

P.L. 2019, CHAPTER 197, *approved July 23, 2019*
Senate, No. 3207 (*Second Reprint*)

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

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.

²Senate floor amendments adopted March 14, 2019.

1 program ¹that includes a comprehensive strategy to reduce short-
2 lived climate pollutants and¹ to limit the level of Statewide
3 greenhouse gas emissions, and greenhouse gas emissions from
4 electricity generated outside the State but consumed in the State, to
5 the 1990 level or below, of those emissions by the year 2020, and to
6 reduce those emissions to 80 **[%]** percent below the 2006 level by
7 the year 2050 ¹**], and to develop a comprehensive strategy to reduce**
8 **emissions of short-lived climate pollutants in the State**¹ .

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

10
11 2. Section 3 of P.L.2007, c.112 (C.26:2C-39) is amended to
12 read as follows:

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

15 “Department” means the Department of Environmental
16 Protection.

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

22 “Statewide greenhouse gas emissions” means the sum of
23 calendar year emissions of greenhouse gases from all sources within
24 the State, and from electricity generated outside the State but
25 consumed in the State, as determined by the department pursuant to
26 subsection c. of section 5 of **[this act]** P.L.2007, c.112 ¹**[(C.26:2C-**
27 **37 et al.)]** C.26:2C-41)¹ .

28 “2020 limit” means the level of greenhouse gas emissions equal
29 to the 1990 level of Statewide greenhouse gas emissions.

30 “2050 limit” means the level of greenhouse gas emissions equal
31 to 80 percent less than the 2006 level of Statewide greenhouse gas
32 emissions.

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

34
35 3. Section 5 of P.L.2007, c.112 (C.26:2C-41) is amended to
36 read as follows:

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

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

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

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

8 (3) monitoring progress toward the 2020 limit and the 2050
9 limit ¹and any interim limits¹ .

10 c. Pursuant to the rules and regulations adopted pursuant to
11 subsection a. of this section, the department shall require reporting
12 of the greenhouse gas emissions:

13 (1) associated with fossil fuels used in the State, as reported by
14 entities that are manufacturers and distributors of fossil fuels, which
15 may include, but need not be limited to, oil refineries, oil storage
16 facilities, natural gas pipelines, and fuel wholesale and retail
17 distributors;

18 (2) from any entity generating electricity in the State and from
19 any entity that generates electricity outside the State that is
20 delivered for end use in the State. With respect to electricity
21 generated outside the State and imported into the State, the
22 department shall determine the emissions from that generation by
23 subtracting the kilowatt-hours of electricity generated in the State
24 from the kilowatt-hours of electricity consumed in the State, and
25 multiplying the difference by a default emissions rate determined by
26 the department;

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

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

33 ²d. No later than 18 months after the department prepares and
34 transmits the report as required pursuant to subsection c. of section 6
35 of P.L.2007, c112 (C.26:2C-42), the department shall adopt, pursuant
36 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.), rules and regulations establishing interim benchmarks necessary
38 to achieve the 2050 limit, and measures necessary to achieve the 2050
39 limit and the established interim benchmarks.²

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

41

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

44 6. a. The department, in consultation with the Board of Public
45 Utilities, the Department of Agriculture, the Department of
46 Transportation, and the Department of Community Affairs, shall
47 evaluate policies and measures that will enable the State to achieve
48 the 2020 limit, shall make specific recommendations on how to

1 achieve the emission reduction targets, including measures that
2 reduce emissions in all sectors of the economy including
3 transportation, housing, and consumer products, and shall evaluate
4 the economic benefits and costs of implementing these
5 recommendations. The department shall coordinate its evaluation
6 of greenhouse gas emission reduction policies and measures with
7 the work of the Energy Master Plan Committee established pursuant
8 to section 12 of P.L.1977, c.146 (C.52:27F-14).

9 b. No later than June 30, 2008, the department, and any other
10 State agencies, as appropriate, shall prepare a report recommending
11 the measures necessary to reduce greenhouse gas emissions to
12 achieve the 2020 limit. The report shall include specific
13 recommendations for legislative and regulatory action that will be
14 necessary to achieve the 2020 limit. The report shall be transmitted
15 to the Governor, to the State Treasurer, to the Legislature pursuant
16 to section 2 of P.L.1991, c.164 (C.52:14-19.1) and to the members
17 of the Senate Environment Committee and the Assembly
18 Environment and Solid Waste Committee.

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

36 d. The Energy Master Plan Committee shall include in its
37 adoption of the first update of the energy master plan completed
38 after the date of enactment of **this act** P.L.2007, c.112 (C.26:2C-
39 37 et al.), a list of recommended policies and measures to reduce
40 the emission of greenhouse gases from the production, processing,
41 distribution, transmission, storage, or use of energy that will
42 contribute to achieving the 2020 limit.

43 e. Nothing in **this act** P.L.2007, c.112 (C.26:2C-37 et al.)
44 shall impose any limit on the existing authority of the department,
45 the Board of Public Utilities, or any other State department or
46 agency to limit or regulate greenhouse gas emissions pursuant to
47 law.

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

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

3 7. a. No later than **January 1, 2009** 18 months after the
4 effective date of P.L. , c. (C.) (pending before the
5 Legislature as this bill), and biennially thereafter, the department
6 shall prepare and transmit, in writing, a report to the Governor, to
7 the State Treasurer, to the Legislature pursuant to section 2 of
8 P.L.1991, c.164 (C.52:14-19.1) and to the members of the Senate
9 Environment Committee and the Assembly Environment and Solid
10 Waste Committee, on the status of the greenhouse gas emissions
11 monitoring and reporting program established pursuant to **[this act]**
12 P.L.2007, c.112 (C.26:2C-37 et al.), the current level of greenhouse
13 gas emissions in the State and the progress made toward compliance
14 with the 2020 limit and the 2050 limit established pursuant to **[this**
15 **act]** P.L.2007, c.112 (C.26:2C-37 et al.). The report shall also
16 include updated and comparative inventories of Statewide
17 greenhouse gas emissions.

18 b. **[No later than January 1, 2015,]** As part of the reports
19 required pursuant to subsection a. of this section, the department
20 shall evaluate the ecological, economic, and environmental factors
21 and the technological capability affecting the attainment or
22 maintenance of the 2020 limit and the 2050 limit established
23 pursuant to this act.
24 (cf: P.L.2007, c.112, s.7)
25

26 ¹**[6. (New section) a. No later than 18 months after the**
27 **effective date of P.L. , c. (C.) (pending before the**
28 **Legislature as this bill)**, the department shall develop a
29 comprehensive strategy to reduce emissions of short-lived climate
30 pollutants in the State. In developing the strategy, the department
31 shall:

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

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

35 (3) identify existing and potential new control measures to
36 reduce emissions;

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

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

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

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

5 d. As used in this section, “short-lived climate pollutant”
6 means a pollutant that has a relatively short lifespan in the
7 atmosphere, from a few days to a few decades, and has a warming
8 influence on the climate that is greater than that of carbon dioxide
9 and includes, but is not limited to, black carbon, fluorinated gases,
10 and methane.】¹

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12 ¹【7.】 6.¹ This act shall take effect immediately.

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