

NJ DEPARTMENT of ENVIRONMENTAL PROTECTION
ENVIRONMENTAL REGULATION
DIVISION OF AIR QUALITY
BUREAU OF AIR QUALITY PLANNING

Notice of Rule Proposal

N.J.A.C. 7:27-30 CAIR NO_x Trading Program, and N.J.A.C. 7:27-31.23, and N.J.A.C. 7:27A-3.10

Notice of Public Hearing And Availability

Proposed Revisions To New Jersey's State Implementation Plan Addressing Ozone And 110(a)(2)(D)(i)(I) of the Federal Clean Air Act, 42 U.S.C. §7410

Take notice that the New Jersey Department of Environmental Protection (Department) is proposing new rules to implement New Jersey's CAIR NO_x Trading Program. This proposal also constitutes a proposed revision to the State's Ozone State Implementation Plan (SIP); a copy of the proposal has been forwarded to the United States Environmental Protection Agency (USEPA). The proposed rules also constitute proposed revisions to New Jersey's SIP, in accordance with Section 110(a)(2)(D)(i)(I) of the Federal Clean Air Act, 42 U.S.C. §7410. A statement of the substance of the proposal follows:

The Federal Clean Air Interstate Rule (CAIR) program, as established in the Federal rules, starts in 2009 for the annual and ozone season oxides of nitrogen (NO_x) control periods, and 2010 for the annual sulfur dioxide (SO₂) control period, and prescribes the participation by New Jersey's large stationary combustion units in the Federal CAIR cap and trade programs at 40 CFR Part 97, which are designed to reduce emissions of NO_x and SO₂ in the eastern half of the United States. The Department is proposing these new rules to allocate the NO_x allowances differently than the Federal rules to satisfy the Federal requirements for an abbreviated SIP for CAIR (40 CFR Part 97 Subpart EE and Subpart EEEE). The proposed rules do not modify the Federal program regarding SO₂. The Department is also proposing at N.J.A.C. 7:27-31.23 to provide the date when the CAIR NO_x Trading Program (State CAIR Program) will replace the NO_x Budget Program. Because the State CAIR Program will replace the State's NO_x Budget Program beginning with the 2009 control period, it is necessary for the Department to establish this transition date for the NO_x Budget Program to prevent an overlap of ozone season cap and trade programs for NO_x.

The proposal is scheduled to be published in the New Jersey Register dated **February 5, 2007**. Copies of the Department's proposal are available from the Department's web site at www.state.nj.us/dep/aqm, the Department's Public Information Center at 401 E. State Street in Trenton, the Department's Regional Enforcement Offices, a number of public libraries throughout the State, and, for a fee, LexisNexis Customer Service at (800)223-1944 or www.lexisnexis.com/bookstore. For more information on obtaining copies, please contact:

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A public hearing concerning the proposal is scheduled as follows:

Wednesday, March 28, 2007 at 10:00 a.m.
The NJDEP Building, Public Hearing Room (1st Floor)
401 East State Street
Trenton, New Jersey

Written comments may be submitted by close of business, **Friday, April 6, 2007**, to:

NJ Department of Environmental Protection
Alice Previte, Esq.
Attn: DEP Docket # 02-07-01/540
Office of Legal Affairs
P.O. Box 402
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