

[First Reprint]

**ASSEMBLY, No. 4821**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED DECEMBER 17, 2018

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**District 37 (Bergen)**

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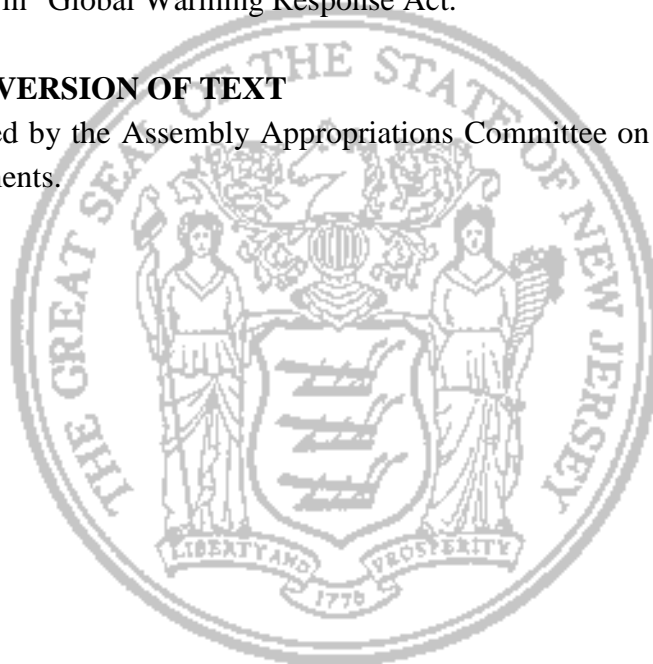
**Assemblymen Benson, Johnson, Zwicker, Calabrese, Conaway,**  
**Assemblywomen Jasey and Downey**

**SYNOPSIS**

Establishes new timeframes for implementation of, and revises, certain requirements in "Global Warming Response Act."

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on May 20, 2019,  
with amendments.



**(Sponsorship Updated As Of: 5/24/2019)**

1 AN ACT concerning the reduction of greenhouse gases and amending  
2 <sup>1</sup>[and supplementing]<sup>1</sup> P.L.2007, c.112.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 2 of P.L.2007, c.112 (C.26:2C-38) is amended to read  
8 as follows:

9 2. The Legislature finds and declares that, internationally, the  
10 issue of global warming has caused alarm, awareness, and action  
11 concerning climate changes occurring around the globe attributed to  
12 the high level of certain gases called "greenhouse gases" - gases that  
13 increase temperatures in the atmosphere and the risk of catastrophic  
14 changes to the Earth's ecosystems and environment; that, while this  
15 global warming may be a theory to some, the effects of increasing  
16 levels of greenhouse gases in the atmosphere are accepted by **[many]**  
17 all respected scientists and **[members]** the vast majority of the  
18 international community as seriously detrimental to the ecosystems  
19 and environment of the world; that, ultimately, if steps are not taken to  
20 reverse these trends, the effects on human, animal and plant life on  
21 Earth may be catastrophic; that solutions exist to halt the increasing of  
22 greenhouse gases in the atmosphere and reduce these emissions; that,  
23 as a global issue, each country and region within a country must do its  
24 part to reduce these greenhouse gases that threaten the globe; and that,  
25 as a State, there are specific actions that can be taken to attack the  
26 problem of global warming, through reductions of greenhouse gas  
27 emissions in the State and participation in regional and interstate  
28 initiatives to reduce these emissions regionally, nationally, and  
29 internationally.

30 The Legislature further finds and declares that, while carbon  
31 dioxide is the <sup>1</sup>primary and<sup>1</sup> most abundant greenhouse gas, other  
32 greenhouse gases known as short-lived climate pollutants, including  
33 black carbon, fluorinated gases, and methane, create a warming  
34 influence on the climate that is many times more potent <sup>1</sup>over a shorter  
35 period of time<sup>1</sup> than that of carbon dioxide, and have a dramatic and  
36 detrimental effect on air quality, public health, and climate change;  
37 and that reducing emissions of these pollutants can have an immediate  
38 beneficial impact on climate change and public health.

39 The Legislature therefore finds and declares that it is in the public  
40 interest to establish a greenhouse gas emissions reduction program  
41 <sup>1</sup>that includes a comprehensive strategy to reduce short-lived climate  
42 pollutants and<sup>1</sup> to limit the level of Statewide greenhouse gas  
43 emissions, and greenhouse gas emissions from electricity generated  
44 outside the State but consumed in the State, to the 1990 level or below,  
45 of those emissions by the year 2020, and to reduce those emissions to

**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:

<sup>1</sup>Assembly AAP committee amendments adopted May 20, 2019.

1 80 [%] percent below the 2006 level by the year 2050 <sup>1</sup> [ , and to  
2 develop a comprehensive strategy to reduce emissions of short-lived  
3 climate pollutants in the State ]<sup>1</sup> .

4 (cf: P.L.2007, c.112, s.2)

5

6 2. Section 3 of P.L.2007, c.112 (C.26:2C-39) is amended to read  
7 as follows:

8 3. For the purposes of [this act] P.L.2007, c.112 (C.26:2C-37 et  
9 al.):

10 “Department” means the Department of Environmental Protection.

11 “Greenhouse gas” means carbon dioxide, <sup>1</sup> [black carbon,]<sup>1</sup>  
12 methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur  
13 hexafluoride, and any other gas or substance determined by the  
14 Department of Environmental Protection to be a significant contributor  
15 to the problem of global warming.

16 “Statewide greenhouse gas emissions” means the sum of calendar  
17 year emissions of greenhouse gases from all sources within the State,  
18 and from electricity generated outside the State but consumed in the  
19 State, as determined by the department pursuant to subsection c. of  
20 section 5 of [this act] P.L.2007, c.112 <sup>1</sup> [(C.26:2C-37 et al.)]  
21 C.26:2C-41)<sup>1</sup> .

22 “2020 limit” means the level of greenhouse gas emissions equal to  
23 the 1990 level of Statewide greenhouse gas emissions.

24 “2050 limit” means the level of greenhouse gas emissions equal to  
25 80 percent less than the 2006 level of Statewide greenhouse gas  
26 emissions.

27 (cf: P.L.2007, c.112, s.3)

28

29 3. Section 5 of P.L.2007, c.112 (C.26:2C-41) is amended to read  
30 as follows:

31 5. a. No later than [January 1, 2009] 18 months after the  
32 effective date of P.L. , c. (C. ) (pending before the Legislature  
33 as this bill), the department shall adopt, pursuant to the  
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.),  
35 rules and regulations establishing a greenhouse gas emissions  
36 monitoring and reporting program to monitor and report Statewide  
37 greenhouse gas emissions.

38 b. The rules and regulations adopted pursuant to subsection a. of  
39 this section shall identify all significant sources of Statewide  
40 greenhouse gas emissions <sup>1</sup> including short-lived climate pollutants.<sup>1</sup>  
41 and shall provide for, but need not be limited to, the following:

42 (1) monitoring and reporting of existing emissions and changes in  
43 emissions over time from the sources identified by the department;

44 (2) reporting the levels of those emissions and changes in those  
45 emissions levels annually, commencing [on January 1, 2009] 18  
46 months after the effective date of P.L. , c. (C. ) (pending  
47 before the Legislature as this bill); and

1 (3) monitoring progress toward the 2020 limit and the 2050 limit  
2 <sup>1</sup>and any interim limits<sup>1</sup> .

3 c. Pursuant to the rules and regulations adopted pursuant to  
4 subsection a. of this section, the department shall require reporting of  
5 the greenhouse gas emissions:

6 (1) associated with fossil fuels used in the State, as reported by  
7 entities that are manufacturers and distributors of fossil fuels, which  
8 may include, but need not be limited to, oil refineries, oil storage  
9 facilities, natural gas pipelines, and fuel wholesale and retail  
10 distributors;

11 (2) from any entity generating electricity in the State and from any  
12 entity that generates electricity outside the State that is delivered for  
13 end use in the State. With respect to electricity generated outside the  
14 State and imported into the State, the department shall determine the  
15 emissions from that generation by subtracting the kilowatt-hours of  
16 electricity generated in the State from the kilowatt-hours of electricity  
17 consumed in the State, and multiplying the difference by a default  
18 emissions rate determined by the department;

19 (3) from any gas public utility as defined in section 3 of P.L.1999,  
20 c.23 (C.48:3-51); and

21 (4) from any additional entities that are significant emitters of  
22 greenhouse gases, as determined by the department, and as appropriate  
23 to enable the department to monitor compliance with progress toward  
24 the 2020 limit and the 2050 limit.

25 <sup>1</sup>d. No later than 18 months after the department prepares and  
26 transmits the report as required pursuant to subsection c. of section 6  
27 of P.L.2007, c.112 (C.26:2C-42), the department shall adopt, pursuant  
28 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
29 seq.), rules and regulations establishing interim benchmarks necessary  
30 to achieve the 2050 limit, and measures necessary to achieve the 2050  
31 limit and the established interim benchmarks.<sup>1</sup>

32 (cf: P.L.2007, c.112, s.5)

33

34 4. Section 6 of P.L.2007, c.112 (C.26:2C-42) is amended to read  
35 as follows:

36 6. a. The department, in consultation with the Board of Public  
37 Utilities, the Department of Agriculture, the Department of  
38 Transportation, and the Department of Community Affairs, shall  
39 evaluate policies and measures that will enable the State to achieve the  
40 2020 limit, shall make specific recommendations on how to achieve  
41 the emission reduction targets, including measures that reduce  
42 emissions in all sectors of the economy including transportation,  
43 housing, and consumer products, and shall evaluate the economic  
44 benefits and costs of implementing these recommendations. The  
45 department shall coordinate its evaluation of greenhouse gas emission  
46 reduction policies and measures with the work of the Energy Master  
47 Plan Committee established pursuant to section 12 of P.L.1977, c.146  
48 (C.52:27F-14).

1           b. No later than June 30, 2008, the department, and any other  
2 State agencies, as appropriate, shall prepare a report recommending  
3 the measures necessary to reduce greenhouse gas emissions to achieve  
4 the 2020 limit. The report shall include specific recommendations for  
5 legislative and regulatory action that will be necessary to achieve the  
6 2020 limit. The report shall be transmitted to the Governor, to the  
7 State Treasurer, to the Legislature pursuant to section 2 of P.L.1991,  
8 c.164 (C.52:14-19.1) and to the members of the Senate Environment  
9 Committee and the Assembly Environment and Solid Waste  
10 Committee.

11           c. No later than **June 30, 2010** one year after the effective date  
12 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (pending before the Legislature as this bill),  
13 the department, 'in consultation with the Board of Public Utilities' and  
14 any other State agencies, as appropriate, shall prepare a report  
15 recommending the measures necessary to reduce greenhouse gas  
16 emissions 'including short-lived climate pollutants.' to achieve the  
17 2050 limit. The report shall include specific recommendations for  
18 legislative and regulatory action that will be necessary to achieve the  
19 2050 limit 'and any established interim benchmarks' . The report  
20 shall also include recommendations for additional policies and  
21 measures that will be required if the State is otherwise expected to  
22 exceed the 2020 limit and any additional measures that will be  
23 required to meet the 2050 limit. The report shall be transmitted to the  
24 Governor, to the State Treasurer, to the Legislature pursuant to section  
25 2 of P.L.1991, c.164 (C.52:14-19.1) and to the members of the Senate  
26 Environment Committee and the Assembly Environment and Solid  
27 Waste Committee.

28           d. The Energy Master Plan Committee shall include in its  
29 adoption of the first update of the energy master plan completed after  
30 the date of enactment of **this act** P.L.2007, c.112 (C.26:2C-37 et al.),  
31 a list of recommended policies and measures to reduce the emission of  
32 greenhouse gases from the production, processing, distribution,  
33 transmission, storage, or use of energy that will contribute to achieving  
34 the 2020 limit.

35           e. Nothing in **this act** P.L.2007, c.112 (C.26:2C-37 et al.) shall  
36 impose any limit on the existing authority of the department, the Board  
37 of Public Utilities, or any other State department or agency to limit or  
38 regulate greenhouse gas emissions pursuant to law.

39 (cf: P.L.2007, c.112, s.6)

40

41           5. Section 7 of P.L.2007, c.112 (C.26:2C-43) is amended to  
42 read as follows:

43           7. a. No later than **January 1, 2009** 18 months after the  
44 effective date of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (pending before the  
45 Legislature as this bill), and biennially thereafter, the department  
46 shall prepare and transmit, in writing, a report to the Governor, to  
47 the State Treasurer, to the Legislature pursuant to section 2 of  
48 P.L.1991, c.164 (C.52:14-19.1) and to the members of the Senate

1 Environment Committee and the Assembly Environment and Solid  
2 Waste Committee, on the status of the greenhouse gas emissions  
3 monitoring and reporting program established pursuant to **[this act]**  
4 P.L.2007, c.112 (C.26:2C-37 et al.), the current level of greenhouse  
5 gas emissions in the State and the progress made toward compliance  
6 with the 2020 limit and the 2050 limit established pursuant to **[this**  
7 **act]** P.L.2007, c.112 (C.26:2C-37 et al.). The report shall also  
8 include updated and comparative inventories of Statewide  
9 greenhouse gas emissions.

10 b. **[No later than January 1, 2015,]** As part of the reports  
11 required pursuant to subsection a. of this section, the department  
12 shall evaluate the ecological, economic, and environmental factors  
13 and the technological capability affecting the attainment or  
14 maintenance of the 2020 limit and the 2050 limit established  
15 pursuant to this act.

16 (cf: P.L.2007, c.112, s.7)

17

18 <sup>1</sup>**[6. (New section) a. No later than 18 months after the**  
19 **effective date of P.L. , c. (C. ) (pending before the**  
20 **Legislature as this bill), the department shall develop a**  
21 **comprehensive strategy to reduce emissions of short-lived climate**  
22 **pollutants in the State. In developing the strategy, the department**  
23 **shall:**

24 (1) complete an inventory of sources and emissions of short-  
25 lived climate pollutants in the State based on available data;

26 (2) identify research needs to address any gaps in the data;

27 (3) identify existing and potential new control measures to  
28 reduce emissions;

29 (4) prioritize the development of new measures to reduce short-  
30 lived climate pollutants that offer co-benefits by improving water  
31 quality or reducing other air pollutants that impact community  
32 health and benefit disadvantaged communities, as identified by the  
33 department; and

34 (5) coordinate with other State agencies and local government  
35 units to develop measures identified as part of the strategy.

36 b. The department shall hold at least one public hearing during  
37 the development of the strategy required pursuant to subsection a.  
38 of this section to receive input from members of the academic  
39 community, industry experts, and members of the public.

40 c. Nothing in this section shall be construed to limit the  
41 existing authority of the department, the Board of Public Utilities,  
42 or any other State department or agency to limit or regulate short-  
43 lived climate pollutants pursuant to law.

44 d. As used in this section, "short-lived climate pollutant"  
45 means a pollutant that has a relatively short lifespan in the  
46 atmosphere, from a few days to a few decades, and has a warming  
47 influence on the climate that is greater than that of carbon dioxide

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7

1 and includes, but is not limited to, black carbon, fluorinated gases,  
2 and methane.]<sup>1</sup>

3

4 <sup>1</sup>[7.] 6.<sup>1</sup> This act shall take effect immediately.