

NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION
AIR, ENERGY, AND MATERIALS SUSTAINABILITY
DIVISION OF AIR QUALITY AND RADIATION PROTECTION

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

Take notice that the State of New Jersey is proposing an equivalent, alternative program demonstration pursuant to obligations under Clean Air Act (CAA) Section 185 for the revoked 1979 1-hour ozone National Ambient Air Quality Standard (NAAQS) in the New Jersey portion of the New York-N. New Jersey-Long Island Severe-17 Nonattainment Area.

The New York-N. New Jersey-Long Island (NY-NJ-CT) Nonattainment Area was designated as nonattainment and classified as Severe-17 in 1990 for the 0.12 ppm 1-hour ozone NAAQS with an attainment date of November 15, 2007. This area failed to reach attainment until 2010, which triggered the provisions of CAA Section 185 for 2008 and 2009. CAA Section 185 requires the collection of a fee for excess emissions of nitrogen oxides (NO_x) and volatile organic compounds (VOCs) from major sources. Because the 1-hour standard was revoked in 2005, before the attainment date, USEPA has approved the use of equivalent alternative programs in place of the CAA Section 185 fee programs. In accordance with CAA Section 172(e) and USEPA guidance, the alternative programs must be "not less stringent" than the Section 185 fee program.

This proposal demonstrates that New Jersey's Clean Energy Program (NJCEP) is an acceptable alternative program to satisfy the Section 185 fee program requirements for the revoked 1979 1-hour ozone NAAQS. The actual fees expended by NJCEP exceed the fees that would have been collected by the CAA Section 185 fee program, supporting that the program is "not less stringent" and fulfills all requirements for an acceptable alternative program.

A copy of the Department's proposed alternative program demonstration is available on the Department's website at [NJDEP| Air Planning | State Implementation Plan \(SIP\) Dashboard](#).

A public hearing concerning the Department's proposed demonstration will be conducted only if requested in writing by December 19, 2024. If no request for a public hearing is received, the hearing will be cancelled by a notice posted on the Department's website at [NJDEP| Air Planning | Air Quality Evaluation and Planning](#). If a public hearing is requested, it will be held virtually on January 8, 2025, at 10:00am. If you are interested in joining the virtual public hearing, please email the Department at NJDEP-BAQP@dep.nj.gov with your contact information (name, telephone number, and email address) and whether you intend to provide oral testimony or not. The Department will send you a link to a Microsoft Teams meeting, with a separate option for a telephone call-in line (for those without access to a computer that can connect to Microsoft Teams) and hearing guidelines. The link to the public hearing, telephone call-in number and hearing guidelines will also be posted on the Department's website at: [NJDEP| Air Planning | State Implementation Plan \(SIP\) Dashboard](#). Note that this virtual public hearing will be recorded.

Written comments may be submitted by close of business, January 15, 2025. Please email comment(s) as a document attachment to: NJDEP-BAQP@dep.nj.gov and include "1-Hour Ozone CAA Section 185 Fee Alternative Program Demonstration" in the subject line of the e-mail.

If you have any questions about this notice, you can email your questions to NJDEP-BAQP@dep.nj.gov or call the Bureau of Evaluation and Planning at (609) 292-6722.