

[First Reprint]

SENATE, No. 3207

STATE OF NEW JERSEY
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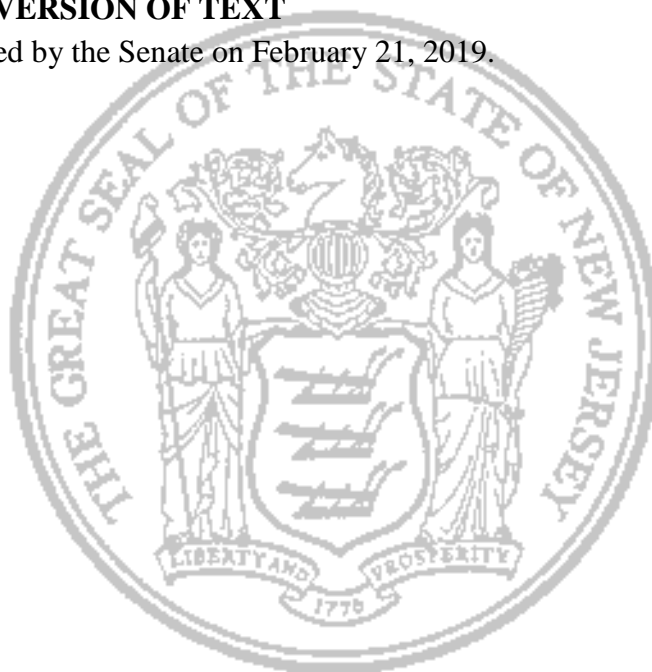
District 27 (Essex and Morris)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended by the Senate on February 21, 2019.



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

1 AN ACT concerning the reduction of greenhouse gases and
2 amending ¹**["and supplementing"]**¹ 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 ¹primary and¹ 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 ¹over a
35 shorter period of time¹ than that of carbon dioxide, and have a
36 dramatic and detrimental effect on air quality, public health, and
37 climate change; and that reducing emissions of these pollutants can
38 have an immediate beneficial impact on climate change and public
39 health.

40 The Legislature therefore finds and declares that it is in the
41 public interest to establish a greenhouse gas emissions reduction
42 program ¹that includes a comprehensive strategy to reduce short-
43 lived climate pollutants and¹ to limit the level of Statewide
44 greenhouse gas emissions, and greenhouse gas emissions from

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:

¹Senate floor amendments adopted February 21, 2019.

1 electricity generated outside the State but consumed in the State, to
2 the 1990 level or below, of those emissions by the year 2020, and to
3 reduce those emissions to 80 **[%]** percent below the 2006 level by
4 the year 2050 ¹**[, and to develop a comprehensive strategy to reduce**
5 **emissions of short-lived climate pollutants in the State]**¹ .
6 (cf: P.L.2007, c.112, s.2)

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

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

12 “Department” means the Department of Environmental
13 Protection.

14 “Greenhouse gas” means carbon dioxide, ¹**['black carbon,]**¹
15 methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons,
16 sulfur hexafluoride, and any other gas or substance determined by
17 the Department of Environmental Protection to be a significant
18 contributor to the problem of global warming.

19 “Statewide greenhouse gas emissions” means the sum of
20 calendar year emissions of greenhouse gases from all sources within
21 the State, and from electricity generated outside the State but
22 consumed in the State, as determined by the department pursuant to
23 subsection c. of section 5 of **[this act]** P.L.2007, c.112 ¹**[(C.26:2C-**
24 37 et al.)] C.26:2C-41)¹ .

25 “2020 limit” means the level of greenhouse gas emissions equal
26 to the 1990 level of Statewide greenhouse gas emissions.

27 “2050 limit” means the level of greenhouse gas emissions equal
28 to 80 percent less than the 2006 level of Statewide greenhouse gas
29 emissions.

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

31
32 3. Section 5 of P.L.2007, c.112 (C.26:2C-41) is amended to
33 read as follows:

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

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

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

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

(3) monitoring progress toward the 2020 limit and the 2050 limit ¹and any interim limits ¹.

c. Pursuant to the rules and regulations adopted pursuant to subsection a. 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 and the 2050 limit.

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

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

6. 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 2020 limit, shall make specific recommendations on how to achieve the 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. The department shall coordinate its evaluation of greenhouse gas emission reduction policies and measures with the work of the Energy Master Plan Committee established pursuant to section 12 of P.L.1977, c.146 (C.52:27F-14).

b. No later than June 30, 2008, the department, and any other State agencies, as appropriate, shall prepare a report recommending

1 the measures necessary to reduce greenhouse gas emissions to
2 achieve the 2020 limit. The report shall include specific
3 recommendations for legislative and regulatory action that will be
4 necessary to achieve the 2020 limit. The report shall be transmitted
5 to the Governor, to the State Treasurer, to the Legislature pursuant
6 to section 2 of P.L.1991, c.164 (C.52:14-19.1) and to the members
7 of the Senate Environment Committee and the Assembly
8 Environment and Solid Waste Committee.

9 c. No later than **June 30, 2010** one year after the effective
10 date of P.L. , c. (C.) (pending before the Legislature as this
11 bill), the department, ¹in consultation with the Board of Public
12 Utilities¹ and any other State agencies, as appropriate, shall prepare
13 a report recommending the measures necessary to reduce
14 greenhouse gas emissions ¹, including short-lived climate pollutants,¹
15 to achieve the 2050 limit. The report shall include specific
16 recommendations for legislative and regulatory action that will be
17 necessary to achieve the 2050 limit ¹and any established interim
18 benchmarks¹ . The report shall also include recommendations for
19 additional policies and measures that will be required if the State is
20 otherwise expected to exceed the 2020 limit and any additional
21 measures that will be required to meet the 2050 limit. The report
22 shall be transmitted to the Governor, to the State Treasurer, to the
23 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1)
24 and to the members of the Senate Environment Committee and the
25 Assembly Environment and Solid Waste Committee.

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

33 e. Nothing in **this act** P.L.2007, c.112 (C.26:2C-37 et al.)
34 shall impose any limit on the existing authority of the department,
35 the Board of Public Utilities, or any other State department or
36 agency to limit or regulate greenhouse gas emissions pursuant to
37 law.
38 (cf: P.L.2007, c.112, s.6)

39
40 5. Section 7 of P.L.2007, c.112 (C.26:2C-43) is amended to
41 read as follows:

42 7. a. No later than **January 1, 2009** 18 months after the
43 effective date of P.L. , c. (C.) (pending before the
44 Legislature as this bill), and biennially thereafter, the department
45 shall prepare and transmit, in writing, a report to the Governor, to
46 the State Treasurer, to the Legislature pursuant to section 2 of
47 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 ¹**[6. (New section) a. No later than 18 months after the effective**
19 **date of P.L. , c. (C.) (pending before the Legislature as this**
20 **bill), the department shall develop a comprehensive strategy to**
21 **reduce emissions of short-lived climate pollutants in the State. In**
22 **developing the strategy, the department shall:**

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

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

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

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

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

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

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

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

1 and includes, but is not limited to, black carbon, fluorinated gases,
2 and methane.】¹

3

4 ¹【7.】 6.¹ This act shall take effect immediately.