

NOTE: THIS IS A COURTESY COPY OF THIS NOTICE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE OCTOBER 18, 2021, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

OFFICE OF LEGAL AFFAIRS

Notice of Action on Petition for Rulemaking

Air Pollution Control

Petition to Adopt Rules Setting 2030 Greenhouse Gas Emission Reduction Targets and Restricting New or Expanded Fossil Fuel Infrastructure Projects

N.J.A.C. 7:27

Petitioners: EmpowerNJ, BlueWaveNJ, Clean Water Action NJ, Delaware Riverkeeper Network, Don't Gas the Meadowlands Coalition, Environment New Jersey, Food & Water Watch, and New Jersey Sierra Club

Take notice that the Department of Environmental Protection (Department) has determined to refer the petition for rulemaking from John H. Reichman on behalf of EmpowerNJ, BlueWaveNJ, Clean Water Action NJ, Delaware Riverkeeper Network, Don't Gas the Meadowlands Coalition, Environment New Jersey, Food & Water Watch, and New Jersey Sierra Club (petitioners) for further deliberation.

The Petition

Petitioners state that the petition is supported by 58 other organizations, identified in an

NOTE: THIS IS A COURTESY COPY OF THIS NOTICE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE OCTOBER 18, 2021, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN.

Appendix to the petition. Petitioners request that the Department promulgate rules that set a 50 percent greenhouse gas reduction target by 2030 from 2005 levels, implement how that reduction is to be achieved, and restrict the issuance of operating permits for new fossil fuel infrastructure projects. The rules should include, but not be limited to, restricting the issuance of operating permits for new fossil fuel infrastructure projects, and stopping public forest logging programs, which directly increase greenhouse gas emissions and decrease future carbon sequestration capacity.

The petitioners state that New Jersey, as a member of the United States Climate Alliance, committed itself to implement policies that advance the goals of the Paris Agreement to keep temperature increases below 1.5 degrees Celsius, by committing to reduce collective net greenhouse gas emissions at least 50 to 52 percent below 2005 levels by 2030. However, New Jersey is not taking the actions needed to meet the 2030 commitment and to comply with the goals of the Global Warming Response Act, N.J.S.A. 26:2C-37 et seq., to reduce greenhouse gases by 80 percent by 2050.

Petitioners request that the Department promulgate rules denying permits for any new fossil fuel project unless it certifies that the 2030 GHG reduction target, interim benchmarks and the 2050 clean energy standards can be met if the facility is constructed and operates; there are no renewable energy alternatives to provide the energy the project would produce; and New

NOTE: THIS IS A COURTESY COPY OF THIS NOTICE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE OCTOBER 18, 2021, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN.

Jersey's energy requirements cannot be met by any other means, including through energy efficiency measures.

In support of the petition, the petitioners highlight an accelerating global climate change crisis; the impact of climate change on New Jersey in particular; the health and environmental costs associated with fossil fuel emissions; the need for and availability of renewable energy sources to replace natural gas; jobs that renewable energy projects will create; and actions by the United States, other nations, and other state and local governments to reduce greenhouse gases.

The Department's Response to the Petition

As petitioners state, climate change is the most pressing issue of our time. Climate change “poses a severe threat to the environment, human health and welfare, and the economy—in New Jersey, across the United States, and around the world.” New Jersey Department of Environmental Protection, New Jersey's Global Warming Response Act 80x50 Report, October 15, 2020, Executive Summary, p. v, <https://www.nj.gov/dep/climatechange/docs/nj-gwra-80x50-report-2020.pdf> (2050 Report). In accordance with Governor Murphy's direction, the Department has taken and continues to take significant and meaningful steps to reduce climate pollution and make the State more resilient to the impacts and effects of climate change. However, given the scope of the necessary economic, social, and regulatory changes, effective

NOTE: THIS IS A COURTESY COPY OF THIS NOTICE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE OCTOBER 18, 2021, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN.

climate change response requires coordinated action by different State agencies to transform the State's building sector, transportation sector, and electricity generation system, and the associated infrastructure required, to achieve the energy and overall emission reduction goals of the GWRA. Accordingly, the Department will need additional time to evaluate the request in light of the Department's existing efforts and underlying authority. , The Department is therefore referring the matter for further deliberation in order to provide time for this evaluation.

This notice and the full text of the petition filed in this matter are available on the Department's website at <http://www.nj.gov/dep/rules/petition.html>.

In accordance with N.J.A.C. 1:30-4.2, the Department will subsequently mail to the petitioners and file with the Office of Administrative Law a notice of action on the petition.