[Third Reprint]

SENATE, No. 3183

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:
Senator NICHOLAS P. SCUTARI
District 22 (Somerset and Union)
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)
Assemblyman ROBERT J. KARABINCHAK
District 18 (Middlesex)
Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)

Co-Sponsored by:
Senator McKeon, Assemblywomen Brennan, Swain and Assemblyman Tully

SYNOPSIS

Modifies various provisions of State's renewable energy incentive programs; requires electric public utilities to consider interconnection applications for certain solar projects.

CURRENT VERSION OF TEXT

As reported by the Assembly Budget Committee on June 28, 2026, with amendments.

(Sponsorship Updated As Of: 6/30/2026)

AN ACT concerning renewable energy, supplementing Title 48 of the Revised Statutes, and amending various sections of the statutory law.

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

1. (New section) a. As used in this section:

"Administratively determined incentive program" means the program for the award of SREC-IIs to small solar facilities pursuant to section 3 of P.L.2021, c.169 (C.48:3-116).

"Board" means the Board of Public Utilities.

"Co-location" means siting two or more SREC-II eligible solar facilities on the same property or on contiguous properties [1]**[**, such that the individual facilities are eligible for a higher incentive value than they would be if they were combined into one single facility. In the case of net metered projects, SREC-II eligible solar facilities shall be not be deemed co-located if they serve separate net metering customers**]**[1] .

"Community solar program" means the program established by the board pursuant to section 5 of P.L.2018, c.17 (C.48:3-87.11).

"Competitive solicitation incentive program" means the program for the award of SREC-IIs to solar facilities pursuant to section 4 of P.L.2021, c.169 (C.48:3-117).

"Contaminated site" means any currently contaminated portion of a property on which industrial or commercial operations were conducted and a discharge occurred, and its associated disturbed areas, where "discharge" means the same as the term is defined in section 23 of P.L.1993, c.139 (C.58:10B-1).

[1]"Federal Energy Regulatory Commission" or "FERC" means the same as the term is defined in section 3 of P.L.1999, c.23 (C.48:3-51).[1]

"Garden State Energy Storage Program" means the program established pursuant to P.L.2025, c.136 (C.48:3-121.2 et al.).

"Mining site" means a sand mine, gravel pit, or mine, or former sand mine, gravel pit, or mine, [1]or[1] closed resource extraction facility [1]**[**, or**]** on[1] land classified as "extractive mining" in Level II of the modified Anderson classification system within the most recent Land Use-Land Cover geographic information system data layer produced by the Department of Environmental Protection.

"Remote net metering program" means the program established by the board pursuant to section 6 of P.L.2018, c.17 (C.48:3-87.12).

"Renewable energy facility" means the same as the term is defined in section 1 of P.L.2009, c.35 (C.40:55D-66.11).

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Senate SEN committee amendments adopted March 16, 2026.
[2]Senate floor amendments adopted March 23, 2026.
[3]Assembly ABU committee amendments adopted June 28, 2026.

"Renewable energy incentive program" means the competitive solicitation incentive program, remote net metering program, community solar program, administratively determined incentive program, TREC program, SREC-II program, or any other program administered by the board, which provides financial incentives to renewable energy projects or facilities.

"Solar renewable energy certificate" or "SREC" means the same as the term is defined in section 3 of P.L.1999, c.23 (C.48:3-51).

"Solar renewable energy certificate-II" or "SREC-II" means the same as the term is defined in section 3 of P.L.1999, c.23 (C.48:3-51).

"Transition renewable energy certificate" or "TREC" means a certificate issued by the board or its designee under the solar energy transition incentive program, which is designed to transition between the SREC program and the SREC-II program established pursuant to P.L.2021, c.169 (C.48:3-114 et al.).

b. Notwithstanding the provisions of section 38 of P.L.1999, c.23 (C.48:3-87), or any other law, rule, regulation, order, or board order to the contrary, [1][there shall be no prohibition on]1 3[2]there shall be no prohibition on[2]]3 the co-location of solar facilities either registered or seeking registration or participation in the administratively determined incentive program, the competitive solicitation incentive program, the community solar program, the remote net metering program, or any combination thereof [1][. Multiple solar facilities]1 3[2]. Multiple solar facilities[2]]3 may be [2][1]permitted by the board, upon a petition by the developer of the proposed[1]]2 3permitted by the board, upon a petition by the developer of the proposed[3] co-located [1][, either on the same property, or on contiguous properties, so long as the facilities] [2][facility. Any petition submitted pursuant to this section shall include project details confirming that the proposed co-located projects[1]] 3[, either on the same property, or on contiguous properties, so long as the] facility, if the proposed co-located[3] facilities[2] are [1]:[1] (1) developed as separate projects or separate phases of the same project [1][, and] ;[1] 3[2]and[2]]3 (2) have separate interconnection facilities [2][1]; and (3) are being proposed for co-location as a result of interconnection constraints or available interconnection facilities and not for the purposes of seeking a higher solar incentive than if the projects were not co-located[1]]2 3[. [2]Co-location shall not be permitted where the primary purpose or effect of the co-location is to obtain a higher incentive or more favorable incentive treatment than would be available if the facilities were developed independently.[2]] ; (3) are being proposed for co-location as a result of interconnection constraints; and (4) will not receive a higher incentive or more favorable incentive treatment than would be available if the facilities were developed as a single project, unless the board finds that there is a unique, project-specific reason to provide a different incentive level.[3]

c. Notwithstanding the provisions of section 38 of P.L.1999, c.23 (C.48:3-87), or any other law, rule, regulation, order, or board order to the contrary, [1][there shall be no size or power output restriction for]1 [3]up to 300 megawatts, as measured in direct current, of[3] solar facilities [1]with a capacity [3][of up] from five megawatts[3] to 20 megawatts, as measured in [3][alternating current (AC),[1]] direct current,[3] that are located on [2]commercial or industrial rooftops,[2] landfills, [3][brownfields,]3 contaminated sites, or mining sites [1][for the purposes of eligibility for] shall be eligible for registration in[1] the community solar program [1][or the remote net metering program] until December 31, 2028[1] [3]so long as the facility demonstrates that it is unable to interconnect as a PJM wholesale market participant in Transition Cycle 2 or earlier or as a Qualifying Facility pursuant to applicable orders from FERC and the "Public Utilities Regulatory Policies Act of 1978," Pub.L. 95-617. The board may establish reasonable procedures to track and allocate such capacity consistent with this subsection. Projects that registered or received awards under another New Jersey solar program prior to the effective date of P.L. , c. (C.) (pending before the legislature as this bill) shall not be eligible to register in the community solar program pursuant to this subsection unless the board finds that there is a unique, project-specific reason to allow the project to transfer programs. Projects that submitted applications in the fourth solicitation of the board's competitive solar incentive program shall only be eligible to register in the community solar program pursuant to this subsection if they do not receive awards in that program[3] .

d. [3]The board may establish, via board order, differentiated incentive levels based on project size and project type for co-located projects and projects larger than five megawatts, as measured in direct current, in the community solar program, and may from time to time adjust the categories and incentive levels.

e.[3] Notwithstanding the provisions of section 38 of P.L.1999, c.23 (C.48:3-87), or any other law, rule, regulation, order, or board order to the contrary, any project sited on a [1]commercial or industrial rooftop,[1] landfill, [3][brownfield,]3 contaminated site, or mining site that is participating in the community solar program, the remote net metering program, or any combination thereof shall have no less than 33 months from the date of registration in the applicable program to achieve commercial operation, as evidenced by a [1][permission to operate] permission-to-operate[1] letter from the applicable electric public utility. [1][The 33-month period referenced above shall be automatically extended, on a day for day basis, without the need for additional board order or other confirmation, in the event of utility-caused delays regarding interconnection of the project to the local electric transmission or distribution system.] [3][Projects] Facilities[3] that do not achieve commercial operation by the deadline shall be allowed to

re-register, regardless of whether capacity limits for the program have been reached.[1]

[3][e.] f.[3] An electric public utility shall, upon receipt of a complete application, accept, process, and [2][approve] respond to[2] interconnection applications for community solar or remote net metering facilities on any electric line that is sized 34.5 kilovolts or less.

[3][f.] g.[3] Any electric line maintained by an electric public utility that is sized at 34.5 kilovolts or less shall be [2][considered to be] classified as[2] [1]a[1] distribution [1][lines,] line, unless [2][the Federal Energy Regulatory Commission or a court of competent jurisdiction has made a final determination that the electric line in question is a transmission line subject to FERC jurisdiction. Any such electric line[1]] the electric line in question is a transmission facility subject to the jurisdiction of the Federal Energy Regulatory Commission. Any electric line that is classified as a distribution line[2] shall be subject to the board's jurisdiction, and [1][shall be eligible for interconnection by][1] any project participating in the community solar program, remote net [3][meter] metering[3] program, the competitively determined incentive program, the Garden State Energy Storage Program, or any other State-sponsored solar electricity incentive program or battery energy storage program [1]shall be allowed to interconnect to the electric line[1] [2], subject to the provisions of subsection g. of this section[2].

[3][[2]g.] h.[3] Any application for interconnection submitted pursuant [3][subsection f. of] to[3] this section shall be reviewed and processed in accordance with the board's interconnection rules [3][,] under[3] N.J.A.C.14:8-5, or any successor regulations. The applicant, developer, or owner of a solar facility or energy storage facility seeking to interconnect to an electric public utility's distribution system shall pay the full cost of any required interconnection study. Prior to the commencement of the study, the developer shall pay the estimated cost of the study. An electric public utility shall not be required to initiate or continue an interconnection study until full up-front payment has been received. The cost of the study shall be based on the [3]electric public[3] utility's actual cost to perform the study within the timeframe established by the board, including costs incurred through third party contractors. Upon completion of the study, the [3]electric public[3] utility shall recover from the [3]applicant,[3] developer [3], or owner of a solar facility[3] any additional reasonable costs incurred beyond the estimated amount paid. The applicant, developer, or owner of a solar facility or energy storage facility seeking to interconnect to an electric public utility's distribution system shall also be responsible for all costs associated with the interconnection of such facilities, including, but not limited to, study costs, engineering costs, and the costs of any system upgrades or modifications required to

accommodate the interconnection, as determined in accordance with the board's interconnection rules. Such costs shall not be borne by ratepayers and shall not be eligible for recovery through rates, except as otherwise permitted by the board in accordance with its interconnection rules.[2]

2. Section 1 of P.L.2009, c.35 (C.40:55D-66.11) is amended to read as follows:

1. A renewable energy facility on a parcel or parcels of land comprising [1][20] 10[1] or more contiguous acres that are owned by the same person or entity shall be a permitted use within every industrial [2]or commercial[2] district of a municipality.

For the purposes of this section:

"renewable energy facility" means a facility that engages in the production or storage of electric energy from solar technologies, photovoltaic technologies, battery storage technology, or wind energy.

(cf: P.L.2009, c.35, s.1)

3. Section 2 of P.L.2011, c.141 (C.40:55D-66.16) is amended to read as follows:

2. a. Notwithstanding any law, ordinance, rule or regulation to the contrary, a solar or photovoltaic energy facility, battery storage, or renewable energy facility or structure associated with either a solar or photovoltaic energy [1]or battery storage[1] facility constructed and operated on the site of any [3][1]commercial or industrial[3] rooftop,[1] landfill, brownfield, contaminated site, mining site, or closed resource extraction operation, shall be a permitted use within every municipality.

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

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

(cf: P.L.2011, c.141, s.2)

4. Section 5 of P.L.1971, c.198 (C.40A:11-5) is amended to read as follows:

5. Any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of the governing body if:

(1) The subject matter thereof consists of:

(a) (i) Professional services. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in the official newspaper, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the clerk of the county or municipality, or, in the case of a contracting unit created by more than one county or municipality, of the counties or municipalities creating the contracting unit; or (ii) Extraordinary unspecifiable services. The application of this exception shall be construed narrowly in favor of open competitive bidding, whenever possible, and the Division of Local Government Services is authorized to adopt and promulgate rules and regulations after consultation with the Commissioner of Education limiting the use of this exception in accordance with the intention herein expressed. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed, in the manner set forth in subsection (1) (a) (i) of this section, a brief notice of the award of the contract;

(b) The doing of any work by employees of the contracting unit;

(c) The printing of legal briefs, records, and appendices to be used in any legal proceeding in which the contracting unit may be a party;

(d) The furnishing of a tax map or maps for the contracting unit;

(e) The purchase of perishable foods as a subsistence supply;

(f) The supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities or the Federal Energy Regulatory Commission or its successor, in accordance with tariffs and schedules of charges made, charged or exacted, filed with the board or commission;

(g) The acquisition, subject to prior approval of the Attorney General, of special equipment for confidential investigation;

(h) The printing of bonds and documents necessary to the issuance and sale thereof by a contracting unit;

(i) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with the service, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;

(j) The publishing of legal notices in newspapers as required by law;

(k) The acquisition of artifacts or other items of unique intrinsic, artistic or historical character;

(l) Those goods and services necessary or required to prepare and conduct an election;

(m) Insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;

(n) The doing of any work by persons with disabilities employed by a sheltered workshop;

(o) The provision of any goods or services including those of a commercial nature, attendant upon the operation of a restaurant by any nonprofit, duly incorporated, historical society at or on any historical preservation site;

(p) (Deleted by amendment, P.L.1999, c.440.)

(q) Library and educational goods and services;

(r) (Deleted by amendment, P.L.2005, c.212).

(s) The marketing of recyclable materials recovered through a recycling program, or the marketing of any product intentionally produced or derived from solid waste received at a resource recovery facility or recovered through a resource recovery program, including, but not limited to, refuse-derived fuel, compost materials, methane gas, and other similar products;

(t) (Deleted by amendment, P.L.1999, c.440.)

(u) Contracting unit towing and storage contracts, provided that all of the contracts shall be pursuant to reasonable non-exclusionary and non-discriminatory terms and conditions, which may include the provision of the services on a rotating basis, at the rates and charges set by the municipality pursuant to section 1 of P.L.1979, c.101 (C.40:48-2.49). All contracting unit towing and storage contracts for services to be provided at rates and charges other than those established pursuant to the terms of this paragraph shall only be awarded to the lowest responsible bidder in accordance with the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) and without regard for the value of the contract therefor;

(v) The purchase of steam or electricity from, or the rendering of services directly related to the purchase of steam or electricity from a qualifying small power production facility or a qualifying cogeneration facility as defined pursuant to 16 U.S.C. s.796;

(w) The purchase of electricity or administrative or dispatching services directly related to the transmission of purchased electricity by a contracting unit engaged in the generation of electricity<u>, or the purchase of remote net metering credits, similar renewable energy credits, or renewable energy production credits pursuant to a program administered by the Board of Public Utilities, including the remote net metering program established pursuant to section 6 of P.L.2018, c.17 (C.48:3-87.12)</u>;

(x) The printing of municipal ordinances or other services necessarily incurred in connection with the revision and codification of municipal ordinances;

(y) An agreement for the purchase of an equitable interest in a water supply facility or for the provision of water supply services

entered into pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or an agreement entered into pursuant to N.J.S.40A:31-1 et al., so long as the agreement is entered into no later than six months after the effective date of P.L.1993, c.381;

(z) A contract for the provision of water supply services entered into pursuant to P.L.1995, c.101 (C.58:26-19 et al.);

(aa) The cooperative marketing of recyclable materials recovered through a recycling program;

(bb) A contract for the provision of wastewater treatment services entered into pursuant to P.L.1995, c.216 (C.58:27-19 et al.);

(cc) Expenses for travel and conferences;

(dd) The provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software, except that this provision shall not be utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software;

(ee) The management or operation of an airport owned by the contracting unit pursuant to R.S.40:8-1 et seq.;

(ff) Purchases of goods and services at rates set by the Universal Service Fund administered by the Federal Communications Commission;

(gg) A contract for the provision of water supply services or wastewater treatment services entered into pursuant to section 2 of P.L.2002, c.47 (C.40A:11-5.1), or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility as defined in subsection (16) of section 15 of P.L.1971, c.198 (C.40A:11-15) or a wastewater treatment system as defined in subsection (19) of section 15 of P.L.1971, c.198 (C.40A:11-15), or any component part or parts thereof, including a water filtration system as defined in subsection (16) of section 15 of P.L.1971, c.198 (C.40A:11-15); or

(hh) The purchase of electricity generated from a power production facility that is fueled by methane gas extracted from a landfill in the county of the contracting unit.

(2) It is to be made or entered into with the United States of America, the State of New Jersey, county, or municipality, or any board, body, officer, agency, or authority thereof, or any other state or subdivision thereof.

(3) Bids have been advertised pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4) on two occasions and (a) no bids have been received on both occasions in response to the advertisement, or (b) the governing body has rejected the bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefor, or have not been independently arrived at in open competition, or (c) on one occasion no bids were received pursuant to (a) and on one occasion all bids were rejected pursuant

to (b), in whatever sequence; a contract may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing the contract; provided, however, that:

(i) A reasonable effort is first made by the contracting agent to determine that the same or equivalent goods or services, at a cost which is lower than the negotiated price, are not available from an agency or authority of the United States, the State of New Jersey or of the county in which the contracting unit is located, or any municipality in close proximity to the contracting unit;

(ii) The terms, conditions, restrictions, and specifications set forth in the negotiated contract are not substantially different from those which were the subject of competitive bidding pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4); and

(iii) Any minor amendment or modification of any of the terms, conditions, restrictions, and specifications, which were the subject of competitive bidding pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4), shall be stated in the resolution awarding the contract; provided further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the contracting agent shall notify each responsible bidder submitting bids on the second occasion of its intention to negotiate, and afford each bidder a reasonable opportunity to negotiate, but the governing body shall not award the contract unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible vendor, and is a reasonable price for goods or services.

Whenever a contracting unit shall determine that a bid was not arrived at independently in open competition pursuant to subsection (3) of this section it shall thereupon notify the county prosecutor of the county in which the contracting unit is located and the Attorney General of the facts upon which its determination is based, and when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

(4) The contracting unit has solicited and received at least three quotations on materials, supplies, or equipment for which a State contract has been issued pursuant to section 12 of P.L.1971, c.198 (C.40A:11-12), and the lowest responsible quotation is at least 10 percent less than the price the contracting unit would be charged for the identical materials, supplies, or equipment, in the same quantities, under the State contract. A contract entered into pursuant to this subsection may be awarded only upon adoption of a resolution by the affirmative vote of two-thirds of the full membership of the governing body of the contracting unit at a meeting thereof authorizing the contract. A copy of the purchase

order relating to the contract, the requisition for purchase order, if applicable, and documentation identifying the price of the materials, supplies or equipment under the State contract and the State contract number shall be filed with the director within five working days of the award of the contract by the contracting unit. The director shall notify the contracting unit of receipt of the material and shall make the material available to the State Treasurer. The contracting unit shall make available to the director upon request any other documents relating to the solicitation and award of the contract, including, but not limited to, quotations, requests for quotations, and resolutions. The director periodically shall review material submitted by contracting units to determine the impact of the contracts on local contracting and shall consult with the State Treasurer on the impact of the contracts on the State procurement process. The director may, after consultation with the State Treasurer, adopt rules in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to limit the use of this subsection, after considering the impact of contracts awarded under this subsection on State and local contracting, or after considering the extent to which the award of contracts pursuant to this subsection is consistent with and in furtherance of the purposes of the public contracting laws.

(5) Notwithstanding any provision of law, rule, or regulation to the contrary, the subject matter consists of the combined collection and marketing, or the cooperative combined collection and marketing of recycled material recovered through a recycling program, or any product intentionally produced or derived from solid waste received at a resource recovery facility or recovered through a resource recovery program including, but not limited to, refuse-derived fuel, compost materials, methane gas, and other similar products, provided that in lieu of engaging in public advertising for bids and the bidding therefor, the contracting unit shall, prior to commencing the procurement process, submit for approval to the Director of the Division of Local Government Services, a written detailed description of the process to be followed in securing the services. Within 30 days after receipt of the written description the director shall, if the director finds that the process provides for fair competition and integrity in the negotiation process, approve, in writing, the description submitted by the contracting unit. If the director finds that the process does not provide for fair competition and integrity in the negotiation process, the director shall advise the contracting unit of the deficiencies that must be remedied. If the director fails to respond in writing to the contracting unit within 30 days, the procurement process as described shall be deemed approved. As used in this section, "collection" means the physical removal of recyclable materials from curbside or any other location selected by the contracting unit.

(6) Notwithstanding any provision of law, rule, or regulation to the contrary, the contract is for the provision of electricity by a contracting unit engaged in the distribution of electricity for retail sale, for the provision of wholesale electricity by a municipal shared services energy authority as defined pursuant to section 3 of P.L.2015, c.129 (C.40A:66-3), or for the provision of administrative or dispatching services related to the transmission of electricity, provided that in lieu of engaging in public advertising for bids and the bidding therefor, the contracting unit shall, prior to commencing the procurement process, submit for approval to the Director of the Division of Local Government Services, a written detailed description of the process to be followed in securing these services. The process shall be designed in a way that is appropriate to and commensurate with industry practices, and the integrity of the government contracting process. Within 30 days after receipt of the written description, the director shall, if the director finds that the process provides for fair competition and integrity in the negotiation process, approve, in writing, the description submitted by the contracting unit. If the director finds that the process does not provide for fair competition and integrity in the negotiation process, the director shall advise the contracting unit of the deficiencies that must be remedied. If the director fails to respond in writing to the contracting unit within 30 days, the procurement process, as submitted to the director pursuant to this section, shall be deemed approved.

(cf: P.L.2017, c.131, s.174)

5. Section 6 of P.L.2018, c.17 (C.48:3-87.12) is amended to read as follows:

6. a. No later than 120 days after the date of enactment of P.L.2023, c.190, the board shall establish an application and approval process for remote net metered solar energy projects serving public entities as receiving customers.

A remote net metered solar energy project shall:

(1) have a capacity up to **[**five**]** **3**[20] five**3** megawatts, as measured in **1**[direct] **3**[alternating**1**] direct**3** current **3**[**1**(AC)**1**] (DC)**3** ;

(2) exclusively serve public entities certified by the board to act as receiving customers and located within the same electric distribution company service territory as the project;

(3) be located on any property owned, licensed, or leased by any public entity or on any suitable private property, including, but not limited to, rooftops of commercial **2**or industrial**2** buildings, parking lots, **3**[brownfields]**3** **[**for which a final remediation document has been issued, or properly closed sanitary landfill facilities**]** , contaminated sites, landfills, or mining sites **1**, so long as:

(a) prior to commencing construction of the project: (i) for a [3]⟦brownfield or⟧[3] contaminated site, a remedial action work plan has been approved by either the [3]⟦department⟧ Department of Environmental Protection[3] or a licensed site remediation professional pursuant to the regulations adopted under chapter 26C of Title 7 of the New Jersey Administrative Code, and the regulations adopted under chapter 26E of Title 7 of the New Jersey Administrative Code; and (ii) for a landfill, a closure plan has been approved by the [3]⟦department⟧ Department of Environmental Protection[3] ; and

(b) after the time the solar project construction is complete: (i) if required for a [3]⟦brownfield or⟧[3] contaminated site, an engineering control has been installed and the [3]⟦department⟧ Department of Environmental Protection[3] has issued a remedial action permit; or (ii) the [3]⟦department⟧ Department of Environmental Protection[3] has deemed a landfill has been properly closed[1] ;

(4) not be sited on:

(a) land preserved under the Green Acres Program;

(b) land designated as freshwater wetlands as defined pursuant to P.L.1987, c.156 (C.13:9B-1 et seq.), or coastal wetlands as defined pursuant to P.L.1970, c.272 (C.13:9A-1 et seq.);

(c) forested lands, as defined by the board in consultation with the Department of Environmental Protection; or

⟦d)⟧ (d) prime agricultural soils and soils of Statewide importance, as identified by the United States Department of Agriculture's Natural Resources Conservation Service, which are located in Agricultural Development Areas certified by the State Agricultural Development Committee;

(5) have a facility size calculated based upon the total aggregate electricity usage of the receiving public entity customer utility accounts to be served by the project, based on the total usage of each proposed customer account over the previous twelve months; and

(6) be metered separately.

b. The board shall establish a remote net metering application process to approve remote net metered solar energy projects and certify public entities to act as receiving customers for remote net metering generating capacity. The process shall be modeled after the relevant rules and regulations adopted by the board for the community solar energy program pursuant to section 5 of P.L.2018, c.17 (C.48:3-87.11), including, but not limited to, the calculation of the value of the net metering credit. An electric public utility shall be entitled to full and timely cost recovery, including the full value of public remote net metering credits provided to customers and billing system investments, associated with public remote net metering consistent with the Community Solar provisions pursuant to subsection e. of section 5 of P.L.2018, c.17 (C.48:3-87.11).

c. (Deleted by amendment, P.L.2023, c.190)

d. The electric distribution company that serves the location of a solar energy project approved pursuant to this section shall be responsible for reviewing and approving the interconnection of the solar energy project.

[1]e. For the purposes of this section, a solar facility located on a landfill, brownfield, contaminated site, or mining site may include associated or contiguous lands developed as part of the same project, and no limitation shall be imposed based on the proportion of such associated or contiguous lands relative to the total project area or capacity.[1]

(cf: P.L.2023, c.190, s.1)

6. No later than 120 days after the effective date of this act, the board shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as necessary for implementing the provisions of this act, which shall be based on existing rules located at N.J.A.C.14:3-8.1 et seq.

7. This act shall take effect immediately.