

13.0 COMMITMENTS AND REQUESTS FOR FUTURE ACTION

As discussed in Chapter 5, the two multi-state 8-hour ozone nonattainment areas associated with New Jersey will reach attainment of the National Ambient Air Quality Standard (NAAQS) by June 15, 2010. This demonstration is contingent upon the continued implementation and enforcement of existing control measures, as well as the implementation of a number of new State and Federal control measures. New Jersey's Reasonable Further Progress (RFP) demonstration in Chapter 6 relies upon these same measures. The control measures are outlined in Chapter 4 and are organized by adoption and promulgation as well as when benefits will be achieved, i.e. either as control measures that are on the books or on the way (OTB/OTW), or measures that are beyond on the way (BOTW).

Although not outlined specifically in Chapter 4, other state and federal measures were implemented, and achieved benefits, prior to the 2002 base year. These pre-2002 benefits were achieved by control measures such as the pre-on-board diagnostics (OBD) enhanced Inspection and Maintenance (I/M) program, the federal Reformulated Gasoline (RFG) program and all New Jersey's existing Reasonably Available Control Technology (RACT) measures, and are incorporated into the 2002 inventory, from which all the future inventories are projected.

Section 5.3.5 discusses additional measures that both New Jersey and the United States Environmental Protection Agency (USEPA) are implementing that are expected to provide benefits by 2009. However, these measures were not relied upon for either the attainment demonstration modeling or the RFP demonstration. These measures provide additional assurance to address uncertainty associated with New Jersey's plausible demonstration of attainment. In addition, a portion of these measures is relied upon as a contingency, in the event that New Jersey's nonattainment areas do not meet their attainment goals.

The remainder of this chapter summarizes New Jersey's control measures and other commitments, as well as New Jersey's requests of the USEPA with respect to ozone implementation.

13.1 Control Measure Commitments

The State of New Jersey commits to propose the measures in Table 13.1 by no later than November 2007, and adopt by May 2008, in accordance with the New Jersey Administrative Procedures Act (APA) (N.J.S.A. 52:14B-1 et. seq.) and the Air Pollution Control Act (APCA) (N.J.S.A. 26:2C-1 et. seq.). For a detailed explanation of each of these control measures, see Chapter 4.

Table 13.1: State Control Measure Commitments

OTB/OTW Measures
<ul style="list-style-type: none"> • All measures implemented; no further commitment is necessary
BOTW Measures
<ul style="list-style-type: none"> • Consumer Products 2009 Amendments • Portable Fuel Container 2009 Amendments • Adhesives and Sealants • Asphalt Paving • Certain Categories of ICI Boilers
Additional measures to reduce the uncertainty of plausible attainment, and/or provide contingency for attainment*
<ul style="list-style-type: none"> • Refinery Rules • New USEPA Control Technique Guidelines (CTGs) • Case by case VOC and NO_x Emission Limit Determinations • High Electric Demand Day Program • Petroleum Storage Tank Rule • Diesel Idling Rule • Diesel Inspection and Maintenance Program • Municipal Waste Combustors Rule • New Source Review

*** These measures were not included in the regional modeling for 2009.**

The USEPA has committed to implement additional emission control measures. Specifically, the USEPA recently proposed new non-road engine standards and expects to propose a new national aerosol coatings rule in the near future.¹ Both of these efforts should provide additional emission reductions for 2009 and beyond. While New Jersey’s attainment demonstration does not rely on further emission reductions from these measures, the implementation of these measures will help reduce the uncertainty of New Jersey’s demonstration of attainment and will benefit air quality. New Jersey expects the USEPA to promulgate these measures in a timely fashion so that emission reductions can be achieved by the 2009 ozone season. Finally, New Jersey commits, as part of this proposed State Implementation Plan (SIP) Revision, to implement a number of future control measures that will result in emission reductions post-2010. These longer-term measures will provide:

- the regulated community with certainty and time to identify the necessary funding to install control equipment, modify their products or usage patterns, and/or take other actions to implement pollution prevention strategies; and,

¹ Both measures are discussed in Chapter 4.

- additional reductions, which would be relied upon should the state not attain by 2010.
- Additional public health protection, especially in view of health scientist and USEPA scientists' recommendation for a more protective ozone NAAQS.

13.2 Other Commitments

13.2.1 Transport

On December 22, 2005, the New Jersey Department of Environmental Protection (NJDEP) submitted to the USEPA its plan for addressing its transport obligations under 42 U.S.C. § 7410(a)(2)(D)(i) (CAA 110(a)(2)(D)(i)). Specifically, the plan outlines how New Jersey expects to meet its transport obligation to mitigate the transport of ozone and its precursors into and out of New Jersey. To that end, New Jersey committed as part of that plan, and re-commits as part of this proposed SIP revision, to taking the following actions proposed by no later than November 2007, and adopted by May 2008, in accordance with the New Jersey APA and the APCA in an effort to address its contribution to downwind transport:

- Continue to meet its obligations under the NO_x SIP Call, while working to implement an allocation mechanism that encourage energy efficiency for New Jersey sources in the federal Clean Air Interstate Rule (CAIR) program;
- Develop multi-pollutant (oxides of nitrogen (NO_x), sulfur dioxide (SO₂) and particulate matter (PM)) performance standards providing additional emission reductions for Electric Generating Units;
- Update its RACT rules to address both 8-hour ozone and fine particulate matter (PM_{2.5}) precursors;
- Review the USEPA's revised and new CTGs, as they are released, and update State rules where New Jersey has affected sources;
- Continue to implement the Low Emission Vehicle (LEV) program;
- Develop rules and/or other measures to address emissions on High Electrical Demand Days (HEDD); and,
- Propose additional requirements for consumer product formulations and portable fuel containers

Addressing transported emissions, both to and from the State, is critical for New Jersey's multi-state nonattainment areas to attain and maintain the health-based ambient air quality standards. Even though many of New Jersey's existing requirements are already more stringent than the existing pollution control requirements in neighboring upwind states, New Jersey further commits to consider any additional measures, beyond those already in place or under development, implemented by our neighboring states as long as those measures are more stringent than our current actions. New Jersey also encourages the USEPA to take action where states are preempted from action. New Jersey is encouraged by the USEPA's recent proposal of a new nonroad engine rule, and expects that the USEPA will take similar actions with respect to onroad mobile sources, ships, and locomotives in time to help address the 8-hour ozone standard attainment deadlines.

13.2.2 Prevention of Significant Deterioration/Nonattainment New Source Review (PSD/NNSR)

Since the entire State of New Jersey was designated as nonattainment for the 1-hour ozone NAAQS, New Jersey already has a NNSR permitting program addressing the ozone precursors (volatile organic compound ((VOC) and NO_x). On December 29, 2005, the NJDEP submitted an equivalency determination to the USEPA documenting that the current New Jersey NNSR program is at least as stringent than the Federal program, including lower applicability levels and higher offset rates than the federal rules. Therefore, no changes to New Jersey's NNSR rules are necessary for compliance with the 8-hour ozone NAAQS. New Jersey commits to continue to implement its ozone NNSR program and have it apply to the 8-hour ozone NAAQS for major stationary sources.

New Jersey will make revisions to its NNSR program to address PM_{2.5} nonattainment and expects to also clarify, simplify, and make more protective other aspects of this program. These improvements are likely to result in additional ozone benefits, but New Jersey is not relying on these benefits in this proposed ozone SIP Revision.

13.2.3 Visibility

The ozone precursors, particularly NO_x, also contribute to the formation of fine particulate matter, the main component of regional haze. New Jersey, in the context of setting the 2018 Reasonable Progress goal through a consultative process, will assess whether there is any interference by impacting states with measures in the implementation plan to prevent significant deterioration of air quality or to protect visibility at the Brigantine Wilderness Area in the Edwin B. Forsythe National Wildlife Refuge. As with all of New Jersey's SIP proposals, a public comment period on the Regional Haze SIP will allow interested parties to provide comment on the actions presented in the proposal.

13.2.4 Monitoring Network

New Jersey has an extensive 8-hour ozone monitoring network. This network was discussed in detail in Chapter 3, where Figure 3.6 provides a map of the monitoring locations throughout the State. New Jersey commits to retaining, and continuing to operate, its ozone monitoring network, subject to a joint annual review process by both the NJDEP and USEPA.

13.3 State Requests of USEPA

13.3.1 1-Hour Ozone

As discussed in Chapter 11, New Jersey requests that the USEPA make a determination that the following 1-hour ozone nonattainment areas are meeting the 1-hour ozone standard:

- Allentown-Bethlehem-Easton Pennsylvania-New Jersey Nonattainment Area (includes Warren County)
- Atlantic City Nonattainment Area (includes Atlantic and Cape May counties)
- Philadelphia Nonattainment Area (includes Burlington, Camden, Cumberland, Gloucester, Mercer and Salem counties)

13.3.2 New Jersey's Reliance on Other State Actions for Attainment

As discussed in Chapter 5, New Jersey based its plausible demonstration of attainment for its two multi-state nonattainment areas on the 2009 BOTW modeling exercise. This modeling demonstration relies not only on New Jersey working to meet its commitments to implement certain measures by 2009, but also on its neighboring states doing the same. Additionally, the implementation of measures by states further upwind than New Jersey's immediate neighbors is relied upon to reduce the transport of ozone and its precursors into the Ozone Transport Region, including New Jersey. Additional cost effective controls on the largest upwind sources are still needed to reduce the ozone and ozone precursors being transported into the Ozone Transport Region. New Jersey requests the USEPA, in reviewing the attainment demonstrations and all other SIP revisions from other states, take into consideration the impact on New Jersey's attainment obligations, and insure that upwind states are doing all that is needed to bring New Jersey's associated multi-state nonattainment areas into attainment as soon as practicable.