

Holland Township Environmental Commission Minutes

November 5, 2019 7 PM Meeting

Chairman Keady called the meeting to order. I call to order the November 5, 2019 Regular Meeting of the Holland Township Environmental Commission. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Environmental Commission Secretary by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Publishing the notice in the December 13, 2018 edition of the Hunterdon County Democrat
3. And faxing to the Express-Times for informational purposes only.

All stood for the pledge of allegiance. All were reminded to turn off their cell phones or put them in silent mode.

Members Present: Henry Gore, David Harrison, Mike Keady, Susan Meacham, Ray Note.

Absent: Jerry Bowers, Ted Harwick, Dwight Pederson, Township Committee Liaison: Robert Thurgarland and Secretary Maria Elena Jennette Kozak.

Let the record show we have a quorum.

Minutes: A motion was made by Henry Gore and seconded by Susan Meacham to approve the minutes of September 4, 2019 and October 2, 2019 as presented. All present were in favor of the motion. Motion carried.

PennEast Pipeline update: Susan Meacham and Mike Keady – Susan Meacham reported that The Third Circuit (comprised of New Jersey, Delaware and Pennsylvania) ruled that PennEast cannot use eminent domain to seize state lands, and this could go to the Supreme Court. Remedies could include revising the Natural Gas Act, which could take years, and that FERC could restructure. Various conversations took place regarding Natural Gas, Preserved Farmland, Rights of the People, who is using the product and the fracking procedure. PennEast did file at FERC asking FERC to explain their view on the Constitutional questions that have evolved.

Route 519 Widening Project –The road is open and the detour is abandoned. Questions have come up about the speed limit and if the prior posted speed will resume. Questions also came up about the 2020 project and if the road will still be closed at times. Mike Keady to ask questions at the Township Committee meeting on November 6, 2019.

The Public Hearing for Ordinance 2019-19 as outlined below was introduced at the TC Meeting of October 1, 2019. This ordinance amends a prior ordinance and concerns a clean-up of abandoned solar facilities with emphasis on a Decommissioning Bond. A special thank you is extended to the subcommittee consisting of Jerry Bowers, Mike Keady and Susan Meacham for all their help. The ordinance reads as follows:

ORDINANCE 2019-19
AN ORDINANCE AMENDING CHAPTER 100, ARTICLE IV
OF THE CODE OF THE TOWNSHIP OF HOLLAND REGARDING THE PROVISION OF A
DECOMMISSIONING BOND FOR MAJOR SOLAR FACILITIES

WHEREAS, the Mayor and Committee of the Township of Holland have determined that certain amendments to the Code of the Township of Holland are required.

NOW, THEREFORE, BE IT ORDAINED that the Mayor and Committee of the Township of Holland have determined that certain amendments and additions to Section 100-21(M) regarding major solar energy facilities in the Limited Industrial Park District are required as follows:

SECTION 1. Section 100-20.1(J) of the Code of the Township of Holland regarding decommissioning of minor solar facilities is hereby amended to add subsection (4) as follows:

Ground mounted solar energy facilities (minor) that require site plan approval shall be subject to the decommissioning plan and bond requirements set forth in Section 100-21(M)(7).

SECTION 2. Section 100-21(M)(7) of the Code of the Township of Holland entitled, “Decommissioning and disassembly,” is hereby amended to add subsection (c) as follows:

If said decommissioning has not been completed within the requisite 180 day period following issuance of the demolition permit, then the Township’s Zoning Officer shall provide written notice by certified mail to the landowner requiring that decommissioning be completed within thirty (30) calendar days of the receipt of said notice.

If the decommissioning has not been completed within thirty (30) calendar days of the receipt of said notice, the Township may collect the bond or other surety and undertake the decommissioning. The Township may charge the landowner and/or facility owner and operator for all of the costs and expenses thereof, including reasonable attorney’s fees. Nothing herein shall prevent the Township from taking appropriate legal action to compel the decommissioning. All costs incurred by the Township shall be billed to the landowner and if not paid within sixty (60) calendar days of billing, shall become a lien against the property.

SECTION 3. Section 100-21(M)(7)(a) of the Code of the Township of Holland entitled “Decommissioning and disassembly,” is hereby amending with definitions as follows:

(a) All Applications for a Solar energy facility (major/commercial) shall be accompanied by a decommissioning plan to be implemented upon abandonment of the use.

[1] Abandonment is defined as the facility being out of service for a continuous twelve-month period.

[2] Decommissioning Process Description. The decommissioning and restoration process comprise removal of above-ground structures; grading, to the extent necessary; restoration of topsoil (if needed) and seeding. The process of removing structures involves evaluating and categorizing all components and materials into categories of recondition and reuse, salvage, recycling and disposal. The Project consists of numerous materials that can be recycled, including steel, aluminum, glass, copper and plastics. In the interest of increased efficiency and minimal transportation impacts, components and material may be stored on-site until the bulk of similar components or materials are ready for transport. The components and material will be transported to the appropriate facilities for reconditioning, salvage, recycling, or disposal. Above-ground structures include the panels, racks, inverters, pads and any interconnection facilities located on the property. The above-ground structures and below-ground structures are collectively referred to herein as the “Project Components.”

Temporary erosion and sedimentation control best management practices will be used during the decommissioning phase of the project. Control features will be regularly inspected during the decommissioning phase and removed at the end of the process.

[3] *Project Component Removal: Control cabinets, electronic components, and internal cables will be removed. The panels, racks and inverters will be lowered to the ground where they may be transported whole for*

reconditioning and reuse or disassembled/cut into more easily transportable sections for salvageable, recyclable, or disposable components.

[4] PV Module Removal: Solar photovoltaic modules used in the project are manufactured within regulatory requirements for toxicity based on Toxicity Characteristic Leaching Procedure (TCLP). The solar panels are not considered hazardous waste. The panels used in the Project will contain silicon, glass, and aluminum which have value for recycling. Modules will be dismantled and packaged per manufacturer or approved recyclers specifications and shipped to an approved off-site recycler.

[5] Component Pad Removal: Pads will be excavated to a depth sufficient to remove all anchor bolts, rebar, conduits, cable, and concrete to a depth of 24 inches below grade. The remaining excavation will be filled with clear subgrade material of quality comparable to the immediate surrounding area. The sub-grade material will be compacted to a density similar to surrounding subgrade material. All unexcavated areas compacted by equipment used in decommissioning shall be de-compacted in a manner to adequately restore the topsoil and sub-grade material to the proper density consistent and compatible with the surrounding area.

[6] Electric Wire Removal: DC wiring can be removed manually from the panels to the inverter. Underground wire in the array will be pulled and removed from the ground. Overhead cabling for the interconnection will be removed from poles. All wire will be sent to an approved recycling facility.

[7] Racking and Fencing removal: All racking and fencing material will be broken down into manageable units and removed from the facility and sent to an approved recycler. All racking posts driven into the ground will be pulled and removed.

[8] Concrete Slab Removal: Concrete slabs used as equipment pads will be broken and removed to a depth of two feet below grade. Clean concrete will be crushed and disposed of off-site.

[9] Access Road: During decommissioning, the processed stone access roads will be stripped, exposing the geotextile beneath. The geotextile will then be removed and disposed revealing the original soil surface. The compacted soil beneath the road fill may require ripping with a subsoiler plow to loosen it before it can be returned to crop production.

(c) Site Restoration Process Description: Following decommissioning activities, the sub-grade material and topsoil from affected areas will be de-compacted and restored to a density and depth consistent with the surrounding areas. If the subsequent use for the project site will involve agriculture, a deep till of the project site will be undertaken. The affected areas will be inspected, thoroughly cleaned, and all construction-related debris removed. Disturbed areas will be reseeded to promote re-vegetation of the area, unless the area is to be immediately redeveloped. In all areas restoration shall include, as reasonably required, leveling, terracing, mulching, and other necessary steps to prevent soil erosion, to ensure establishment of suitable grasses and forbs, and to control noxious weeds and pests.

(d) Decommissioning Terms: The project shall be decommissioned within 180 days of the end of the project's operational life. Areas disturbed during the decommissioning phase will be seeded with a drought-tolerant grass seed mix appropriate for the area, unless such areas are being immediately redeveloped for other uses.

SECTION 4. Section 100-21(M)(7)(b) of the Code of the Township of Holland entitled, "Decommissioning and disassembly," is hereby amended to add subsections [7] and [8] as follows:

[7] Provisions detailing the anticipated life of the project.

[8] The estimated cost of decommissioning in current dollars and an explanation of how the cost was determined, which shall be prepared by a professional engineer or contractor who has expertise in the removal of solar facilities. Salvage value shall not be considered when determining the estimated decommissioning cost.

SECTION 5. Section 100-21(M)(7)(b)(4) of the Code of the Township of Holland entitled, "Decommissioning and disassembly," is hereby amended as follows (Additions indicated in boldface and italics **thus**; deletions indicated with strike-through ~~thus~~):

Provisions that , as a condition of *site plan approval and prior to the issuance of any building permits*, ~~obtaining the demolition permit~~, the land owner or operator of the facility shall obtain and submit to the Township a

performance bond *or other agreed-upon secured funding in a form approved by the Township Attorney* to ensure *that the decommissioning plan provides financial assurance that there will be sufficient funds available for decommissioning and site restoration when the solar arrays have reached the end of their useful life* ~~removal of the facility in accordance with the decommissioning plan. within 180 days of the issuance of the demolition permit.~~ Such bond shall be in an amount, as determined in detail by the Township Engineer, which shall be adequate to cover the estimated cost of such removal. The form of such bond shall be approved by the Township Attorney. The bond shall not be subject to revocation or reduction prior to the completion of the work covered by the demolition permit *and decommissioning plan* and the full restoration of the site as required by the decommissioning plan.

The decommissioning bond shall be re-evaluated to reflect inflation every 5 years from the start of operations which shall be defined as the date of issuance of the Certificate of Occupancy for the generation of power. Such re-evaluation shall be submitted no fewer than 30 days prior to the end of the five year period by the owner/operator and/or landowner to the Township Attorney and Township Engineer for review and approval. If the anticipated cost of decommissioning increases by ten percent (10%) or more, the property owner or operator of the facility shall deposit additional funds into an escrow account or revise the bond or other surety to reflect the increased amount.

SECTION 6. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. This Ordinance shall take effect upon final passage and publication according to law.

Second Reading and Final Adoption set for November 6, 2019 at 7:00 pm

I Catherine M. Miller, Municipal Clerk, hereby certify that the foregoing ordinance is a true and accurate copy of an ordinance adopted on first reading by the Township Committee of the Township of Holland at a regular and duly convened meeting held on October 1, 2019

In witness thereof, I have set my hand and affixed the seal of the Township of Holland this 2nd day of October 2019.

*Catherine M. Miller, RMC
Municipal Clerk, Holland Township*

Musconetcong River Management Council – Dwight Pederson – nothing to report.

ANJEC has requested that municipalities pass a resolution supporting passage of S2252/A4819 that promotes electric vehicles. Much discussion took place and Chairman Keady will discuss this at the Township Committee meeting of November 6, 2019. He will also let the Township Committee know that if they want to be supportive of this initiative, sample resolutions exist and that he will direct them to the ANJEC website.

Sustainable Jersey Certification update – The Green Team submitted the application in June and revisions were needed. We did not have enough points for Bronze certification. We ended up with 200 points and maintained our certification. We are going to have to work at getting new

points. We do get points for Recycling Plastic bags but we are only entitled to two benches per year with the TREX program. The program runs for six months at a time.

Sub-Committees:

Trails – Ted Harwick, Jerry Bowers and Ray Note. Ray Note walked the trail and reported that there are signs. David Harrison reported that some of the markers are a little confusing. Henry Gore reported that the trail head does have a kiosk with information available but all reported that the kiosk by the county trail needs to be looked at and updated with information. Secretary Kozak will have to talk with DPW Supervisor Colaluce to see if they can do what they did to the trail head kiosk.

Community Forestry Plan – Ray Note, David Harrison, Ted Harwick, Henry Gore (emeritus) and Secretary Kozak

Community Forestry Plan Grant - The Holland Township Community Forestry Plan 2020-2024 was submitted. Consultant Farr will be paid for his work with the plan from the DEP Green Communities Grant. The subcommittee did an outstanding job on revising the plan. As of this meeting, no word has been received regarding the approval of the plan presented. Secretary Kozak will have to follow up if no word is received by the end of November. Secretary Kozak will also have to check where we stand with our continuing education requirement for the 2019 year so that the information can be incorporated into the yearly report filed in February of 2020.

Tree Inventory Update – The subcommittee is still working on this project with Arborist Farr. Dwight Pederson tweaked the system for us to enter the data being collected into an Excel spreadsheet that could then be input into iTree. The data entry can be done when we are on hold with continuing to gather field data. Discussion took place about the need for an interim report. The subcommittee will work together to set up a time to work on this project. David Harrison did mention that he has looked at the sheets and that 55 species of trees have been viewed to date. Decision will need to be made regarding continuing with this project (if another inventory grant is needed to finish up the Holland Township Tree Inventory project or if we need to look for a grant regarding Hazardous Trees). We cannot pursue another grant with the existing grant outstanding. All need to account for their time as we need approximately 200 volunteer hours. Secretary Kozak will have hours as an employee that also needs to be accounted for. Secretary Kozak will need to touch base with Ron Farr to check his accounting and to see how close he is to using the allotted amount. If we are done with the grant then we need to look into the close-out procedure.

Girl Scout Silver Award - - Elizabeth Tamaro. Nothing new to report.

Highlands Conformance – Jerry Bowers, Mike Keady and Dwight Pederson.

Highlands Council Environmental and Economic Sustainability Grant Awards Program update:

No news to update other than Secretary Kozak is still working with Maser and the Highlands Council.

The Retention/Detention basin inventory is still an important project but the priority projects are the Wastewater Management Plan, The Water Use and Conservation Plan, The Master Plan Reexamination and the Affordable Housing/Fair Share Housing Plan. Subcommittees of the Planning Board for the Reexamination Plan and Affordable Housing/Fair Share Housing have been created to work with Planner Green. Plans will be available for review once created. The process for public comment will be through the Planning Board.

Stormwater Education – Mike Keady, Jerry Bowers, Susan Meacham and Maria Elena Jennette Kozak as Secretary – Nothing new to report Secretary Kozak will have to look at who signed up for classes and where we stand with our yearly requirements.

Community Education and Outreach – Jerry Bowers, Dwight Pederson, and Susan Meacham – Nothing new to report.

The EC webpage is: <http://www.hollandtownshipnj.gov/14-ec/46-environmental-commission.html>. Please send any additions or corrections to Secretary Kozak for posting

Inventory on Fauna and Flora subcommittee - David Harrison, Dwight Pederson, Ray Note and Henry Gore (emeritus) – As mentioned above, David Harrison has looked at the Tree Inventory sheets and approximately 55 species have been identified. He is working on species identification. More information to follow.

Public Comment: No one is present in the public.

At 8:20 pm David Harrison made a motion to adjourn.

Respectfully Submitted

Maria Elena Jennette Kozak

Maria Elena Jennette Kozak

Environmental Commission Secretary