

SENATE, No. 3207

STATE OF NEW JERSEY 218th LEGISLATURE

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SYNOPSIS

Establishes new timeframes for implementation of certain requirements in “Global Warming Response Act”; requires DEP to adopt strategy to reduce short-lived climate pollutants.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/4/2018)

1 AN ACT concerning the reduction of greenhouse gases and
2 amending and supplementing 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
8 read 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
13 that increase temperatures in the atmosphere and the risk of
14 catastrophic changes to the Earth's ecosystems and environment;
15 that, while this global warming may be a theory to some, the effects
16 of increasing levels of greenhouse gases in the atmosphere are
17 accepted by **[many]** all respected scientists and **[members]** the vast
18 majority of the international community as seriously detrimental to
19 the ecosystems and environment of the world; that, ultimately, if
20 steps are not taken to reverse these trends, the effects on human,
21 animal and plant life on Earth may be catastrophic; that solutions
22 exist to halt the increasing of greenhouse gases in the atmosphere
23 and reduce these emissions; that, as a global issue, each country and
24 region within a country must do its part to reduce these greenhouse
25 gases that threaten the globe; and that, as a State, there are specific
26 actions that can be taken to attack the problem of global warming,
27 through reductions of greenhouse gas emissions in the State and
28 participation in regional and interstate initiatives to reduce these
29 emissions regionally, nationally, and internationally.

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

39 The Legislature therefore finds and declares that it is in the
40 public interest to establish a greenhouse gas emissions reduction
41 program to limit the level of Statewide greenhouse gas emissions,
42 and greenhouse gas emissions from electricity generated outside the
43 State but consumed in the State, to the 1990 level or below, of those
44 emissions by the year 2020, and to reduce those emissions to 80
45 **[%]** percent below the 2006 level by the year 2050 , and to develop

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.

1 a comprehensive strategy to reduce emissions of short-lived climate
2 pollutants in the State.

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

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

7 3. For the purposes of **【this act】** P.L.2007, c.112 (C.26:2C-37
8 et al.):

9 “Department” means the Department of Environmental
10 Protection.

11 “Greenhouse gas” means carbon dioxide, black carbon, methane,
12 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
15 contributor to the problem of global warming.

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

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

24 “2050 limit” means the level of greenhouse gas emissions equal
25 to 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
30 read 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
33 Legislature as this bill), the department shall adopt, pursuant to the
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
35 seq.), 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.
39 of this section shall identify all significant sources of Statewide
40 greenhouse gas emissions and shall provide for, but need not be
41 limited to, the following:

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

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

1 (3) monitoring progress toward the 2020 limit and the 2050
2 limit.

3 c. Pursuant to the rules and regulations adopted pursuant to
4 subsection a. of this section, the department shall require reporting
5 of 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
12 any entity that generates electricity outside the State that is
13 delivered for end use in the State. With respect to electricity
14 generated outside the State and imported into the State, the
15 department shall determine the emissions from that generation by
16 subtracting the kilowatt-hours of electricity generated in the State
17 from the kilowatt-hours of electricity consumed in the State, and
18 multiplying the difference by a default emissions rate determined by
19 the department;

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

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

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

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

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

43 b. No later than June 30, 2008, the department, and any other
44 State agencies, as appropriate, shall prepare a report recommending
45 the measures necessary to reduce greenhouse gas emissions to
46 achieve the 2020 limit. The report shall include specific
47 recommendations for legislative and regulatory action that will be
48 necessary to achieve the 2020 limit. The report shall be transmitted

1 to the Governor, to the State Treasurer, to the Legislature pursuant
2 to section 2 of P.L.1991, c.164 (C.52:14-19.1) and to the members
3 of the Senate Environment Committee and the Assembly
4 Environment and Solid Waste Committee.

5 c. No later than **【June 30, 2010】** one year after the effective
6 date of P.L. , c. (C.) (pending before the Legislature as this
7 bill), the department, and any other State agencies, as appropriate,
8 shall prepare a report recommending the measures necessary to
9 reduce greenhouse gas emissions to achieve the 2050 limit. The
10 report shall include specific recommendations for legislative and
11 regulatory action that will be necessary to achieve the 2050 limit.
12 The report shall also include recommendations for additional
13 policies and measures that will be required if the State is otherwise
14 expected to exceed the 2020 limit and any additional measures that
15 will be required to meet the 2050 limit. The report shall be
16 transmitted to the Governor, to the State Treasurer, to the
17 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1)
18 and to the members of the Senate Environment Committee and the
19 Assembly Environment and Solid Waste Committee.

20 d. The Energy Master Plan Committee shall include in its
21 adoption of the first update of the energy master plan completed
22 after the date of enactment of **【this act】** P.L.2007, c.112 (C.26:2C-
23 37 et al.), a list of recommended policies and measures to reduce
24 the emission of greenhouse gases from the production, processing,
25 distribution, transmission, storage, or use of energy that will
26 contribute to achieving the 2020 limit.

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

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

33

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

36 7. a. No later than **【January 1, 2009】** 18 months after the
37 effective date of P.L. , c. (C.) (pending before the
38 Legislature as this bill), and biennially thereafter, the department
39 shall prepare and transmit, in writing, a report to the Governor, to
40 the State Treasurer, to the Legislature pursuant to section 2 of
41 P.L.1991, c.164 (C.52:14-19.1) and to the members of the Senate
42 Environment Committee and the Assembly Environment and Solid
43 Waste Committee, on the status of the greenhouse gas emissions
44 monitoring and reporting program established pursuant to **【this act】**
45 P.L.2007, c.112 (C.26:2C-37 et al.), the current level of greenhouse
46 gas emissions in the State and the progress made toward compliance
47 with the 2020 limit and the 2050 limit established pursuant to **【this**

1 act] P.L.2007, c.112 (C.26:2C-37 et al.). The report shall also
2 include updated and comparative inventories of Statewide
3 greenhouse gas emissions.

4 b. **[No later than January 1, 2015,]** As part of the reports
5 required pursuant to subsection a. of this section, the department
6 shall evaluate the ecological, economic, and environmental factors
7 and the technological capability affecting the attainment or
8 maintenance of the 2020 limit and the 2050 limit established
9 pursuant to this act.

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

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12 6. (New section) a. No later than 18 months after the effective
13 date of P.L. , c. (C.) (pending before the Legislature as this
14 bill), the department shall develop a comprehensive strategy to
15 reduce emissions of short-lived climate pollutants in the State. In
16 developing the strategy, the department shall:

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

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

20 (3) identify existing and potential new control measures to
21 reduce emissions;

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

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

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

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

37 d. As used in this section, "short-lived climate pollutant"
38 means a pollutant that has a relatively short lifespan in the
39 atmosphere, from a few days to a few decades, and has a warming
40 influence on the climate that is greater than that of carbon dioxide
41 and includes, but is not limited to, black carbon, fluorinated gases,
42 and methane.

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44 7. This act shall take effect immediately.

STATEMENT

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This bill would establish new timeframes for the implementation of certain requirements in the “Global Warming Response Act” (GWRA), and require the Department of Environmental Protection (DEP) to adopt a strategy to reduce short-lived climate pollutants.

The Legislature enacted the GWRA in 2007 in order to help curb global climate change by establishing aggressive goals to reduce emissions of greenhouse gases in the State: to 1990 emissions levels by the year 2020, and to 80 percent below 2006 levels by 2050. The GWRA required the DEP to, among other things, adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program, prepare biennial reports on the status of this program, and make recommendations for legislative and regulatory action necessary to accomplish the 2050 goal for reductions in greenhouse gas emissions. Despite clear directive in the law, however, the DEP never fulfilled these requirements.

This bill would establish new timeframes for the completion of the Legislature’s directives in the GWRA. Specifically, within 18 months after the date of enactment of the bill, the DEP would be required to adopt rules and regulations establishing a greenhouse gas emissions monitoring and reporting program. Additionally, within 18 months after the date of enactment, and biennially thereafter, the DEP would be required to prepare a report on the status of the greenhouse gas emissions monitoring and reporting program, the current level of greenhouse gas emissions in the State, and the progress made toward compliance with the goals established in the GWRA. Finally, within one year after the date of enactment, the bill would require the DEP to prepare a report recommending additional measures necessary to reduce greenhouse gas emissions to achieve the 2050 goal.

The bill would also require the State to develop a comprehensive strategy to reduce emissions of short-lived climate pollutants in the State. Short-lived climate pollutants, such as black carbon, fluorinated gases, and methane, are greenhouse gases that have a relatively short lifespan in the atmosphere, from a few days to a few decades, but that have a warming influence on the climate that is greater than that of carbon dioxide. Short-lived climate pollutants have a dramatic and detrimental effect on air quality, public health, and climate change, and reducing emissions of these pollutants can have an immediate beneficial impact on climate change and public health. The requirement to adopt a comprehensive strategy under this bill is based on legislation adopted and implemented in California.