



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF AIR QUALITY & RADIATION PROTECTION

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December 4, 2024

Via Email

Richard Ruvo, Director
Air and Radiation Division
United States Environmental Protection Agency - Region 2
290 Broadway – 25th Floor
New York, NY 10007-1866
Ruvo.Richard@epa.gov

**Re: Proposed Equivalent, Alternative Program Demonstration:
Clean Air Act Section 185 Requirements for the Revoked 1-Hour Ozone National
Ambient Air Quality Standard**

Dear Mr. Ruvo,

Enclosed for your review is New Jersey's proposed equivalent, alternative program demonstration for meeting the requirements related to Clean Air Act (CAA) Section 185 for the revoked 1979 1-hour ozone National Ambient Air Quality Standard (NAAQS). The primary purpose of this document is to demonstrate that New Jersey's Clean Energy Program (NJCEP) is an equivalent, alternative program to fulfill the CAA Section 185 fee requirement for the New Jersey portion of the New York-N. New Jersey-Long Island (NY-NJ-CT) Nonattainment Area of the revoked 1979 1-hour ozone NAAQS.

The NY-NJ-CT Nonattainment Area was classified as Severe-17 nonattainment in 1990 for the 1-hour ozone NAAQS with an attainment date of November 15, 2007. Although the 1-hour ozone NAAQS was revoked in 2005, USEPA determined in a July 18, 2012 rulemaking that the NY-NJ-CT Nonattainment Area failed to attain the standard by its applicable 2007 attainment deadline but subsequently attained the 1-hour ozone NAAQS in 2010 based on the monitoring data for 2008–2010. Consequently, the requirements of CAA Section 185 fee program were applicable to the area for calendar years 2008 and 2009.

USEPA has approved the use of equivalent, alternative programs in place of the CAA Section 185 fee programs for the revoked 1979 1-hour ozone standard.¹ In accordance with CAA Section 172(e) and USEPA guidance, the alternative programs must be "not less stringent" than the Section 185 fee program. New Jersey demonstrates that NJCEP,² which collects fees from electricity

¹ https://www.epa.gov/sites/default/files/2015-09/documents/1hour_ozone_nonattainment_guidance.pdf

² <https://www.njcleanenergy.com/>

ratepayers on a statewide basis with the proceeds used to fund energy efficiency and renewable energy in New Jersey, is an acceptable alternative program to satisfy the Section 185 fee program requirements for the 1979 1-hour ozone NAAQS.

This proposed demonstration includes:

- A summary of the VOC and NO_x emissions from major stationary sources in the New Jersey portion of the NY-NJ-CT Nonattainment Area for 2007, 2008, and 2009;
- CAA Section 185 fee calculations for 2008 and 2009;
- Fee calculations for 2008 and 2009 from NJCEP attributable to the New Jersey portion of the nonattainment area; and
- A comparison of the fees collected from NJCEP and the fee obligations from CAA Section 185.

The document demonstrates that NJCEP expenditures exceeded the Section 185 fee obligations in 2008 and 2009. Therefore, NJCEP is an equivalent alternative program and satisfies the CAA Section 185 requirement for the New Jersey portion of the NY-NJ-CT Nonattainment Area consistent with USEPA guidance and Sections 172(e) and 172(c)(8) of the CAA.

The public notice for this proposed SIP is also attached. If you or your staff have any questions, please contact Sharon Davis of my staff by email at sharon.davis@dep.nj.gov.

Sincerely,

Francis C. Steitz
Director
Division of Air Quality and Radiation Protection

Demonstration submitted via SPeCs

c (email letter only):

Rick Ruvo, Director, Air and Radiation Division, USEPA Region 2
Kirk Wieber, Chief, Air Programs Branch, USEPA Region 2
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