. At N.J.A.C. 14:8-2.6(g)2iii, the Board proposes to add language clarifying that the TPS/BGS provider submit the annual affidavit of continued compliance as part of the annual report required under N.J.A.C. 14:8-2.11 or that the resource recovery facility operator submit that affidavit by October 1 of each year.

At N.J.A.C. 14:8-2.9(e)2, the Board proposes to clarify that Class I renewable energy includes energy generated at a solar electric generation facility after the end of its SREC qualification life.

At N.J.A.C. 14:8-2.10, the Board proposes to delete the 15-year schedule and state that the SACP schedule for energy years 2014 through 2028 is set forth in the statute.

It is anticipated that changes to N.J.A.C. 14:8-2.4 will enable registrants in the SRP to comply with both the requirements of the Solar Act and those of the SRP without needing waivers of the rules in this rulemaking from the Board.

The amendments to N.J.A.C. 14:8-2.5, 2.6, and 2.9 are anticipated to clarify the eligibility of solar energy as a Class I renewable energy source, as well as to make the timelines and paperwork requirements for registrants seeking Class I RECs for biopower facilities and Class II RECs for resource recovery facilities clearer and easier with which to comply.

The Board has provided a 60-day comment period on this notice of proposal. Accordingly, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments to the RPS rules governing solar energy (N.J.A.C. 14:8-2.4) will have a positive social impact for New Jersey, first, by mirroring the solar obligation requirements put in place by the Solar Act and providing the appropriate calculations to allow TPS/BGS providers to correctly calculate their obligations. Second, the rules will implement the regulatory process for those solar generation facilities that must now receive Board approval, designation, or certification to be eligible to generate SRECs. In addition, the rules will now reflect the different time frames needed for those facilities both to register and to complete construction and inspection.

The proposed amendments to N.J.A.C. 14:8-2.5, which governs energy that qualifies for a Class I REC, implement the statutory mandates that restrict eligibility for a Class I REC based on energy generated at a hydropower facility to energy generated at a facility of less than three MW placed in service after July 23, 2012. This will negatively impact the one hydropower facility in New Jersey which is less than three MW and was placed in service prior to that date but will not have a negative social impact upon the State as a whole. The proposed amendments add energy generated at a solar electric facility after its SREC qualification life to the list of energy sources that qualify as Class I renewables without prior approval conforms the list to existing N.J.A.C. 14:8-2.4(b)3 and will have no social impact. The proposed amendments to N.J.A.C. 14:8-2.6, which governs energy that qualifies for a Class II REC, will remove hydropower facilities over 30 MW to implement a change in the statute mandated by P.L. 2015, c. 51. The energy from facilities greater than 30 MW could not serve as the basis for creation of a Class II REC prior to the passage of the Solar Act on July 23, 2012. No hydropower facilities with a capacity over 30 MW are located in the State. The possibility exists that the absence of this incentive may be a factor in a decision(s) not to proceed with the construction or expansion of a hydropower facility located in another state. The Board cannot speak to any social impact which might result in those states if such decisions are made.

Economic Impact

The amendments proposed to N.J.A.C. 14:8-2.4 will update the rules to bring them into compliance with the Solar Act, which was enacted, in part, with the intention of preserving New Jersey's open space by placing additional requirements upon certain solar facilities if they are to be eligible to generate SRECs, including, but not limited to, review by the Board, and to facilitate the development of grid supply solar facilities on specified categories of land that might otherwise be difficult to develop. The amendments to the RPS rules governing solar energy recognize that requiring Board review necessitates different time frames for both SRP registration and completion of these facilities.

The amendments proposed to the rules governing energy eligible to create Class I RECs will bring the rules into compliance with the statute by restricting that eligibility to electric energy produced at hydropower facilities of three MW or less and put into service after July 23, 2012.

As noted above, to conform with P.L. 2015, c. 51, the proposed amendments to N.J.A.C. 14:8-2.6 will remove the incentive provided by Class II RECs to hydropower facilities of 30 MW and above. Prior to the effective date of this law, energy from hydropower facilities of 30 MW and above could form the basis of a Class II REC. No New Jersey hydropower facilities with a capacity of 30 MW or above are currently certified in PJM-EIS GATS, and the Board does not anticipate any economic impact in the State from this amendment. In addition, the proposed amendments provide an economic benefit by clarifying the requirement and the timeline for the provision of an annual affidavit by the operator of the facility or the TPS/BGS provider of Class II RECs that an out-of-State municipal resource recovery facility is in compliance with all its Federal and State permits.

Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. requires State agencies that adopt, readopt, or amend State rules exceeding any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. The RPS rules have no Federal analogue and are not promulgated under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, Federal standards, or Federal requirements. Accordingly, Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. do not require a Federal standards analysis for the proposed amendments.

Jobs Impact

The proposed amendments to the RPS are designed to reduce the regulatory uncertainty for facilities seeking to generate energy qualifying for solar, Class I, and Class II RECs, in particular for certain solar facilities that now need some type of Board approval to be eligible to generate energy on which SRECs may be based. Reduced regulatory uncertainty will tend to encourage development of solar generation facilities. Thus, these amendments are anticipated to have a positive impact on the development, construction, and operation of renewable energy facilities, and, therefore, to increase the number of jobs in the State.

Agriculture Industry Impact

To the extent that the proposed amendments clarify the legislative intent of the law to prohibit grid supply solar development on farmland and restrict grid supply solar development on open space, the proposed amendments may have a positive effect on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

A small business, as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., is a business that has fewer than 100 full-time employees. The proposed amendments do not impose additional reporting, recordkeeping, or other compliance requirements on small businesses operating renewable electric generation facilities in New Jersey or in the rest of the PJM region. Accordingly, no regulatory flexibility analysis is required.

Housing Affordability Impact Analysis

The proposed amendments will have an insignificant impact on the affordability of housing in New Jersey because the amendments are directed to conforming administrative processes for grid supply solar generation facilities to the substantive requirements of the law and to clarifying various administrative requirements for obtaining SRECs, Class I RECs, and Class II RECs for solar and other renewable energy generation facilities. The amendments address only renewable energy generation and do not affect housing prices or the housing market.

Smart Growth Development Impact Analysis

The proposed amendments will have no impact on smart growth development in New Jersey. There is an extreme unlikelihood that the amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development

and Redevelopment Plans in New Jersey; the scope of the rules is primarily limited to definitions and processes with which solar energy generation facilities must comply to obtain the regulatory approval needed if the developers or owners wish to be eligible to receive a specific regulatory incentive, namely the SREC.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. RENEWABLE ENERGY GENERAL PROVISIONS AND DEFINITIONS

14:8-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise. Additional definitions that apply to this chapter can be found at N.J.A.C. 14:3-1.1, [and]14:4-1.2, and **14:8-2.2**.

“Brownfield” means any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant.

“Class I renewable energy” means electric energy produced from solar technologies, photovoltaic technologies, wind energy, fuel cells powered by renewable fuels, geothermal technologies, wave or tidal action, **small scale hydropower facilities with a capacity of three megawatts or less and put into service after July 23, 2012**, and/or methane gas from landfills or a biomass facility, provided that the biomass is cultivated and harvested in a sustainable manner. Types of [class] **Class I** renewable energy that qualify for use in meeting the requirements of this subchapter are set forth at N.J.A.C. 14:8-2.5.

“Class II renewable energy” means electric energy produced [at] by a [resource recovery facility or] hydro power facility **that has a maximum design capacity of greater than 3 megawatts but less than 30 megawatts from all generating units combined or by a resource recovery facility**, provided that such facility is located where retail competition is permitted and provided further that the Commissioner of Environmental Protection has determined that such facility meets the highest environmental standards and minimizes any impacts to the environment and local communities. Types of [class] **Class II** renewable energy that qualify for use in meeting the requirements of this subchapter are set forth at N.J.A.C. 14:8-2.6.

“Connected to the distribution system” means, for a solar electric power generation facility, that the facility is:

- 1. Connected to a net metering customer’s side of a meter, regardless of the voltage at which that customer connects to the electric grid;**
- 2. An on-site generation facility;**
- 3. Qualified for net metering aggregation;**
- 4. Owned or operated by an electric public utility and approved by the Board;**
- 5. Directly connected to the electric grid at 69 kilovolts or less, regardless of how an electric public utility classifies that portion of its electric grid, and is designated as “connected to the distribution system” by the Board pursuant to N.J.S.A. 48:3-87.q, r, or s; or**
- 6. Certified by the Board, in consultation with the Department of Environmental Protection, as being located on a brownfield, an area of historic fill, or on a properly closed sanitary landfill facility.**

Any solar electric power generation facility, other than that of a net metering customer on the customer’s side of the meter, connected above 69 kilovolts shall not be considered connected to the distribution system.

...
“Farmland” means land actively devoted to agricultural or horticultural use that is valued, assessed, and taxed pursuant to the “Farmland Assessment Act of 1964,” N.J.S.A. 54:4-23.1.

“Final remediation document” shall have the same meaning as provided in N.J.S.A. 58:10-23.11b.

...
“Grid supply facility” means a solar electric power generating facility that is directly connected to the distribution system in the state that sells the electricity it generates at wholesale rates through

PJM Interconnection or under wholesale bilateral contracts, but is not owned or operated by an electric utility and approved by the Board pursuant to N.J.S.A. 48:3-98.1.

“Historic fill” means non-indigenous material, no matter what date this material was placed on the site, used to raise the topographic elevation of a site, which were contaminated prior to emplacement and are in no way connected with the operations at the location of emplacement and which include, but are not limited to, construction debris, dredge spoils, incinerator residue, demolition debris, fly ash, and non-hazardous solid waste. “Historic fill” shall not include any material which is substantially chromate chemical waste or any other chemical production waste or waste from processing of metal or mineral ores, residues, slags, or tailings.

“Megawatt” means 1,000 kilowatts, measured in direct current (dc).

...

“Net metering aggregation” means a procedure for calculating the combination of the annual energy usage for all facilities owned by a single customer where each customer is a State entity, school district, county, county agency, county authority, municipality, municipal agency, or municipal authority, and which are served by a solar electric power generating facility in accordance with N.J.S.A. 48:3-87.e(4).

...

“On-site generation facility” means a Class I or Class II renewable generation facility and equipment and services appurtenant to electric sales by such facility to the end use customer located on the property or on property contiguous to the property on which the end user is located. An on-site generation facility shall not be considered a public utility. The property of the end use customer and the property on which the on-site generation facility is located shall be considered contiguous if they are geographically located next to each other but may be otherwise separated by an easement, public thoroughfare, or transportation or utility-owned right-of-way.

“Properly closed sanitary landfill facility” means a sanitary landfill facility, or a portion of a sanitary landfill facility, for which performance is complete with respect to all activities associated with the design, installation, purchase, or construction of all measures, structures, or equipment required by the Department of Environmental Protection, pursuant to law, in order to prevent, minimize, or monitor pollution or health hazards resulting from a sanitary landfill facility subsequent to the termination of operations at any portion thereof, including, but not necessarily limited to, the placement of earthen or vegetative cover, and the installation of methane gas vents or monitors and leachate monitoring wells or collection systems at the site of any sanitary landfill facility.

...

“School district” means a local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes, a county special services school district established pursuant to article 8 of chapter 46 of Title 18A of the New Jersey Statutes, a county vocational school district established pursuant to article 3 of chapter 54 of Title 18A of the New Jersey Statutes, or a district under full State intervention pursuant to N.J.S.A. 18A:7A-34 et seq.

“Site investigation” shall have the same meaning as provided in N.J.S.A. 54:10-23.11.b.

“Small scale hydropower facility” means a facility located within this State that is connected to the distribution system, and that meets the requirements of, and has been certified by, a nationally recognized low-impact hydropower organization that has established low-impact hydropower certification criteria applicable to:

1. River flows;
2. Water quality;
3. Fish passage and protection;
4. Watershed protection;
5. Threatened and endangered species protection;
6. Cultural resource protection;
7. Recreation; and
8. Facilities recommended for removal.

(CITE 48 N.J.R. 386)

...

“SREC Registration program” or “SRP” means an administrative process developed by the Board that requires filing with the Board documents detailing the size, location, interconnection plan, land use, and other project information as required by the Board for all proposed solar electric generation facilities seeking to create SRECs, including grid supply facilities seeking approval, designation, or certification as “connected to the distribution system.”

“State entity” means a department, agency, or office of State government, a State university or college, or an authority created by the State.

[“Supplier/provider”] “TPS/BGS provider” means an electric power supplier or a basic generation service provider, as these terms are defined at N.J.A.C. 14:4-1.2.

SUBCHAPTER 2. RENEWABLE PORTFOLIO STANDARDS

14:8-2.1 Purpose and scope

(a) Each [supplier/provider] **TPS/BGS provider**, as defined at N.J.A.C. 14:8-1.2, that sells electricity to retail customers in New Jersey, shall include in its electric energy portfolio electricity generated from renewable energy sources. This subchapter is designed to encourage the development of renewable sources of electricity and new, cleaner generation technology; minimize the environmental impact of air pollutant emissions from electric generation; reduce possible transport of emissions and minimize any adverse environmental impact from deregulation of energy generation; and support the reliability of the supply of electricity in New Jersey.

(b) This subchapter governs the retail electricity sales of each [supplier/provider] **TPS/BGS provider**, as defined in N.J.A.C. 14:8-1.2. This subchapter does not govern installed capacity obligations, as defined at N.J.A.C. 14:8-2.2.

(c) This subchapter does not apply to a private or government aggregator that contracts for electric generation service or electric related services, either separately or bundled, for its own facilities or on behalf of other business and residential customers in this State. This subchapter does not apply to an energy agent, as defined at N.J.A.C. 14:8-1.2. A [supplier/provider] **TPS/BGS provider** that is contractually obligated to sell electricity to an aggregator shall comply with this subchapter by including the amount sold to the aggregator as part of its energy portfolio.

14:8-2.2 Definitions

The following words and terms, when used in this subchapter, shall have the **following** meanings [given below], unless the context clearly indicates otherwise:

...

“Resource recovery facility” means a solid waste facility that incinerates solid waste for the purposes of producing energy and recovering metals and other materials for reuse, **which the Department of Environmental Protection has determined to be in compliance with current environmental standards, including, but not limited to, all applicable requirements of the Federal Clean Air Act, 42 U.S.C. §§ 7401 et seq.**

...

“True-up period” means [the] a period [each year from], as **determined by the Board, of no less than 120 days following** the end of the energy year [until October 1] **by which a BGS provider or TPS must demonstrate compliance with the RPS for that energy year.**

...

14:8-2.3 Amount of renewable energy required

(a)-(i) (No change.)

(j) Each megawatt-hour (MWh) of retail electricity supplied in New Jersey by a [supplier/provider] **TPS/BGS provider** subject to this subchapter carries with it an accompanying solar obligation. For Energy Year [2013] **2015**, each [supplier/provider] **TPS/BGS provider** shall calculate its solar obligation as set forth in (k) below. Subsection (k) below allocates the Table B Statewide solar obligation among all [supplier/providers] **TPS/BGS providers** that are subject to this subchapter. All [supplier/provider] **TPS/BGS provider** solar obligations,

taken together, must equal the Statewide solar obligation set forth in Table B below for Energy Year [2013] 2015.

(k) For electricity supplied during EY [2013] 2015, a [supplier/provider] BGS provider shall calculate its solar obligation [as follows] by following one of the two calculations set forth in this subsection:

1. Those BGS providers having supply contracts that were effective prior to July 23, 2012, have a solar obligation equal to the number of SRECs mandated by the solar renewable portfolio standards requirements that were in effect on the date that these BGS providers executed their existing supply contracts. These BGS providers shall calculate their solar obligation as follows:

i. Determine the solar electric generation requirement, converted from GWhs to MWhs, in effect when the BGS contract subject to this subsection was executed (see Table B below);

[1.] ii. Determine [the supplier/provider's] market share of all electricity supplied Statewide during [the applicable energy year] Energy Year 2015, as follows:

[i.] (1) Consult the Board's NJCEP website to determine the total number of MWhs of electricity supplied Statewide during the energy year by all [supplier/providers] TPS/BGS providers subject to this subchapter;

[ii.] (2) Determine the [number of] MWhs of exempt electricity [the supplier/provider] supplied during the energy year from supply contracts which were in effect prior to the date of enactment of P.L. 2012, c. 24; and

[iii.] (3) Divide (k)1ii(2) above by [(k)1i] (k)1ii(1) above to [obtain a fraction representing the supplier/provider's] calculate market share; [and]

iii. Multiply result from (k)1ii(3) above by (k)1i above to arrive at the solar obligation for an individual exempt electricity BGS provider.

[2. Multiply the supplier/provider's market share from (k)1 above by the applicable Statewide solar obligation from Table B below. The result is the supplier/provider's solar obligation for the electricity that it supplied during the energy year.]

2. Those BGS providers that do not have supply contracts which were effective prior to July 23, 2012, shall calculate their solar obligations as follows:

i. Multiply the individual BGS provider's total non-exempt retail electricity sales during the Energy Year in MWh by the applicable percentage requirement in N.J.S.A. 48:3-87.d(3).

ii. Determine the market share-based allocation of the increased obligation avoided by exempted electricity by consulting the Board's New Jersey Clean Energy Program (NJCEP) website to determine the additional obligation amount which must be distributed from the exempted BGS providers to the non-exempt BGS providers, calculated by Board staff as follows:

(1) Determine the total retail electricity sales of exempt BGS providers Statewide;

(2) Determine the total retail electricity sales of non-exempt BGS providers Statewide;

(3) Determine the total retail electricity sales of all BGS providers and TPS Statewide;

(4) Divide (k)2ii(1) above by (k)2ii(3) above to calculate market share of exempt BGS providers Statewide;

(5) Determine the total solar obligation of exempt BGS providers Statewide during the Energy Year by multiplying (k)2ii(4) above by (k)1i above;

(6) Multiply the applicable percentage requirement in N.J.S.A. 48:3-87.d(3) by (k)2ii(1) above and subtract (k)2ii(5) above;

(7) Calculate the percentage share of total non-exempt electricity sold by dividing non-exempt electricity sold by the individual BGS provider by (k)2ii(2) above; and

(8) Multiply (k)2ii(6) above by (k)2ii(7) above.

iii. Add (k)2i above to (k)2ii(8) above to arrive at an individual non-exempt BGS provider's obligation in MWh; and

iv. For any electricity supplied by a TPS, such TPS shall calculate its solar obligation by multiplying its total retail sales by the applicable percentage requirement in N.J.S.A. 48:3-87.d(3).

Table B

Total Statewide Solar Obligation Starting June 1, 2010

Energy Year	Statewide Solar Obligation in GWhs or Percentage of Retail Sales
EY 2011: June 1, 2010 - May 31, 2011	306 GWhs
EY 2012: June 1, 2011 - May 31, 2012	442 GWhs
EY 2013: June 1, 2012 - May 31, 2013	596 GWhs
EY 2014: June 1, 2013-May 31, 2014	2.050%
For BGS providers with existing supply contracts:	772 GWhs
EY 2015: June 1, 2014-May 31, 2015	2.450%
For BGS providers with existing supply contracts:	965 GWhs
EY 2016: June 1, 2015-May 31, 2016	2.750%
EY 2017: June 1, 2016-May 31, 2017	3.000%
EY 2018: June 1, 2017 - May 31, 2018	3.200%
EY 2019: June 1, 2018 - May 31, 2019	3.290%
EY 2020: June 1, 2019 - May 31, 2020	3.380%
EY 2021: June 1, 2020 - May 31, 2021	3.470%
EY 2022: June 1, 2021 - May 31, 2022	3.560%
EY 2023: June 1, 2022 - May 31, 2023	3.650%
EY 2024: June 1, 2023 - May 31, 2024	3.740%
EY 2025: June 1, 2024 - May 31, 2025	3.830%
EY 2026: June 1, 2025 - May 31, 2026	3.920%
EY 2027: June 1, 2026 - May 31, 2027	4.010%
EY 2028: June 1, 2027 - May 31, 2028	4.100%
14:8-2.4	Energy that qualifies for an SREC; registration requirement; additional approval, designation, and certification processes for grid supply projects
	(a) (No change.)
	(b) To be eligible for issuance of an SREC usable for compliance with this subchapter, electricity shall: 1.-2. (No change.)
	3. Be generated at a facility which, if the facility's construction commenced after July 23, 2012, and the facility has a capacity of one megawatt dc or greater, paid the workers on its construction in accordance with N.J.S.A. 48:2-29.47.
	Recodify existing 3. and 4. as 4. and 5. (No change in text.)
	(c) To comply with (b)2 above, a solar electric generating facility that was not issued a New Jersey State Certification Number prior to June 4, 2012, shall obtain a New Jersey State Certification Number through the registration process set forth in this section. The registration process includes three important deadlines: 1. The submittal of an initial registration package under [(h)1] (j)1 below shall occur [no later than]: i. [Ten] No later than 14 business days after execution of the contract for purchase or installation of the photovoltaic panels to be used in the

solar facility[;] if the facility is net metered, provides on-site generation, or provides power for a qualified customer engaged in aggregated net metering or within 14 business days from the effective date of an order granting approval, conditional certification or designation for projects requiring Board approval, designation or certification;

ii.-iii. (No change.)

2. Construction of the solar facility, if the facility is net metered, provides on-site generation, provides power for a qualified customer engaged in aggregated net metering, or has been conditionally certified by the Board as being located on a properly closed sanitary landfill facility, brownfield, or area of historic fill shall not begin until Board staff has issued a conditional registration for the facility under [(f)5] (h)5 below; and

3. (No change.)

(d) (No change)

(e) If the applicable submittal deadline in (c)1 above is met, SRECs, based on electricity generated by the solar facility, shall be usable for compliance with this chapter immediately upon the issuance of a New Jersey State Certification Number for the facility, subject to any other applicable limits on use of SRECs. If the applicable deadline is not met, any SRECs based on electricity generated by the solar facility shall not be usable for compliance with this chapter until 12 months after the solar facility has received authorization to energize either in accordance with the Board's interconnection rules at N.J.A.C. 14:8-5 or in accordance with the process required by PJM or the EDC for projects not interconnected under the rules at N.J.A.C. 14:8-5.

(f) (Reserved)

(g) A proposed grid supply facility that is not located on a brownfield, properly closed sanitary landfill facility, or area of historic fill must satisfy the requirements of this subsection for the energy it generates to serve as the basis for creation of an SREC. Applications for grid supply facilities on farmland shall be rejected.

1. A person seeking designation as connected to the distribution system in the State, so that electricity generated by the facility may serve as the basis for an SREC must file an application with the Board during the periods specified in (g)5 below. The application shall include, at a minimum, the following information and documentation:

- i. The nameplate capacity of the facility;
- ii. Estimated energy to be produced annually;
- iii. Estimated number of SRECs to be produced and sold annually;
- iv. Expected commissioning date and decommissioning date;
- v. Total project acreage and location;
- vi. Estimated annual rate impact on ratepayers;
- vii. Point of interconnection;
- viii. Type of solar technology to be used;
- ix. Required State permits or approvals;
- x. Required municipal permits, approvals, or waivers already received or anticipated to be required;
- xi. Current zoning designation(s) for the proposed host site;
- xii. Date of most recent change in zoning designation;
- xiii. Zoning ordinance;
- xiv. Maps and other documents showing the location and associated impacts, including identification of any farm parcels or lands preserved for agricultural, conservation, or recreational purposes, including, but not limited to, lands preserved pursuant to New Jersey's Green Acres Program, located within 0.5 miles of the host site. Maps and other documents submitted must also show the host site's location in proximity to an Agricultural Development Area or Farmland Preservation Program project area.
- xv. Maps and other documents showing the location of other grid supply projects proposed, under construction, or existing within the nearest Agricultural Development Area, land preserved under the Green Acres Program, and land preserved under the Farmland Preservation Program. Maps and other documents must also show the location of all solar grid supply projects proposed, under construction, or existing within five miles of the host site;

xvi. Project decommissioning plans, prepared by an independent entity, for the end of the useful life of the facility. A decommissioning plan shall set out the process through which any lands disturbed by the construction and/or operation of the solar facility shall be restored to pre-existing condition and shall include, at a minimum:

(1) A plan for removal of all solar energy generation facilities and all electrical appurtenances;

(2) A plan for removal of foundations and any access roads not needed for future purposes by the owner of the site; and

(3) A plan to ensure that environmental impacts are minimized and mitigated during decommissioning activities, including a plan for replacement of surface materials; and

xvii. Any other information that the Board staff deems necessary to review an application filed under this subsection.

2. The application process shall proceed under the following timelines:

i. Between January 1 and April 1, expressions of interests must be filed by entities seeking designation in the coming energy year pursuant to this subsection. An expression of interest shall be submitted using the form posted on the New Jersey Clean Energy Program (NJCEP) webpage. Only applications for grid supply projects for which an expression of interest was timely submitted shall be considered by the Board for designation as "connected to the distribution system" in the next energy year.

ii. On an annual basis prior to the beginning of an energy year, Board staff will issue a request for public comment on the capacity that the Board makes available for designation as "connected to the distribution system" under this subsection in the upcoming energy year.

3. Following the close of the submittal period, but no later than 30 days prior to the start of the energy year, the Board will conditionally approve a specific number of megawatts dc as the upper limit for which designation as "connected to the distribution system" may be approved in the energy year. During the energy year, the Board may approve projects, so that the sum of all approved projects does not exceed the announced megawatt dc limit.

4. Applications to be designated as "connected to the distribution system" shall not be filed prior to the start of the energy year for which an expression of interest was filed. Applications may be filed beginning on and for 14 calendar days after the following dates: June 1, September 1, December 1, and March 1.

5. Upon filing of an application, Board staff will review the application for administrative completeness within 30 days.

i. If Board staff deems the application complete, Board staff will notify the applicant, and will provide an opportunity for public comment on the application by posting the application to the Board's website. The public comment period shall be no less than seven days.

ii. If Board staff deems the application incomplete, the application will not be deemed complete until Board staff has received information necessary to complete the application. Board staff will notify the applicant that with the additional information the application is now complete, and will follow the process described in (g)5i above.

iii. The Board will rule upon the application as follows:

(1) If Board staff has deemed the application complete, the Board will approve, conditionally approve, or disapprove designation of the grid supply facility as "connected to the distribution system" within 90 days of receipt of a completed application.

(2) If Board staff has deemed the application incomplete, the Board will approve, conditionally approve, or disapprove the grid supply facility as "connected to the distribution system" within 90 days of the date of the last filing that completes the application.

iv. Projects approved or conditionally approved for designation as "connected to the distribution system" under this subsection must commence commercial operations within two years of the effective date of the Order granting that approval.

[(f)] (h) Registration of a solar electric generating facility requires completion of the following process:

1.-3. (No change.)

4. If the solar facility as described in the initial registration package meets SREC eligibility requirements, Board staff shall issue notice to the registrant of a conditional registration for the facility. The notice of the conditional registration shall:

- i. (No change.)
- ii. Include an expiration date 12 months after the date of the notice **for facilities that are net metered, provide on-site generation, or provide power for a qualified customer engaged in aggregated net metering or an expiration date 24 months after the effective date of Board approval, designation, or conditional Board certification where Board approval, designation, or conditional certification is required;** and

5. (No change.)

[(g)] (i) Construction of the solar electric generating facility shall be completed prior to expiration of the conditional registration. The registrant **for facilities that are net metered, provide on-site generation, or provide power for a qualified customer engaged in aggregated net metering,** may request one extension prior to the expiration of the conditional registration, and shall include an updated schedule for completion. **Except for registrations submitted for projects approved or conditionally approved for designation as "connected to the distribution system" under (g) above,** Board staff may authorize one extension [for the project] **of the project's** registration on a case-by-case basis, based on the likelihood of timely and successful completion of the solar facility. An extension shall provide a new expiration date, six months from the expiration of the original conditional registration. If the conditional registration, or extension, expires before construction is complete, the registrant shall begin the entire registration process again by submitting an initial registration package. Board staff shall treat the new registration package as if it were a first-time submittal, with no reference to the previous registration process. **Facilities that require approval or certification by the Board, other than those requiring approval of designation under (g) above, must seek extensions of the conditional registration expiration date directly by application to the Board, unless otherwise directed by the Board. Registrants who file after failure to complete during the initial 18 or 24 month registration period shall not be subject to the penalty set out at (e) above if the Board finds that the failure to complete within time was reasonable.**

[(h)] (j) (No change in text.)

[(i)] (k) When construction of the solar electric generating facility is complete, the facility owner shall submit a post-construction certification package that meets the requirements of **[(j)] (l)** below, and shall request an inspection of the facility by Board staff, or an inspection waiver, through the Board's NJDEP website at www.njcleanenergy.com.

[(j)] (l) (no change in text.)

[(k)] (m) After receiving the inspection request and complete final documentation required after **[(j)] (l)** above, Board staff shall conduct an inspection or shall notify the registrant that no inspection is required.

[(l)] (n) If no inspection is required, or if the inspection indicates that the solar electric generating facility has been constructed in accordance with the conditional registration, and/or any Board-authorized changes made under **[(m)] (o)** below, Board staff shall assign a New Jersey State Certification Number to the solar facility for use in obtaining SRECs from PJM-EIS GATS.

Recodify existing (m) through (o) as **(o) through (q)** (No change in text.)

14:8-2.5 Energy that qualifies for a class I REC

(a) (No change.)

(b) The following qualify as [class] **Class I** renewable energy for the purposes of this subchapter, with no prior approval required:

1. (No change.)

2. Solar electric generation from a certified facility after the facility's qualification life has ended;

Recodify existing 2.-5. as 3.-6. (No change in text.)

[6.] 7. Electricity generated by a fuel cell powered by methanol, ethanol, landfill gas, digester gas, biomass gas, or other renewable fuel. Electricity generated by a fuel cell powered by a fossil fuel shall not

qualify as [class] **Class I** renewable energy for the purposes of this subchapter; and

[7.] 8. (No change in text.)

(c)-(f) (No change.)

(g) To obtain a biomass sustainability determination, a [supplier/provider] **TPS/BGS provider** or biomass facility operator shall submit a request for the determination, including any documentation required by NJDEP. The request shall be submitted to the NJBPU Office of Clean Energy, PO Box 350, Trenton, New Jersey 08625. The [supplier/provider] **TPS/BGS provider** or biomass facility operator shall simultaneously provide a copy of the request to the NJDEP's Office of [Innovative Technology] **the Commissioner**, PO Box 409, Trenton, New Jersey 08625.

(h) If a biomass sustainability determination is required for [class] **Class I** renewable energy used to comply with this subchapter, the [supplier/provider] **TPS/BGS provider** shall submit the determination as part of the annual report required under N.J.A.C. 14:8-2.11, or the biomass facility operator shall submit the determination by [September] **October 1** of each year. If the determination is not submitted annually, the energy shall not qualify for use to comply with this subchapter, and the [supplier/provider] **TPS/BGS provider** shall submit RECs or ACPs to make up the shortfall. A determination submitted to [board] **Board** staff after the due date of the annual report shall not be accepted, and the electricity shall not be counted towards the [supplier/provider's] **TPS/BGS provider's** compliance with this subchapter.

(i)-(l) (No change.)

14:8-2.6 Energy that qualifies for a [class] **Class II** REC

(a)-(c) (No change.)

(d) To obtain an NJDEP environmental compliance determination for a resource recovery facility, a [supplier/provider] **TPS/BGS provider** or facility operator shall submit a request for the determination, including the documentation listed at (e) below, to the NJBPU Office of Clean Energy, PO Box 350, Trenton, New Jersey 08625. The [supplier/provider] **TPS/BGS provider** or facility operator shall simultaneously provide a copy of the request to the NJDEP's Office of [Innovative Technology] **the Commissioner**, PO Box 409, Trenton, New Jersey 08625.

(e)-(f) (No change.)

(g) A [supplier/provider] **TPS/BGS provider** that uses electricity generated from a resource recovery facility to comply with this subchapter shall:

1. (No change.)

2. If the [supplier/provider] **TPS/BGS provider** or facility operator obtained an NJDEP environmental compliance determination, the [supplier/provider] **TPS/BGS provider** or facility operator shall:

i.-ii. (No change.)

iii. Annually provide to the Board an affidavit from the operator of the resource recovery facility, certifying that the facility has not violated its Federal or State environmental permits in the previous year, and continues to operate in conformity with the request and documentation originally provided to NJDEP. **The TPS/BGS provider shall submit the affidavit as part of the annual report required under N.J.A.C. 14:8-2.11 or the resource recovery facility operator may submit the affidavit by October 1 of each year.**

(h)-(i) (No change.)

14:8-2.9 Issuance of RECs and SRECs

(a)-(d) (No change.)

(e) Electric generation qualifies for issuance of RECs or SRECs only if:

1. (No change.)

2. It is [class] **Class I** renewable energy, [other than] **including** solar electric generation **after the end of the solar electric generation facility's qualification life**, and one or more of the following requirements is met:

i.-iii. (No change.)

(f)-(i) (No change.)

14:8-2.10 Alternative compliance payments (ACPs and SACPs)

(a)-(b) (No change.)

(c) The Board shall establish and maintain [a 15-year] **an** SACP schedule **as set forth at N.J.S.A. 48:3-87.d(3)**. The Board may increase the SACP amount for one or more energy years, after appropriate notice and opportunity for public comment and public hearing. However, in accordance with N.J.S.A. 48:3-87(j), the Board shall neither reduce the previously established SACP amounts, nor provide any type of relief from the obligation to pay an SACP.

(d)-(h) (No change.)

TRANSPORTATION

(a)

DIVISION OF CAPITAL PROGRAM SUPPORT BUREAU OF LANDSCAPE ARCHITECTURE AND ENVIRONMENTAL SOLUTIONS

Soil Erosion and Sediment Control Standards Proposed Readoption with Amendments: N.J.A.C. 16:25A

Proposed Repeals and New Rules: N.J.A.C. 16:25A- 1.2 and 2.1

Authorized By: Jamie Fox, Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, and 4:24-39 et seq. (the Soil Erosion and Sediment Control Act), specifically 4:24-43.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2016-032.

Submit written comments by May 6, 2016, to:

Miriam Weeks
Administrative Practice Officer
New Jersey Department of Transportation
PO Box 600
Trenton, NJ 08625-0600
Fax: (609) 530-4638

Submit electronically at NJDOTRules@dot.nj.gov. This rule may be viewed or downloaded from the Department's website at <http://www.state.nj.us/transportation/about/rules/proposals.shtm>.

The agency proposal follows:

Summary

In accordance with N.J.S.A. 52:14B-5.1 and Executive Order No. 66 (1978), N.J.A.C. 16:25A was scheduled to expire on January 29, 2016. As the Department of Transportation (Department) has filed this notice of readoption with the Office of Administrative Law prior to that date, the expiration date is extended 180 days to July 27, 2016, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Department has reviewed the rules and determined that they are necessary, reasonable, and proper for the purposes for which they were originally promulgated. The Department proposes to readopt this chapter with the amendments, repeals, and new rules set forth below. This notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5, since the Department has provided a 60-day comment period for this notice of proposal.

N.J.S.A. 4:24-39 et seq., the Soil Erosion and Sediment Control Act (Act), requires all construction projects that disturb 5,000 square feet or more of the surface area of land to include measures to protect the environment from soil erosion and sedimentation. Pursuant to the Act, the Department is required to certify soil erosion and sediment control plans for any project it proposes to construct and shall file that certification with the appropriate Soil Conservation District. N.J.A.C. 16:25A establishes the rules relating to the Department's soil erosion and sediment control standards. In general, construction projects are required by the Act to conform to standards established by, and contained in, the rules of the State Soil Conservation Committee. However, the Department's construction projects require specific standards more

particularly adapted to roadway construction. The Department certifies soil erosion and sediment control plans in conformance with vegetative and engineering standards developed jointly by the State Soil Conservation Committee and the Departments of Agriculture, Environmental Protection, and Transportation. These standards are contained in a manual entitled "New Jersey Department of Transportation Soil Erosion and Sediment Control Standards." By using these standards as the technical basis for the Department's certification, the Department ensures that the appropriate standards are included, and used, in each Department construction project, and that proper steps are being taken to protect the environment from the effects of soil erosion and sedimentation.

Amendments, repeals, and new rules are proposed to add the chapter's scope, correct contact information, and delete unnecessary language.

The chapter is summarized as follows:

Subchapter 1 contains the general provisions of the chapter.

Subchapter 2 lists the vegetative and engineering standards adopted and incorporated by reference by the Department as the technical basis for Department certification of soil erosion and sediment control plans for Department construction projects and provides contact information.

The amendments, repeals, and new rules proposed as part of this rulemaking are as follows:

The heading of N.J.A.C. 16:25A-1.1 is proposed for amendment to replace "general provisions" with "purpose and scope." Language is relocated from existing N.J.A.C. 16:25A-2.1(a), which establishes that the Department's standards are promulgated in consultation with the State Soil Conservation Commission and the Department of Environmental Protection. N.J.A.C. 16:25A-1.2 is proposed for repeal as the cross-reference to statutory definitions is no longer necessary.

N.J.A.C. 16:25A-2.1 is proposed for repeal because, upon review, the Department found that, in subsection (a), the sections and pages referred to are not necessary as the new rule contains a link to the entire document on the Department's website and renames the document to include the Department, rather than simply the State Soil Conservation Commission Soil Erosion and Sediment Control Standards. Subsection (b) is replaced with language that corrects website information and provides correct contact information for both the manual and for technical assistance from the Department.

Social Impact

The rules proposed for readoption with amendments, repeals, and new rules will continue to have a favorable impact upon the citizens of New Jersey through continued protection from off-site erosion and sedimentation damages resulting from land disturbances due to transportation construction. Soil losses from construction sites can result in the impairment of storm drain systems, streams, and lakes, and may increase the potential for flooding and related damages. Readoption of the chapter will ensure that adequate controls continue to be in place. Reduced sedimentation damage will have a positive environmental impact upon the citizens of New Jersey. Water quality in the State will be enhanced and storm water damage will be reduced.

Economic Impact

The rules proposed for readoption with amendments, repeals, and new rules will have a favorable economic impact, in that the Department's construction projects will continue to be accomplished in a way that minimizes soil erosion in the State, as intended by the Soil Erosion and Sediment Control Act. The Department considers soil erosion and sediment control when it carries out its responsibilities for the construction and maintenance of New Jersey's State highways and interstate roadways; overall, this consideration does not increase or decrease construction costs. Although the Department cannot specify specific amounts saved or spent, protection and conservation of the State's land, water, and other environmental resources is important to the overall economy of New Jersey.

Federal Standards Statement

A Federal standards analysis pursuant to Executive Order No. 27 (1994) and P.L. 1995, c. 65 is not required because the rules proposed for readoption with amendments, repeals, and new rules come within the