Establishes Statewide hydrofluorocarbon emission limit and requires DEP to establish hydrofluorocarbon emissions monitoring and reporting program.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning hydrofluorocarbon emissions and amending
and supplementing P.L.2007, c.112.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. Section 3 of P.L.2007, c.112 (C.26:2C-39) is amended to
read as follows:
3. For the purposes of this act:
“Department” means the Department of Environmental
Protection.
“Greenhouse gas” means carbon dioxide, methane, nitrous oxide,
hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and any
other gas or substance determined by the Department of
Environmental Protection to be a significant contributor to the
problem of global warming.
“Statewide greenhouse gas emissions” means the sum of
calendar year emissions of greenhouse gases from all sources within
the State, and from electricity generated outside the State but
consumed in the State, as determined by the department pursuant to
subsection c. of section 5 of this act.
“2020 limit” means the level of greenhouse gas emissions equal
to the 1990 level of Statewide greenhouse gas emissions.
“2035 hydrofluorocarbon limit” means the level of
hydrofluorocarbon emissions equal to 40 percent less than the 2018
level of Statewide hydrofluorocarbon emissions.
“2050 limit” means the level of greenhouse gas emissions equal
to 80 percent less than the 2006 level of Statewide greenhouse gas
emissions.
(cf: P.L.2007, c.112, s.3)

2. (New section) No later than January 1, 2035, the level of
Statewide hydrofluorocarbon emissions shall be stabilized at or
below the 2035 hydrofluorocarbon limit and shall not exceed that
level thereafter. The department shall consider the economic
impact upon the State for any measure imposed to meet the 2035
hydrofluorocarbon limit.

3. Section 5 of P.L.2007, c.112 (C.26:2C-41) is amended to
read as follows:
5. a. No later than January 1, 2009, the department shall adopt,
pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
(C.52:14B-1 et seq.), rules and regulations establishing a
greenhouse gas emissions monitoring and reporting program to
monitor and report Statewide greenhouse gas emissions.

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.
b. The rules and regulations adopted pursuant to subsection a. of this section shall identify all significant sources of Statewide greenhouse gas emissions and shall provide for, but need not be limited to, the following:

   (1) monitoring and reporting of existing emissions and changes in emissions over time from the sources identified by the department;
   (2) reporting the levels of those emissions and changes in those emissions levels annually, commencing on January 1, 2009; and
   (3) monitoring progress toward the 2020 limit and the 2050 limit.

c. Pursuant to the rules and regulations adopted pursuant to subsections a. and d. of this section, the department shall require reporting of the greenhouse gas emissions:

   (1) associated with fossil fuels used in the State, as reported by entities that are manufacturers and distributors of fossil fuels, which may include, but need not be limited to, oil refineries, oil storage facilities, natural gas pipelines, and fuel wholesale and retail distributors;
   (2) from any entity generating electricity in the State and from any entity that generates electricity outside the State that is delivered for end use in the State. With respect to electricity generated outside the State and imported into the State, the department shall determine the emissions from that generation by subtracting the kilowatt-hours of electricity generated in the State from the kilowatt-hours of electricity consumed in the State, and multiplying the difference by a default emissions rate determined by the department;
   (3) from any gas public utility as defined in section 3 of P.L.1999, c.23 (C.48:3-51); and
   (4) from any additional entities that are significant emitters of greenhouse gases, as determined by the department, and as appropriate to enable the department to monitor compliance with progress toward the 2020 limit, the 2035 hydrofluorocarbon limit, and the 2050 limit.

d. No later than January 1, 2020, the department shall adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations establishing a hydrofluorocarbon emissions monitoring and reporting program to achieve the 2035 hydrofluorocarbon limit.

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

4. (New section) a. The department, in consultation with the Board of Public Utilities, the Department of Agriculture, the Department of Transportation, and the Department of Community Affairs, shall evaluate policies and measures that will enable the State to achieve the 2035 hydrofluorocarbon limit, shall make specific recommendations on how to achieve the hydrofluorocarbon
emission reduction targets, including measures that reduce emissions in all sectors of the economy including transportation, housing, and consumer products, and shall evaluate the economic benefits and costs of implementing these recommendations.

b. No later than June 30, 2020, the department, and any other State agencies, as appropriate, shall prepare a report recommending the measures necessary to reduce hydrofluorocarbon emissions to achieve the 2035 hydrofluorocarbon limit. The report shall include specific recommendations for legislative and regulatory action that will be necessary to achieve the 2035 hydrofluorocarbon limit. The report shall be transmitted to the Governor, to the State Treasurer, to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and to the members of the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or the successor committees.

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

7. a. No later than January 1, 2009, and biennially thereafter, the department shall prepare and transmit, in writing, a report to the Governor, to the State Treasurer, to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and to the members of the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or the successor committees, on the status of the greenhouse gas emissions monitoring and reporting program established pursuant to this act, the current level of greenhouse gas emissions in the State and the progress made toward compliance with the 2020 limit, the 2035 hydrofluorocarbon limit, and the 2050 limit established pursuant to this act. The report shall also include updated and comparative inventories of Statewide greenhouse gas emissions.

b. No later than January 1, 2015, the department shall evaluate the ecological, economic, and environmental factors and the technological capability affecting the attainment or maintenance of the 2020 limit and the 2050 limit established pursuant to this act.

c. No later than January 1, 2020, and biennially thereafter as part of the report required pursuant to subsection a. of this section, the department shall report on the status of the hydrofluorocarbon emissions monitoring and reporting program established pursuant to section d. of P.L.2007, c.112 (C.26:2C-41), the current level of hydrofluorocarbon emissions in the State, and the progress made toward compliance with the 2035 hydrofluorocarbon limit.

d. Not later than January 1, 2026, the department shall evaluate the ecological, economic, and environmental factors and the technological capability affecting the attainment or maintenance of the 2035 hydrofluorocarbon limit.

(cf: P.L.2007, c.112, s.7)
6. (New section) a. No later than June 30, 2019, the department shall designate an independent research review panel consisting of economists, business managers, nonprofit environmental organization representatives, and public officials, and scientists from academia, industry, and the government, to review the recommendations and evaluations submitted by the department and any other State agencies, as appropriate, in the reports required pursuant to subsection b. of section 4 of P.L. , c. (C. ) (pending before the Legislature as this bill).

b. The independent research review panel shall review the recommendations and evaluations of the department and any other State agencies, as appropriate, and shall, within 12 months after the date of transmittal of the reports required pursuant to subsection b. of section 4 of P.L. .c. (C. ) (pending before the Legislature as this bill), prepare and transmit a report evaluating the ecological, economic, and social impact of the proposed recommendations submitted by the department and any other State agencies, as appropriate, to the Governor, to the State Treasurer, to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and to the members of the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or the successor committees.

c. This section shall not be construed to affect the requirements of the greenhouse gas emissions monitoring and reporting program or the department’s administration of the program established pursuant to this act.

7. This act shall take effect immediately.

STATEMENT

The bill would amend and supplement the “Global Warming Response Act,” P.L.2007, c.112 (C.26:2C-37 et seq.) to establish a Statewide hydrofluorocarbon emission limit and require DEP to establish a hydrofluorocarbon emissions and monitoring program. The bill would set a Statewide goal of achieving a 40 percent reduction in hydrofluorocarbon emissions below the 2018 level by 2035 (the “2035 hydrofluorocarbon limit”), and would require the DEP to adopt rules and regulations establishing a hydrofluorocarbon emission monitoring and reporting program to achieve the 2035 hydrofluorocarbon limit. The DEP would be required to prepare a report recommending the measures necessary to reduce hydrofluorocarbon emissions to achieve the 2035 hydrofluorocarbon limit, including specific recommendations for legislative and regulatory action, by June 30, 2020. Additionally, the DEP would be required to report on the status of the hydrofluorocarbon emissions monitoring and reporting program, as
part of the biennial report currently required by the “Global
Warming Response Act.”

The bill would require the DEP to designate an independent
research review panel consisting of economists, business managers,
nonprofit environmental organization representatives, and public
officials, and scientists from academia, industry, and the
government, to review the recommendations and evaluations
submitted pursuant to the bill. The research review panel would
then evaluate the ecological, economic, and social impact of the
proposed recommendations submitted by DEP and any other State
agencies.

Hydrofluorocarbons are a type of greenhouse gas frequently used
in air conditioners or refrigerants. Improper disposal and
maintenance of products that contain hydrofluorocarbons may cause
the gas to leak and enter the atmosphere, where it has a global
warming potential many times greater than carbon dioxide.