

E&LP Land Use Update

Solar Energy, Peat-based Septic System, a little 'Common Sense' from NJDEP

April 2011

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RULES & REGULATIONS

Key Legislative Updates and Rules

Common Sense Rules: Waiver for Department Rules

Governor Chris Christie directed all state agencies to adopt "common sense" principles to remove unreasonable impediments to economic growth and cut through unnecessary red tape in his recent Executive Order No. 2. In response, the New Jersey Department of Environmental Protection (NJDEP) last week proposed a new regulation presenting the requirements for the approval of waivers from strict compliance with its rules and regulations. NJDEP provided a statement accompanying the rule proposal to address certain limited circumstances in which strict compliance with its requirements can lead to an "unreasonable, unfair, or unintended result, which can adversely affect a prospective applicant, the public and/or the environment."

The proposed rule is available online at
<http://www.nj.gov/dep/rules/notices.html>

Proposed Amendments to Septic Rules

NJDEP is proposing readoption and amendments to N.J.A.C. 7:9A Standards for Individual Subsurface Sewage Disposal System rules (i.e. Septic System Regulations). The proposed amendments address requirements for advanced onsite wastewater treatment systems. The rule also establishes a standard to support adequate inspection of septic systems during real estate transactions, requires closure and upgrading of cesspools, provide enhanced reporting of health department information to the Department and modifies the select fill criteria for soil replacement in the construction of conventional septic systems. Amendments are proposed to modernize the current standards, which have remained largely unchanged since 1990. Final rule adoption is expected in July 2011. The proposed rule is available online at <http://www.nj.gov/dep/rules/proposals/030711a.pdf>

New Jersey: A Solar Development Leader



Development of utility scale solar farms are on the rise here in New Jersey. New Jersey and California are the two leading states in renewable energy development. They provide the most sophisticated renewable energy market and economic platform in the country. This has paved the way for a recent increase in commercial scale and utility scale solar farm development in New Jersey. E&LP has been on the leading edge of solar farm development throughout 2010 and 2011. E&LP has successfully obtained land use approvals for 16 MW of solar energy generation here in New Jersey, which is currently under construction. Additionally, E&LP is pursuing approvals for an additional 30 MW of green power. The projects range from 16 acres to 50 acres of ground mounted solar arrays.

These renewable energy developments are very low impact in that noise, traffic and activity is virtually non-existent. In many cases, it provides an excellent development option for land owners. It has in many cases become a viable alternative to conventional residential subdivision or commercial development in the current economic climate. Leases from property owners can provide a steady income stream up to 30 years. If the site is decommissioned and the solar panels are removed in the future, the property can easily be developed when the economy has fully recovered.

The State of New Jersey has passed legislation defining renewable energy uses as an 'inherently beneficial use', which provides a solid basis for use variance approval at the municipal level. Legislation also permits solar developments as 'permitted uses' on industrially zoned property (>20 ac) and on quarries and landfills. Additionally, legislation was passed that stipulate 'solar panels shall not be considered impervious'. The previous definition is another important benefit during the municipal zoning approval process. Currently, many municipalities are enacting local ordinances regulating solar developments. E&LP has been reviewing various municipal draft ordinances and providing public comment on behalf of energy

stakeholders. We have been working hand-in-hand with local municipalities during their ordinance development process offering practical industry experience to aid in developing ordinances that are simple, practical, realistic and avoid unnecessary over-regulation. In summary, renewable energy facilities will provide a benefit to all of New Jersey's citizens as they will provide clean, local and distributed energy to our local communities furthering energy independence.

CONCRETE PEAT BIOFILTERS REVOLUTIONIZE SEPTIC WASTEWATER TREATMENT

In November 2010, E&LP successfully designed and permitted the first Eco-pure concrete peat biofilter septic system in the State. E&LP worked in conjunction with Planet Care, Inc. and New Jersey Septic Management Group to achieve the approvals and installation. This new technology has advanced existing peat biofilter technology by allowing the biofilter to be modeled into an all-in-one filtration and pump unit. The system results in a high level of effluent treatment and cost savings that can reduce the costs of these alternative septic systems to prices below that of conventional septic systems.

E&LP designed the first systems in New Jersey approved by municipalities and NJDEP. The first system was installed in December 2010 by New Jersey Septic Management Group, the New Jersey distributor in Montgomery Township. E&LP's design allowed for a reduction in mound height and disposal field area on the property, while providing superior treatment of the wastewater. Upon installation of these systems, E&LP hopes to obtain a blanket approval for the use of this design through the issuance of a Treatment Works Approval from the NJDEP.





Links: <http://www.nj-septic.com/> <http://www.planetcareinc.com/>

Previous peat biofilter designs incorporated multiple pump tanks and a dedicated biofilter, which was not easily upsized or downsized to the specific flow requirement of a specific site. The new unit allows for the elimination of separate pump tanks and chambers and places them within the peat biofilter. This enables the system to be easily sized for any volume of wastewater, reduces the number of required tanks and ultimately reduces the installation cost.

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