

**Agriculture Industry Impact**

The proposed amendment would not have an impact on the agriculture industry in New Jersey.

**Regulatory Flexibility Statement**

The proposed amendment would apply to hospitals, none of which are “small businesses,” within the meaning of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Therefore, a regulatory flexibility analysis is not required.

**Housing Affordability Impact Analysis**

The proposed amendment would have no impact on the affordability of housing in New Jersey and would not evoke a change in the average costs associated with housing, because the proposed amendment would address hospital personnel utilization and would have no bearing on housing prices or costs.

**Smart Growth Development Impact Analysis**

The proposed amendment would not have an impact on the achievement of smart growth and would not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed amendment would address hospital personnel utilization and would have no bearing on development or housing production.

**Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

## SUBCHAPTER 30. RENAL DIALYSIS

8:43G-30.6 Staffing requirements for inpatient dialysis services

(a) A nephrologist shall be present prior to the initiation of [the following:

1. A patient’s first inpatient dialysis treatment;
  - i. Chronic dialysis patients who are dialytically stable and who have been admitted to the hospital for conditions unrelated to their end stage renal disease shall be exempt from (a)1 above; and
2. Emergency] **emergency** dialysis to a patient with a life-threatening situation, as determined by medical staff[.
  - i. In the], **in which** case [of emergency dialysis], the nephrologist shall be present during the dialysis and until the patient is deemed stable.
  - (b)-(d) (No change.)

**PUBLIC UTILITIES****(a)****BOARD OF PUBLIC UTILITIES****Dual-Use Solar Energy Pilot Program****Notice of Proposed Substantial Changes Upon Adoption to Proposed Amendments****Proposed Changes: N.J.A.C. 14:8-13.3, 13.5, 13.7, 13.8, 13.9, 13.10, and 13.13**

Proposed: December 2, 2024, at 56 N.J.R. 2271(a).

Authorized By: New Jersey Board of Public Utilities, Christine Guhl Sadovy, President, Dr. Zenon Christodoulou, Ph.D., and Michael Bange, Commissioners.

Authority: N.J.S.A. 48:3-87, 48:3-87.13, and 48:3-114 through 119.  
BPU Docket Number: QX24080597.

The deadline for comments on this notice of proposed substantial changes upon adoption is 5:00 P.M., on March 6, 2026.

Please submit comments directly by using the Board of Public Utilities’ (Board) Public Document Search tool, search for the specific docket listed above, and post by utilizing the “Post Comments” button. Written comments may also be submitted. Please include subject matter and docket number and submit to:

Secretary of the Board  
44 South Clinton Ave., 1st Floor  
PO Box 350  
Trenton, NJ 08625-0350  
Attn: BPU Docket Number: QX24080597  
Email: [board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)  
Phone: 609-292-1599

All comments are considered “public documents” for purposes of the State’s Open Public Records Act. Commenters may identify information that they seek to keep confidential by submitting it in accordance with the confidentiality procedures set forth at N.J.A.C. 14:1-12.3.

**Take notice** that the Board of Public Utilities proposed amendments at N.J.A.C. 14:8-1.2 and 11.4 and new rules at N.J.A.C. 14:8-13 on December 2, 2024, at 56 N.J.R. 2271(a). The current rule established the Successor Solar Incentive (SuSI) Program and two subprograms covered therein: the Administratively Determined Incentive (ADI) Program and the Competitive Solar Incentive (CSI) Program. The ADI Program provides an incentive for net metered residential facilities, net metered non-residential facilities five megawatts or less, and community solar facilities. The CSI Program provides incentives for qualifying grid supply facilities, net metered non-residential facilities greater than five megawatts, and certain electricity storage facilities that are combined with grid supply solar installations. The proposed amendments and new rules established a Dual-Use Solar Energy Pilot Program (“Pilot Program” or “Program”) in New Jersey, whereby the SuSI Program provides the baseline requirements and financial incentives. Specifically, the amendments and new rules:

1. Established the specifics of the Pilot Program design, which includes implementation of a New Jersey SREC-II award in the form of an adder for Dual-Use Solar Energy Projects determined through a competitive solicitation;
2. Established the Pilot Program structure to comply with the statutory directive so that it consists of several criteria for the application and procurement process to ensure that a range of competitive solar project types qualify to receive adders; and
3. Developed requirements for agrivoltaics projects in New Jersey to protect and minimize negative impacts to unpreserved farmland, while maintaining the affected land in active agricultural or horticultural use.

The public comment period closed on January 31, 2025.

The Board is proposing substantial changes to the amendments in response to comments received from BlueWave; ForeFront Power; Lightstar; and New Jersey Division of Rate Counsel (RC) pertaining to N.J.A.C. 14:8-13.7(a)3, 13.8(g), 13.9(e)5, and 13.10(o)1. Summaries of the comments that prompted the changes, and the Board responses, are provided below. This notice of proposed substantial changes is published pursuant to N.J.S.A. 52:14B-4.10.

Comments on the original proposal were received from BlueWave; ForeFront Power; Lightstar; Mid Atlantic States Career and Education Center (MASCEC) and Tatleaux Solar Group (Tatleaux) (MASCEC-Tatleaux); RC; Renewable Properties; and Vermont Agency of Agriculture, Food, and Markets (VAAFM).

**N.J.A.C. 14:8-13.7 Pilot Program Solicitation Process**

1. COMMENT: The commenter states that it supports the requirements for the applicants outlined at N.J.A.C. 14:8-13.7. However, the commenter recommends amending N.J.A.C. 14:8-13.7(a)3 and 4 to require more extensive accounting, specifically a detailed breakdown of all sources of project financial support, to provide greater transparency in the application process, facilitate a more accurate assessment of financial needs, and help avoid over-subsidizing projects. (RC)

RESPONSE: The Board agrees with the commenter that over-subsidization should be avoided, but does not believe that N.J.A.C. 14:8-13.7(a)3 and 4 are the appropriate rules for revision. These paragraphs

detail requirements to submit an Expression of Interest (EOI). Pursuant to the Board's rules, the EOI constitutes a pre-qualification application process through which a limited number of details are provided by an applicant to enable a determination of whether the applicant may submit a "full" or more detailed application. Thus, the detailed breakdown of financial support suggested by the commenter is beyond the scope of the EOI. The application requirements at N.J.A.C. 14:8-13.7(f) pertain to the full application. Pursuant to subsection (f), the applicant must update the information provided with an EOI submission and must also provide documentation demonstrating how an applicant proposes to meet the application criteria. The Board believes adding clarity to the type of documentation is important to establish in the rules for consistency throughout the duration of the Pilot Program specific to understanding any sources of financial support and information supporting the adder. The Board is revising the rules at N.J.A.C. 14:8-13.7(f)2 to require a detailed breakdown of all sources of project financial support, and any additional information Board staff may need to determine the support for the requested adder. In addition, the method and instructions on the requirements to meet the application criteria are determined by the Board's orders for each solicitation round and can be modified as needed for each application period.

#### **N.J.A.C. 14:8-13.8 Conditions for a Project Awarded an Incentive**

2. COMMENT: The commenter states that the Board and/or Rate Counsel should have the ability to examine the accounting books of developers in relation to the projects receiving incentives. (RC)

RESPONSE: The Board agrees with the commenter that the Board should have the authority to investigate the accounting books of selected projects, but disagrees that Rate Counsel should be involved to the same extent as the Board during the Pilot Program. The Pilot Program has a maximum capacity limit of 200 MW over three years, and the Board suggests revisiting the level of involvement by Rate Counsel in the future as it relates to the development of a permanent program when there will be a potential for a greater impact to ratepayers. As such, the Board has added N.J.A.C. 14:8-13.8(g) to expressly allow for the Board to evaluate the financial records of a selected project as necessary.

#### **N.J.A.C. 14:8-13.9 Installation, Construction, and Operational Requirements**

3. COMMENT: Two commenters recommend that the research control area be permitted to be located on a separate, nearby parcel of land and fenced separately from the array area. (BlueWave and ForeFront Power)

4. COMMENT: The commenter suggests that the Board consider an alternative approach to the size of a research control area to allow for siting the research control area on an adjacent property within 0.25 miles of the array site, as long as the Board's requirements are met pertaining to equivalency of farming practices and other agricultural factors such as soil. The commenter also asks if the research control area can be on an adjacent or abutting parcel and on preserved farmland. (Lightstar)

RESPONSE TO COMMENTS 3 AND 4: The Board declines to make any amendments to the rules regarding fencing requirements because the proposed rules allow for a research control area to be separately fenced depending upon the requirements imposed by any code, ordinance, permit requirement, or statute. The Dual-Use Act specifies that a Dual-Use Solar Energy Project must be sited on unpreserved farmland and makes no exception for fencing or a control area. N.J.S.A. 48:3-87.13.a. The Board concurs with the recommendation that an amendment be made to allow for alternative siting to account for potential siting issues with the project site, provided that a control area on a separate parcel of land would be nearby, at a maximum distance of 50 yards, and would comply with the Board's rules pertaining to equivalency for the land where the solar array is located. However, the Board believes that such an allowance or exception should be made only when adequate justification is provided to the Board as part of the application process. The Board incorporates amended language at new N.J.A.C. 14:8-13.9(e)5iii.

#### **N.J.A.C. 14:8-13.10 Monitoring and Research Requirements**

5. COMMENT: The commenters request clarification on research requirements, specifically with respect to the time commitment to conduct the research pursuant to the Pilot Program at N.J.A.C. 14:8-13.10(b) through (n) and research control area requirements at N.J.A.C. 14:8-

13.9(e)5. The commenters question if the requirements are in place for three years pursuant to N.J.A.C. 14:8-13.10(a) or the lifetime of the project pursuant to N.J.A.C. 14:8-13.10 and request clarification on what is considered the "life of the project," and the length of applicable lease terms for the research control area. ForeFront Power also expresses concern over the ability to estimate project costs, while BlueWave states that these aspects of the rulemaking will have significant impacts to the project submissions. (BlueWave and ForeFront Power)

RESPONSE: The Board appreciates the commenters' request for clarification and agrees that clarity in the timeframe to conduct research and monitoring required by the Pilot Program will help support successful project planning, including costs. The Board advises that research pursuant to the Pilot Program should be achievable within the duration of the Program set by the Dual-Use Act (P.L. 2021, c. 170 (N.J.S.A. 48:3-87.13 et seq.)) of 36 months with results produced to inform the permanent program but understands that unless consideration is given to the timelines for project approvals, construction, installation, and agricultural or horticultural growing seasons, it may be impractical to have sufficient data from these projects. Thus, the Board proposes new N.J.A.C. 14:8-13.10(o)1, so that the research requirements shall be in place for three years from the date that a selected project receives permission to operate from an electric distribution company. The Board does not dictate a specific length of applicable lease terms but rather accepts any such lease terms that enable the research to be fully executed. The Board declines to make any further changes to the rules regarding the lifetime of the project because this timeframe is already defined and the Board does not find that any changes are needed. Pursuant to N.J.A.C. 14:8-13.13(c)1, a project's qualification life for receipt of incentives is 15 years because a Dual-Use Solar Energy Pilot Program award is in the form of an NJ SREC-II. Pursuant to N.J.A.C. 14:8-11.6(a), a SuSI-eligible facility is eligible to generate NJ SREC-IIs for 15 years following the date of commencement of commercial operation. This 15-year period is defined as the New Jersey SREC-II Qualification Life at N.J.A.C. 14:8-11.2.

#### **Summary of Agency-Initiated Changes:**

1. The Board is proposing substantial changes at proposed new N.J.A.C. 14:8-13.3(k)2 to clarify that the value of the total incentive, including the adder, shall be a fixed value and would not be subject to increase if project costs are greater than anticipated.

2. The Board is proposing substantial changes at proposed N.J.A.C. 14:8-13.5(f)3i to modify the baseline incentive level, or reference value, for a CSI-eligible facility that has not received an award from the Board in the CSI Program to reflect 90 percent of the lowest awarded bid in Tranche 1, or the Basic Grid Supply market tranche, from the Board's most recent CSI Program solicitation as opposed to the highest awarded bid. The change is being made to protect ratepayers from potentially over-incentivizing agrivoltaics projects in the Pilot Program by establishing a lower baseline incentive level, or reference value, as opposed to starting at a higher incentive value for grid supply projects.

3. The Board is proposing substantial changes at proposed N.J.A.C. 14:8-13.10(b), (c), and (k), which outline soil and environmental health parameters as part of the research and monitoring requirements in the Pilot Program. The Board, in consultation with the New Jersey Department of Agriculture and the Rutgers Agrivoltaics Program at Rutgers University, determined that these proposed changes and additions to the soil and environmental parameters are necessary and critical to better understand the impacts to farmland in New Jersey from Pilot Program projects. During the installation of a solar system, many factors can affect the soil significantly and the Board is proposing to slightly adjust the proposed parameters. Each modification is described in detail, along with other necessary minor adjustments to the original proposed new rules. While the Board recognizes that the additional soil health parameters being proposed may potentially add costs to applicants, the Board anticipates that the additional costs will be minimal and, moreover, the purpose of the adder is to account for such incremental costs of participation in the Pilot Program.

i. Pertaining to proposed N.J.A.C. 14:8-13.10(b), which outlines the parameters required to assess the soil quality characteristics before construction or any site preparation work begins, adding the requirement

for a soil map will enable both the selected project teams and the Board to more effectively and efficiently evaluate these soil quality characteristics as part of the report required at N.J.A.C. 14:8-13.8(f). Thus, the Board proposes to combine soil textural classification, hydrologic soil group, salinity, and overall slope into one group with the addition of soil type(s) at proposed N.J.A.C. 14:8-13.10(b)1. Additionally, at proposed N.J.A.C. 14:8-13.10(b)1, the Board is modifying the proposed parameter "soil map unit" to "soil map unit(s)" in case there is more than one soil type at a project site.

ii. At proposed N.J.A.C. 14:8-13.10(b)2 and 3, the Board is proposing to add "soil volumetric water content" as part of the metric for bulk density and "penetration resistance," respectively. Water content is a measurement that is used together with penetration resistance to calculate compaction. "Penetration resistance" is a measurement that can be used as a proxy for determining soil compaction, which it is imperative to prevent and minimize as much as possible to be able to ensure that the farmland remains in active agricultural or horticultural use. Therefore, these metrics are necessary measurements to include concurrently as part of the evaluation for the Pilot Program. Finally, the Board is proposing to clarify the sampling protocol for bulk density, soil volumetric water content, and penetration resistance to be measured covering the depth range of zero to at least 15 inches, or zero inches to the depth of a restrictive layer.

iii. At proposed N.J.A.C. 14:8-13.10(b)6, pertaining to the original parameter proposed as "macro- and micro-nutrient content," the Board determined that it is more appropriate to refer to "nutrients" at proposed N.J.A.C. 14:8-13.10(b)4 to avoid confusion about what "macro" and "micro" mean for implementation. At proposed N.J.A.C. 14:8-13.10(b)9, regarding the original parameter proposed as "[t]opography of the project site," the Board re-evaluated accessing this information and determined that obtaining it through a soil map is not feasible and, therefore, requiring it presents a hardship and burden for applicants/project teams participating in the Pilot Program. Thus, the Board proposes to remove it. Also, at proposed N.J.A.C. 14:8-13.10(b)4, the Board proposes the measurement of pH because it influences the availability of nutrients to plants. Changes in pH, therefore, affect crop growth and yields if these changes mean that nutrients are less available. The installation of photovoltaic panels can potentially lead to changes in soil pH levels (often causing acidification) due to alterations in the microclimate, vegetation patterns, and organic matter content under the panels compared to surrounding areas. Tracking any potential changes in pH after installing the photovoltaic system is important to reduce negative impacts on the farmland and the crops growing in an agrivoltaics system, as well as to make necessary changes in agricultural practices such as fertilizing rates. Furthermore, pH is used as an indicator of the absence of inorganic carbon in soil.

iv. Additionally, at proposed N.J.A.C. 14:8-13.10(b)4, the Board is proposing to replace the original proposed parameter "organic matter content," with the proposed term "total soil carbon." Soil organic matter (SOM) and soil organic carbon (SOC) content are important properties determining soil health. Both properties are related through conversion factors, but SOC is more accurately determined from total carbon, that is, organic plus inorganic, when inorganic carbon is absent from the soil. Selected project teams will be required to determine SOC and, if required, convert SOC to SOM using the conversion factor 1.724, with the caveat that a single conversion value may not represent SOM/SOC ratios for fields across New Jersey. Additionally, at proposed N.J.A.C. 14:8-13.10(b)4, the Board is proposing a test for "soil respiration" because it is an important measurement for soil health and biological activity. Photovoltaic systems can affect soil respiration by altering the microclimate under the solar panels, which can lead to changes in soil temperature and moisture levels, thereby impacting microbial activity and subsequently affecting the rate of carbon dioxide release from the soil. The proposed test is a cost-effective alternative to more expensive respiration methods requiring titration or gas analyzers.

v. To more accurately represent the laboratory analysis needed at proposed N.J.A.C. 14:8-13.10(b)4, the Board is proposing to slightly modify the term "soil textural classification" at N.J.A.C. 14:8-13.10(b)2 to reflect "particle-size (texture)."

vi. At proposed N.J.A.C. 14:8-13.10(b)4, the Board is proposing to add the parameters for "cation exchange capacity (CEC)" and "exchangeable

cations." A cation is a positively charged ion or particle. CEC quantifies the capacity of soil to store or retain cations, and it is an inherent property of the soil that depends on its pH and on the contents of clay and organic matter. CEC influences the soil's ability to hold onto essential nutrients and provides a buffer against soil acidification, making it an important parameter for fertility management. The installation and operation of a photovoltaic system can indirectly affect CEC and exchangeable cations by altering the microenvironment of the soil, primarily through changes in vegetation cover, water infiltration patterns, and soil disturbance during construction, potentially leading to changes in soil pH and organic matter content which influence CEC level. CEC is one of the required measurements in the pilot project because it will allow to contextualize changes introduced by the installation and operation of a photovoltaic system, such as changes in vegetation cover, water infiltration patterns, and soil disturbance during construction. Those disturbances will likely have a greater effect on sandy soils (low CEC values) than in fine textured soils. Thus, knowledge of CEC, along with sand, silt, clay, and soil organic carbon contents, will allow comparing the effects of installation and operation of PV systems on soil health across soil types.

vii. At proposed N.J.A.C. 14:8-13.10(b)5, the Board is proposing to add a parameter to measure an "infiltration rate," based on the fact that this property is used to predict how water moves through soil and how much water is available to plants. Infiltration rates quantify the ease of water movement in soils and are commonly used to evaluate the effect of soil management on soil ecosystems. Soil-water dynamics are especially relevant in photovoltaic systems because of the influence of the panels on soil moisture behavior, affecting crop growth and productivity.

viii. Similar to the proposed substantial changes at N.J.A.C. 14:8-13.10(b) for assessing soil health prior to the construction of a solar facility, the Board is proposing many of the same substantial changes at N.J.A.C. 14:8-13.10(c), which outlines the parameters required for monitoring the soil quality characteristics and environmental conditions after an agrivoltaics facility is constructed. These parallel changes will enable comparison of these parameters to determine any impacts to the soil during the construction phase. The proposed changes are as follows.

ix. At proposed N.J.A.C. 14:8-13.10(c)1, the Board is proposing to slightly modify "soil density and compaction" to reflect "bulk density and soil volumetric water content covering the depth range of zero to at least 15 inches below the surface, or zero inches below the surface to the depth of a restrictive layer."

x. At N.J.A.C. 14:8-13.10(c)2, the Board is proposing to modify "organic matter content" to instead reflect a more accurate depiction of the range of parameters, specifically, "nutrients, pH, total soil carbon, soil respiration, cation exchange capacity (CEC), and exchangeable cations," to be collected and analyzed by a laboratory.

xi. At new N.J.A.C. 14:8-13.10(c)3, the Board is proposing to add "penetration resistance covering the depth range of zero to at least 15 inches below the surface, or zero inches below the surface to the depth of a restrictive layer."

xii. The addition of "mesh-marker method to assess erosion" is proposed at new N.J.A.C. 14:8-13.10(c)4 because erosion is one of the biggest concerns when building a photovoltaic system. In the Act and in the Board's rules, Pilot projects are required to prevent erosion. This measurement will provide quantitative data to inform the applicants and the Board about potential erosion caused by the panels even when an erosion plan was in place, and therefore, mitigation and remediation strategies are needed in an agrivoltaics system.

xiii. At proposed new N.J.A.C. 14:8-13.10(c)5, the Board is requiring "infiltration rate" as one of the soil health parameters to assess after the installation of a selected project.

xiv. With respect to proposed N.J.A.C. 14:8-13.10(k), which outlines data collection requirements pertaining to environmental conditions, the Board is proposing to remove using an "actively aspirated box" to measure both air temperature and air relative humidity at paragraphs (k)2 and 3, respectively, because it is difficult to find this tool in the market at a reasonable price.

xv. Additionally, the Board is proposing to modify paragraphs (k)4 and 5 pertaining to the depth to which soil temperature and soil volumetric water content, respectively, are measured. The Board proposes including measurements at 12 inches below the surface because the type of

recommended equipment to use for these parameters does not only measure at one depth.

4. The Board proposes to remove a clause from proposed N.J.A.C. 14:8-13.13(c)2 to reflect that the Pilot Program will have a unique milestone reporting form and will not rely upon any existing milestone reporting form for the SuSI Program. Upon further evaluation, the Board believes that having one distinct and separate form for the Pilot Program will be more efficient in implementation.

#### Effect of Proposed Change on Impact Statements Included in Original Proposal

The changes to the new rules will not affect the impact statements included in the original notice of proposal. The changes modify various aspects of the Pilot Program pertaining to the definitions, Program Year timeframes, requirements for the application process, conditions for selected projects, siting requirements for a research control area, research and monitoring requirements, and reporting requirements. These changes will not affect the Social, Economic, Jobs, Agriculture Industry, or Racial and Ethnic Community Criminal Justice and Public Safety Impacts; the Federal Standards Statement; the Regulatory Flexibility Statement; or the Housing Affordability or Smart Growth Development Impact Analyses, as published in the original notice of proposal.

**Full text** of the proposed substantial changes to the proposed amendments follows (additions to proposal indicated in italicized boldface *thus*; deletions from proposal indicated in italicized cursive brackets {thus}):

### SUBCHAPTER 13. DUAL-USE SOLAR ENERGY PILOT PROGRAM

#### 14:8-13.3 Pilot Program structure

(a)-(j) (No change.)

(k) **Selected projects shall be subject to the terms and conditions for participating in the Pilot Program as described in this subchapter, as well as to any additional terms or conditions specified by the Board in an order conditionally approving a selected project. The Dual-Use Solar Energy Pilot Program shall provide an adder, the value of which is determined through the solicitation process, to each selected project. The adder shall supplement an incentive amount equivalent to that provided to projects registered in the ADI Program or CSI Program pursuant to N.J.A.C. 14:8-11, based on the applicable market segment or awarded incentive value, if the selected project meets all requirements in this subchapter and the Board order conditionally approving the selected project. The total incentive, consisting of the combined value of the Dual-Use Solar Energy Program adder and the appropriate SuSI Program incentive, shall be paid to each selected project that has received a New Jersey State Certification Number pursuant to N.J.A.C. 14:8-11.5(j) in the form of NJ SREC-IIs that are created by PJM-EIS GATS for each megawatt-hour generated, metered, and reported to PJM-EIS GATS.**

1. (No change from proposal.)

**2. The value of total incentive, including the adder, shall be a fixed value and shall not be subject to increase if project costs are greater than anticipated.**

(l)-(m) (No change.)

#### 14:8-13.5 Pilot Program eligibility

(a)-(e) (No change.)

(f) The Pilot Program shall be open to the solar generation facilities set forth in this subsection, subject to successful registration requirements for a selected project pursuant to N.J.A.C. 14:8-13.8.

1.-2. (No change.)

3. For the CSI Program, a CSI-eligible facility may apply to the Pilot Program if:

i. **Has not received an award from the Board in the CSI Program and uses 90 percent of the /highest/ lowest awarded bid as its base incentive value approved by the Board for the Basic Grid Supply market tranche, categorized as Tranche 1, from the Board's most recent CSI Program solicitation; or**

ii. (No change.)

(g)-(i) (No change.)

#### 14:8-13.7 Pilot Program solicitation process

(a)-(e) (No change.)

(f) The application must include the information listed at (a) above that is required to be submitted with the EOI and must also include the following:

1. An updated municipal tax map or site plan, with block and lot location of the farm parcel clearly identified, that shows the delineation of the proposed site, its associated research control areas, its proposed location of the balance of system equipment and solar array, and fencing, and whether any changes have been made to the submission pursuant to the EOI{.}; **and**

**2. Documentation demonstrating how the applicant proposes to meet the application criteria, including a detailed breakdown of all forms of financial support and any additional information Board staff may need to determine the need for the requested adder.**

(g)-(m) (No change.)

#### 14:8-13.8 Conditions for a project awarded an incentive

(a)-(f) (No change from proposal.)

**(g) A selected project shall provide an overview of project costs upon Board staff requests.**

#### 14:8-13.9 Installation, construction, and operational requirements

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

(e) Participants shall also incorporate the following additional design practices when developing a project for the Pilot Program:

1.-4. (No change.)

5. The project site of a selected project must include a research control area, or area of farmland without solar panels but otherwise equal in potential agricultural productivity and all extraneous factors affecting agricultural productivity characteristics compared to the area under and adjacent to the solar array or balance of system equipment. The research control area will be used to compare the performance of the crop or animals raised with the same crop or animals below and adjacent to the solar array or balance of system equipment.

i.-ii. (No change.)

**iii. If the research control area is located on a separate farm parcel or is otherwise separated from the location of the project site at a distance of more than 50 yards from the Dual-Use Solar Energy Project, the project team will be required to submit a justification to the Board as part of the application process pursuant to N.J.A.C. 14:8-13.7.**

6.-9. (No change.)

(f)-(g) (No change.)

#### 14:8-13.10 Monitoring and research requirements

(a) The COMPR shall establish the minimum monitoring and research requirements for a selected project throughout the life of the project. A New Jersey public research institution of higher education may serve as the primary designer and organizer of research studies involving projects selected as part of the Pilot Program.

1. The Board, or its designee, will manage and collect the research data listed at {(d) through (j), (m), and (n)} **(b) through (n)** below for the first three years of a selected project at no cost to the participant. Participants may choose to contract with a non-Board appointed entity to collect the data at their own cost. The cost of the research equipment shall be the responsibility of the applicant, including the equipment needed for collecting data pertaining to environmental metrics.

2.-3. (No change.)

**(b) Monitoring of the pre-construction soil quality characteristics, before site preparation begins, across the project site, solar array, and research control area as required at N.J.A.C. 14:8-13.8(f) must include the following parameters:**

**1. Soil map unit(s), soil type(s), textural classification, hydrologic soil group, salinity, and overall slope, as provided by a soil map;**

**2. Soil textural classification;**

**3. Hydrologic soil group;**

**4. Organic matter content;**

**5. Salinity;**

**6. Macro- and micro-nutrient content;**

**7. Bulk density;**

8. Overall slope; and
9. Topography of the project site.}
  2. Bulk density and soil volumetric water content covering the depth range of zero to at least 15 inches below the surface, or zero inches below the surface to the depth of a restrictive layer;
  3. Penetration resistance covering the depth of zero to at least 15 inches below the surface, or zero inches below the surface to the depth of a restrictive layer;
  4. Nutrients, pH, total soil carbon, soil respiration, particle-size (texture), cation exchange capacity (CEC), and exchangeable cations, as provided by a laboratory analysis; and
  5. Infiltration rate.
- (c) Monitoring of the soil and environmental conditions for selected projects after construction of the facility is required and must include the following parameters:
  - {1. Soil density and compaction;
  2. Organic matter content; and}
  1. Bulk density and soil volumetric water content covering the depth range of zero to at least 15 inches below the surface, or zero inches below the surface to the depth of a restrictive layer;
  2. Nutrients, pH, total soil carbon, soil respiration, cation exchange capacity (CEC), and exchangeable cations, as provided by a laboratory analysis;
  3. Penetration resistance covering the depth range of zero to at least 15 inches below the surface, or zero inches below the surface to the depth of a restrictive layer;
  4. Mesh-marker method to assess erosion;
  5. Infiltration rate; and
  - {3.} 6. Any other environmental parameters specified for the project site pursuant to the COMPR and deemed necessary for the Board to inform a permanent program, as established by Board order for each application period.
- (d)-(j) (No change.)
- (k) Data collection for Dual-Use Solar Energy Projects not located on covered agricultural lands must include the following information pertaining to environmental conditions:

1. Solar radiation measured horizontally;
2. Air temperature /using an actively aspirated box/;
3. Air relative humidity /using an actively aspirated box/;
4. Soil temperature at six and 12 inches below the surface;
5. Soil volumetric water content, *also known as pressure potential*, at six and 12 inches below the surface; and
6. Any additional metric(s) deemed necessary to inform a permanent program, as established by Board order with each application period.

(l) (No change from proposal.)

(m)-(n) (No change.)

(o) After the completion of the Pilot Program, the terms and the conditions in a selected project's COMPR, including any conditions specified by the Board in an order, shall be the responsibility of a selected project.

*1. In order for the Board to effectively evaluate the results of selected projects and make informed decisions about a permanent program, the monitoring and research requirements required pursuant to this section shall be in effect for three years beginning on the date that a selected project receives permission to operate from an EDC.*

14:8-13.13 Reporting and recordkeeping

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

(c) The selected project team shall keep the COMPR current over the life of the project with updates supplied by the project team. The Board will post the COMPR to the Board's Public Document Search page on its website, including any updates submitted to the Board Secretary's Office in consultation with Board staff.

1. (No change.)

2. The selected project team shall submit a milestone reporting form to the SuSI Program registration manager on a quarterly basis/, if one is not already required for the project pursuant to SuSI Program rules at N.J.A.C. 14:8-11.5/.

(d)-(i) (No change.)