



## State of New Jersey

Department of Environmental Protection  
P.O. Box 402  
Trenton, New Jersey 08625

PHILIP D. MURPHY  
*Governor*

CATHERINE R. MCCABE  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

### ADMINISTRATIVE ORDER NO. 2020-01

WHEREAS, there is an overwhelming scientific consensus that the Earth is warming due to increasing atmospheric levels of greenhouse gases and other climate pollutants; that such temperature increases are contributing to rising sea levels, an increase in the frequency and intensity of severe weather events, and numerous other adverse environmental impacts that have threatened and will continue to threaten our communities, economies, public health and the environment; and

WHEREAS, New Jersey is especially vulnerable to the impacts of sea level rise, chronic flooding and numerous other adverse impacts of climate change, with potentially disastrous consequences for public health and safety, the State's natural and cultural resources, and the social and economic vitality of the State; and

WHEREAS, on October 29, 2019, Governor Murphy issued Executive Order No. 89 (2019) directing, in part, the creation of an Interagency Council on Climate Resilience to assist the New Jersey Department of Environmental Protection (DEP or Department) in the development of a Statewide Climate Change Resilience Strategy by September 1, 2020; and

WHEREAS, on January 27, 2020, coincident with the issuance of an updated Energy Master Plan by the Board of Public Utilities, Governor Murphy issued Executive Order No. 100 (2020), which directs the Department to: (1) take immediate regulatory actions to prevent further increases of harmful greenhouse gas emissions and other climate pollutants that could prevent the State from reaching its clean energy goals and exacerbate the current climate crisis; and (2) integrate climate change considerations, such as sea level rise and chronic flooding, into its regulatory and permitting programs; and

WHEREAS, Executive Order No. 100 also directed me to identify specific rules, guidance documents and other regulatory mechanisms that the Department shall amend or revise in order to integrate climate change considerations; and

WHEREAS, N.J.S.A. 13:1D-1 et seq, specifically N.J.S.A. 13:1D-9, authorizes the Commissioner of the Department to formulate, implement and enforce policies for the protection of the environment; and

NOW THEREFORE, I, Commissioner Catherine R. McCabe, hereby DIRECT:

1. In accordance with Executive Order No. 100, the Department shall:
  - a. By June 30, 2020, prepare, in accordance with the Global Warming Response Act, N.J.S.A. 26:2C-42, a report recommending regulatory measures necessary to reduce greenhouse gas emissions and short-lived climate pollutants, such as black carbon, hydrofluorocarbons, and methane, to meet the State's 2050 emissions reduction goals.
  - b. Propose regulations, in accordance with the Air Pollution Control Act, N.J.S.A. 26:2C-41, establishing a greenhouse gas monitoring and reporting program to identify all significant sources of statewide greenhouse gas emissions, including carbon dioxide and short-lived climate pollutants, and monitor progress towards the limits set forth in the Global Warming Response Act, N.J.S.A. 26:2C-37, within 12 months of the date hereof, and if appropriate, adopt same within 18 months of the date hereof;
  - c. Propose regulations establishing criteria that shall govern and reduce emissions of carbon dioxide within 12 months of the date hereof, and if appropriate, adopt same within 24 months of the date hereof;
  - d. Propose the regulatory actions recommended by the report referenced in paragraph (a) above regarding short-lived climate pollutants within 18 months of the date hereof, or sooner if appropriate and, if appropriate, adopt the same within 24 months of the date hereof.
  - e. Propose regulations incorporating climate change considerations, including but not limited to sea level rise and chronic flooding, into the Coastal Zone Management Rules, N.J.A.C. 7:7, Freshwater Wetlands Rules, N.J.A.C. 7:7A and Flood Hazard Control Act Rules, N.J.A.C. 7:13, the Stormwater Management Rule, N.J.A.C. 7:8, and any other regulations or guidance which reference or otherwise address flood storage, flooding or inundation within 12 months of the date hereof, and if appropriate, adopt same within 24 months of the date hereof;
  - f. Within 180 days, revise the "Guidelines for the Preparation of an Environmental Impact Statement/Environmental Assessment" under EO 215 (1989) to incorporate climate change considerations;
  - g. Within 12 months, incorporate climate change considerations into all relevant grant, loan and contracting programs implemented by the Department; and

- h. Within 12 months, incorporate climate change considerations into all relevant planning, policy, guidance, communications and educational materials issued by the Department.

- 2. Within 60 days of the date of this Administrative Order, the Climate and Flood Resilience

Program shall finalize and issue sea level rise guidance that describes the general framework, core principles, and methodology to assist Department programs in determining the most appropriate sea level rise projection applicable to a project and what, if any, adaptation measures should be included in the planning process. Upon completion, the sea level rise guidance shall be presented to the Interagency Council created under Executive Order No. 89.

- 3. Within 90 days of the date hereof, each Assistant Commissioner shall:


- a. Identify any regulations not otherwise identified in this Administrative Order that would be appropriate to revise to incorporate climate change considerations;
- b. Identify any legislation that is necessary or appropriate to enable the Department to fulfill the goals of Executive Order No. 100 and this Administrative Order;
- c. Identify areas where a Department program can contribute to sustainable and resilient development and redevelopment;
- d. Identify opportunities and plans for climate change education and communications with the regulated community and residents of the State; and
- e. Identify opportunities and plans for coordination with, and to support the efforts of, other agencies and local government units to address climate change.

- 4. Within 180 days of the date hereof, each Assistant Commissioner shall create short- and long-term action plans for fulfilling the requirements of this Administrative Order.

- 5. All actions taken under this Administrative Order shall be in accordance with the best available science and any applicable guidance issued by the Department's Climate and Flood Resilience Program in accordance with Paragraph 2 above.

THIS ORDER shall take effect immediately.

Dated: January 27, 2020

  
Catherine R. McCabe  
Commissioner