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ENVIRONMENTAL PROTECTION

AIR QUALITY, ENERGY, AND SUSTAINABILITY

WATER AND LAND MANAGEMENT

PARKS, FORESTRY, AND HISTORIC SITES

NOTICE OF ACTION ON PETITION FOR RULEMAKING

N.J.A.C. 7:7, 7A, 13, 27, 38, and 50

Petitioner: Bill Wolfe

Take notice that the Department of Environmental Protection (Department) has denied the petition for rulemaking filed by Bill Wolfe (Petitioner) described below. The Department received the petition on March 9, 2022. Although Petitioner did not comply with N.J.A.C. 7:1D-1.1, Procedure to petition for a rule, the Department published notice of receipt of the petition in the April 18, 2022, New Jersey Register (54 N.J.R. 727(a)). As specified in the notice, the Department acknowledged the petition only to the extent it requests action within the Department's jurisdiction. The Department cannot and did not acknowledge the petition on behalf of the Pinelands Commission or the Highlands Water Protection and Planning Council (Highlands Council) to which the petition was also directed, nor does the Department seek to address requests made of the Commission or Council.

The Petition

The Petitioner requests that the Department, Pinelands Commission, and Highlands Council amend the agencies' rules, the Pinelands Comprehensive Management Plan, and the Highlands Regional Master Plan to:

- Ban new development in mapped "extreme" wildfire hazard areas;

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- Restrict new development in mapped "very high" and "high" wildfire hazard areas;
- Mandate retrofit of state-of-the-art fire prevention practices on existing development in mapped "extreme," "very high," and "high" wildfire hazard areas;
- Prohibit reconstruction of fire-damaged properties in mapped "extreme," "very high," and "high" wildfire hazard areas; and
- Monitor, quantify, and publicly report in the State Implementation Plan (SIP) under the federal Clean Air Act all air pollution emissions, including greenhouse gas emissions and fine particulate matter (including very fine particulates less than PM10), and impacts of wildfires and prescribed burns.

Petitioner refers to the authority of the Highlands Water Protection and Planning Act (N.J.S.A. 13:20-1 et seq.) and the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.) in support of the petition. The Pinelands Protection Act gives the Pinelands Commission the sole authority to amend the Pinelands Comprehensive Management Plan. N.J.S.A. 13:18A-6. Similarly, the Highlands Water Protection and Planning Act gives the Highlands Council sole authority to prepare, adopt, and amend the Highlands Regional Master Plan (in consultation with the Department and other State agencies), and to promulgate regulations to exercise its powers and perform its duties and responsibilities. N.J.S.A. 13:20-6, -8 and -9. Accordingly, the Department does not acknowledge or respond to the petition insofar as the petition requests amendments to the Pinelands Comprehensive Management Plan and the Highlands Regional Master Plan or other actions that are beyond the Department's sole authority.

Petitioner also refers to the Coastal Area Facilities Review Act (N.J.S.A. 13:19-1 et seq.), the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.), the Air Pollution Control Act

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(N.J.S.A. 26:2C-1 et seq.), the Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.), the Endangered and Nongame Species Conservation Act (N.J.S.A. 23:2A-1 et seq.), the Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.), and the general powers of the Department (N.J.A.C. 13:1D-1 et seq.) in support of the petition. The Department is charged with the implementation of these laws and responds accordingly herein.

Petitioner contends that the requested rulemaking is necessary due to wildfire risk in the state and refers to the February 10, 2022 testimony of Commissioner Shawn M. LaTourette before the New Jersey Senate Environment Committee in which the Commissioner noted the number of wildfires in the state in 2021 and stated that the best available Department science indicates that wildfire risks and impacts are projected to increase due to climate change. At said hearing, the Commissioner delivered copies of and referenced the 2020 New Jersey Scientific Report on Climate Change (<https://www.nj.gov/dep/climatechange/docs/nj-scientific-report-2020.pdf>), which explains the projected climate change impacts upon New Jersey's resources and ecosystems at section 5, and wildfire in particular at section 5.4.

Petitioner also refers to the 2019 New Jersey Hazard Mitigation Plan, in particular Section 5.12, Wildfire (https://nj.gov/njoem/mitigation/pdf/2019/mit2019_section5-12_Wildfire.pdf), which assesses the risk and likely impact of wildfires in various regions of the State. See State of New Jersey, Office of Emergency Management, New Jersey State Hazard Mitigation Plan 2019 (Jan. 25, 2019) (Hazard Mitigation Plan), <https://www.nj.gov/njoem/mitigation/2019-mitigation-plan.shtml>.

Petitioner asserts that the State's land use planning and regulatory framework are "seriously flawed and are incapable of preventing and reducing wildfire risks and impacts" and

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contends that new and more stringent measures are necessary to prevent and reduce such risks and “to protect people and property from current and projected wildfire risks and impacts; to protect ecosystems, natural resources, air quality, water quality, wildlife, vegetation, and public health from current and projected risks and impacts of wildfire; to mitigate the risks and impacts of climate change; and to reduce the occurrence and damages from wildfire disasters and the disbursements of federal and state taxpayer funded disaster assistance and response programs.”

Background

Climate change

There is scientific consensus that global atmospheric warming, caused largely by human activities, is leading to significant changes in climate patterns around the world. In its Sixth Assessment Report, the United Nations Intergovernmental Panel on Climate Change declared that “[i]t is unequivocal that human influence has warmed the atmosphere, ocean and land. Widespread and rapid changes in the atmosphere, ocean, cryosphere and biosphere have occurred.” Intergovernmental Panel on Climate Change (IPCC), 2021: Summary for Policymakers. In: *Climate Change 2021, The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* [Masson-Delmotte, V., P. Zhai, A. Pirani, S. L. Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M. I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J.B.R. Matthews, T. K. Maycock, T. Waterfield, O. Yelekçi, R. Yu and B. Zhou (eds.)]. Cambridge University Press. In Press. https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf. Rising sea-levels, higher temperature, more precipitation, more intense storms and drought, and flooding are only some of the climate change impacts the State will experience. These impacts in turn will

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stress the State's public health, ecological, social, and economic systems. See New Jersey Department of Environmental Protection, New Jersey's Global Warming Response Act 80x50 Report, October 15, 2020 (80x50 Report), <https://www.nj.gov/dep/climatechange/docs/nj-gwra-80x50-report-2020.pdf>; New Jersey Scientific Report on Climate Change, Version 1.0 (Eds. R. Hill, M.M. Rutkowski, L.A. Lester, H. Genievich, N.A. Procopio) Trenton, NJ (2020 Report on Climate Change), <https://www.nj.gov/dep/climatechange/docs/nj-scientific-report-2020.pdf>.

To better organize and advance the State's response climate change, Governor Philip D. Murphy has issued a series of Executive Orders, which together established the State's policy to take aggressive climate action by reducing the emissions of climate pollutants economy-wide, charting a just and equitable transition away from our reliance on fossil fuels while building a stronger and fairer economy fueled by clean and renewable energy, protecting and promoting the resilience of New Jersey's communities from the current and anticipated impacts of climate change through planning and regulation, and investing in climate solutions that create new economic opportunity and broadly shared prosperity. See Executive Orders Nos. 7, 8, 23, and 28 (2018), Nos. 89 and 92 (2019), No. 100 (2020), and Nos. 221 and 274 (2021).

Pursuant to the foregoing directives, the Department is taking significant, iterative steps to reduce emissions of climate pollutants to limit a worsening of adverse climate change impacts, while simultaneously working to enhance the State's resilience to those climate effects that cannot be avoided. See, e.g., New Jersey Department of Environmental Protection, Protecting Against Climate Threats website, <https://www.nj.gov/dep/njpact/>. In October 2020, the Department published the 80x50 Report, which includes current emissions data and projected emissions for eight different sectors under different scenarios, communicates the limitations of

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existing State legislation, policies, and programs in reaching the 80x50 goal, and provides detailed recommendations for each sector to assist policymakers in crafting new initiatives to bridge the resulting emissions reductions gap. See

<https://www.nj.gov/dep/climatechange/docs/nj-gwra-80x50-report-2020.pdf>. The Department, in partnership with the Department of Agriculture, also released a scoping document for its forthcoming Natural and Working Lands Strategy, as part of its efforts to identify and prioritize mitigation strategies through carbon storage and sequestration on the State's natural and working lands. 2021 Natural and Working Lands Strategy Scoping Document, <https://www.nj.gov/dep/climatechange/docs/nj-nwls-scoping-document.pdf>.

On the regulatory front, the Department has started the first phase of its Climate Pollutant Reduction (CPR) regulatory reforms, a part of the larger New Jersey Protecting Against Climate Threats (NJPACT) initiative directed by Executive Order 100 (2020). These include a proposed new Greenhouse Gas Monitoring and Reporting Rule, 53 N.J.R. 1063(a), which will better quantify emissions of climate pollutants to support future reduction reforms, an adopted Advanced Clean Trucks and Fleet Reporting Rule, 53 N.J.R. 588(a), 53 N.J.R. 2148(a), which will reduce the emissions of climate pollutants by increasing the percentage of electric vehicles sold in New Jersey through the institution of manufacturer sales requirements, and a proposed Control and Prohibition of Carbon Dioxide Emissions Rule, 53 N.J.R. 1945(a), which will reduce emissions from fossil fuel-powered electric generating plants over the next decade consistent with 2019 EMP, further supporting the State's clean energy transition. The Department intends to launch the second phase of its CPR regulatory reforms in or around July 2022.

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As the state works to reduce emissions of climate pollutants, the state must also respond to current climate change impacts and better prepare for future impacts by improving the State's resilience to circumstances like continuing extreme weather, including worsening flooding like that which the state experienced when the remnants of Hurricane Ida struck New Jersey in September 2021. To that end, in October 2021, the Department issued the State's inaugural Climate Change Resilience Strategy, which established six resilience policy priorities and over one-hundred specific recommendations to guide and inform state and local government resilience efforts to protect vulnerable communities, infrastructure, businesses, and the environment from climate impacts, including the state's unique risks from sea-level rise, chronic flooding, rising temperatures, more frequent and intense storm events, and wildfires. State of New Jersey, Climate Change Resilience Strategy (Oct. 2021) (Resilience Strategy), <https://www.nj.gov/dep/climatechange/docs/nj-climate-resilience-strategy-2021.pdf>.

Wildfires

With respect to the specific management of the two million acres of forests in New Jersey, the Department published its latest Forest Action Plan in December 2020, after extensive study and stakeholder engagement and in cooperation with the United States Department of Agriculture Forest Service. State of New Jersey, Department of Environmental Protection, Forest Service, New Jersey State Forest Action Plan (Dec. 2020) (Forest Action Plan), <https://nj.gov/dep/parksandforests/forest/njsfap/docs/njsfap-final-12312020.pdf>. The Forest Action Plan explains the State's "holistic approach to forestry management that values the multitude of natural resources services that our forests provide including habitat and recreational areas, and ecosystem services such as contributions to clean air, water, global carbon cycles,

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wildfire and flood mitigation.” Id. at 9.

As described in the 2020 Report on Climate Change, climate change is expected to contribute to increases in the frequency and severity of wildfires. 2020 Report on Climate Change at 62, 93. A wildfire or “wildland fire” is defined as “any non-structural fire that occurs in the wildland,” which can be naturally occurring, human-caused, or prescribed and occur in forested, semi-forested, or less developed areas. Hazard Mitigation Plan at 5.12-2. The Department investigates the cause and origin of all wildfires, regardless of size. The Department also conducts an after-action review for every “major” wildfire, which is a wildfire over 100 acres. Smoke from in-State and upwind wildfires adversely affects air quality in the State, and wildfires are a major source of fine particulate matter, or PM2.5. 2020 Report on Climate Change at 67. Degraded air quality increases incidences of respiratory illness, reduces visibility, and disrupts outdoor activities. Id. at 62.

Although predicting wildfires is challenging due to the various factors and conditions that contribute to when and where a fire may start, increases in temperature, the frequency and severity of storms, and winds could all increase fire occurrences and intensify the spread and danger of fires. Id. at 93. Recognizing that forest management actions are necessary to mitigate the risk of wildfires, the Department takes a variety of actions to reduce the potential impacts of wildfires and protect residents and visitors to the State. Each year the Department conducts prescribed burns to reduce forest fuels and undergrowth that contribute to wildfire starts and spread. The prescribed burn program has expanded over time to include both public and private forests. In 2021, the Department conducted prescribed burns on 17,936 acres. For the 2022 season, the Department is targeting a program covering 20,000 to 25,000 acres. For information

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about prescribed burning, see

<https://www.nj.gov/dep/parksandforests/fire/program/aboutrx.html>.

In addition, through the Firewise Communities Program, communities at risk from wildfire can receive technical and financial assistance to conduct mitigation activities and create defensible space. See <https://www.nj.gov/dep/parksandforests/fire/program/firewise.html>. The Forest Fire Service also facilitates the development of Community Wildfire Protection Plans (CWPPs) at the municipal level by providing technical assistance and grants to implement hazard mitigation practices and build wildfire resiliency. See <https://www.nj.gov/dep/parksandforests/fire/program/cwpp.html>. Currently, there are 43 municipalities with CWPPs in place. Participation in these programs aids municipalities in qualifying for the Sustainable Jersey program. These efforts increase the capacity of the Forest Fire Service to minimize a conflagration from occurring, thus minimizing environmental impacts.

Response to Petition

Petitioner requests that the Department amend its regulations in three general ways: to ban or restrict development and redevelopment in certain wildfire hazard areas, mandate retrofit of existing development in certain wildfire hazard areas, and “monitor, quantify, and publicly Report [sic] in NJ’s Clean Air Act SIP all air pollution emissions – including greenhouse gas emissions and fine particulate matter (including very fine particulates less than PM10) – and impacts of wildfires and prescribed burns.” Petition at 4.

While the Department has considerable authority to regulate certain activities in particular environmentally sensitive areas, the Department does not possess the sort of master

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land use planning or regulatory authority alluded to by Petitioner. In the particular areas over which the Department has regulatory authority, the development of many land areas that may be susceptible to wildfire is already minimized under the Department's regulation of impacts to natural resources such as wetlands, threatened and endangered species habitat, coastal areas, riparian areas, and certain forested areas. As discussed below, the Department is engaged in an ongoing analysis of wildfire risk in the state and is developing information and tools to reduce wildfire risk and mitigate wildfire hazards to the maximum extent possible.

Furthermore, and as explained in more detail below, criteria pollutant (including fine particulate matter), hazardous air pollutant, and greenhouse gas emissions estimates due to wildfires and prescribed burns are already publicly available.

Accordingly, the Department hereby denies the petition.

Forest and land management

The State Hazard Mitigation Plan is “the cornerstone to reducing New Jersey’s vulnerability to disasters” and reflects the State’s commitment to reducing hazard risks. See Hazard Mitigation Plan at 1-2, <https://www.nj.gov/njoem/mitigation/2019-mitigation-plan.shtml>. Although disasters will never be fully prevented from threatening the State, “planning for and implementing mitigation measures before disasters strike and by making sure that post-disaster recovery efforts include appropriate hazard mitigation measures” can reduce or avoid the devastating impacts and rising costs of disaster. *Id.* at 1-2 to 3. “Hazard mitigation focuses on actions that reduce impacts to hazards” and “[i]dentifying effective mitigation actions depends on the unique characteristics associated with specific hazards.” *Id.* at 1-2.

As explained, wildfires can be naturally occurring or human-caused, and occur in

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forested, semi-forested, or less developed areas. Hazard Mitigation Plan at 5.12-2. In New Jersey, wildfires are most frequently caused by humans. Ibid. “Wildfires result in the uncontrolled destruction of forests, brush, field crops, grasslands, real estate, and personal property, and have secondary impacts on other hazards such as flooding, by removing vegetation and destroying watersheds.” Ibid. Wildfires can also destroy or damage habitat for fish and wildlife and rare plants and animals and result in a catastrophic release of carbon. “A potentially dangerous combination is created when hazardous wildland fuels interface with residential development, and an increased risk of human-caused ignition come together under extreme fire weather conditions.” Ibid. “For wildfires, where suburban development has encroached upon susceptible areas, mitigation actions can include development setbacks, improved access for emergency vehicles, adequate water supplies, and vegetation management.” Id. at 1-2.

The 2021 Resilience Strategy addressed the threat of wildfire and explained the Department’s twofold approach to building resilience to this threat. Id. at p.35. First is to understand the risk, and second is to conduct preventative management. Ibid. Accordingly, the Forest Fire Service is developing a Wildfire Risk Assessment Portal (WRAP) to provide a standardized tool for quantifying and interpreting wildfire hazard and risk statement. Ibid. Through comprehensive data analysis and wildfire modeling, this information will enable the Forest Fire Service, as well as landowners and residents, to more precisely target preventative management in at-risk areas. Ibid.

Among the available forest management techniques are treatments to remove hazardous fuels and brush by thinning overstocked forests or creating fire breaks, as well as prescribed burning. Id. at 35-36. The Department also utilizes prescribed burning for public safety and

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wildfire control. See Forest Action Plan at 134-135. Note, the Department's Open Burning rules at N.J.A.C. 7:27-2 limit open burning in the state. One of the limited exceptions is a permit for prescribing burning, in accordance with a plan approved by and under the control and supervision of the Forest Fire Service. N.J.A.C. 7:27-2.6.

The Forest Action Plan recognizes that “[a]s the population in New Jersey continues to spread into the wildland or increase the amount of Wildland Urban Interface (WUI), community planning or the protection of both lives and property from wildfire is an unremitting challenge.” Forest Action Plan at 133. One effective tool to address this challenge is a network of Community Wildfire Protection Plans (CWPPs). Ibid. CWPP development focuses on restoring and maintaining landscapes that are resilient to fire-related disturbances, fire-adapting communities so that human populations and infrastructure can withstand a wildfire without loss of life and property, and engaging all jurisdictions to “participate in making and implementing safe, effective and efficient risk-based wildfire management decisions.” Ibid.

In sum, the Department is fully engaged in evaluating wildfire risk and developing information and tools to mitigate wildfire hazards and reduce wildfire risk to the maximum extent possible. As such, the Department has determined that the requested rulemaking to prohibit or restrict development and mandate building retrofits is unnecessary. Nevertheless, the Department remains committed to continued research, as well as monitoring and reducing wildfire risk through both direct action and work with community partners.

Emissions from wildfires and prescribed burns

The federal Clean Air Act (CAA) requires the United States Environmental Protection Agency (EPA) to establish primary and secondary National Ambient Air Quality Standards

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(NAAQS) for air pollutants, the emissions of which cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare. 42 U.S.C. 7409. EPA has established NAAQS for ground-level ozone, particulate matter (PM), carbon monoxide (CO), sulfur dioxide (SO₂), nitrogen dioxide, and lead. The primary NAAQS is established at a level requisite to protect public health, with an ample margin of safety. 42 U.S.C. 7409(b)(1). The secondary NAAQS is established at a level requisite to protect public welfare from adverse effects associated with the presence of the pollutant in the ambient air. 42 U.S.C. 7409(b)(2).

When EPA establishes or revises a NAAQS, states are required to adopt a State Implementation Plan (SIP), which establishes that the state has the infrastructure and authority for implementing, maintaining, and enforcing the NAAQS. There are additional SIP requirements for states in areas that exceed the NAAQS, referred to as nonattainment areas. For a general explanation of the NAAQS and New Jersey's attainment areas status, see <https://www.nj.gov/dep/baqp/aas.html>.

The entire State of New Jersey is in nonattainment for the 2008 (75 parts per billion (ppb)) and 2015 (70 ppb) ozone NAAQS. In November 2021, the Department finalized an ozone SIP revision which included the State's 2017 periodic emissions inventory. See State of New Jersey, Department of Environmental Protection, State Implementation Plan (SIP) Revision for the Attainment and Maintenance of the Ozone National Ambient Air Quality Standards, 2008 75 ppb 8-Hour Ozone Attainment Demonstration Northern New Jersey-New York-Connecticut Nonattainment Area, 2008 75 ppb and 2015 70 ppb 8-Hour Ozone Reasonably Available Control Technology (RACT) Determinations and Nonattainment New Source Review (NNSR) Program Compliance Certifications and 2017 Periodic Emissions Inventory (November 2021) (2021 Ozone SIP), Chapter 10, <https://www.nj.gov/dep/baqp/sip/OA.html>. As explained in the 2021

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Ozone SIP, the CAA requires states to submit periodic emissions reports and for nonattainment areas to show continued progress to attain the ozone NAAQS. *Id.* at 10-1. The 2017 emissions inventory serves as the State's periodic emissions inventory for the ozone NAAQS and base year to demonstrate continued progress. *Ibid.*

For the 2017 emissions inventory, the Department estimated and/or compiled emission estimates from various anthropogenic and biogenic sources of volatile organic compounds (VOCs), oxides of nitrogen (NO_x), particulate matter less than 2.5 micrometers and 10 micrometers in diameter (PM_{2.5} and PM₁₀), SO₂, and ammonia. *Id.* at 10-3. As shown in the inventory, the Department included estimated emissions from the "wildfire and prescribed burn" source sector utilizing EPA's emissions estimates in the National Emissions Inventory (NEI). See *id.*, Tables 10-2 through 10-5 and Appendix 10-1: 2017 Point and Area PEI, Attachment 6: 2017 Events, at <https://www.nj.gov/dep/baqp/OA/App%2010-1%20Att%206%202017%20Events%2012-17-20.xlsx>. EPA prepares the NEI with information provided by the Department (as applicable to New Jersey). For wildfires and prescribed burns, the Department's Division of Air Quality submits information provided by the Forest Fire Service regarding location, acres burned, and dates of fires, which EPA uses in its calculations. All three-year NEI inventories are available on EPA's website. See EPA, National Emissions Inventory (NEI), <https://www.epa.gov/air-emissions-inventories/national-emissions-inventory-nej>. The Department's inclusion of emissions estimates from wildfires and prescribed burns is consistent with EPA's guidance that explains that "[b]ecause the CAA specifies that planning inventories (e.g., the base year inventory for the NAA [nonattainment area] must include all sources of emissions, the inventories should, therefore, include fires." EPA, Emissions Inventory

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Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations (May 2017) at 103,

[https://www.epa.gov/sites/default/files/2017-](https://www.epa.gov/sites/default/files/2017-07/documents/ei_guidance_may_2017_final_rev.pdf)

[07/documents/ei_guidance_may_2017_final_rev.pdf](https://www.epa.gov/sites/default/files/2017-07/documents/ei_guidance_may_2017_final_rev.pdf). New Jersey also works with other states,

regional organizations, and EPA to estimate and create regional modeling inventories, which

include wildfires and prescribed burns. The regional modeling inventory for the ozone

attainment demonstration was also included in the ozone SIP, see 2021 Ozone SIP, Appendix 4-

4B, GAMMA 2011_2020_2023 Modeling Inventory Summary by Sector, at

[https://www.nj.gov/dep/baqp/OA/App%204-](https://www.nj.gov/dep/baqp/OA/App%204-4B%20GAMMA%202011_2020_2023%20Modeling%20Inv%20Summary%20by%20Sector%2012-2-20.xlsx)

[4B%20GAMMA%202011_2020_2023%20Modeling%20Inv%20Summary%20by%20Sector%2](https://www.nj.gov/dep/baqp/OA/App%204-4B%20GAMMA%202011_2020_2023%20Modeling%20Inv%20Summary%20by%20Sector%2012-2-20.xlsx)

[012-2-20.xlsx](https://www.nj.gov/dep/baqp/OA/App%204-4B%20GAMMA%202011_2020_2023%20Modeling%20Inv%20Summary%20by%20Sector%2012-2-20.xlsx).

The Department separately publishes information about climate pollution—specifically, black carbon—from wildfires and prescribed burns. Black carbon is an aerosol component of PM and is formed in varying concentrations with other PM through biomass burning and incomplete combustion of fossil fuels. See 80x50 Report at 133. Black carbon contributes to climate warming by absorbing sunlight directly and releasing heat energy into the atmosphere. *Ibid.* Unlike carbon dioxide, which remains in the atmosphere for hundreds of years, black carbon is removed by rain or by deposition in a matter of days or weeks. *Ibid.* Although black carbon is not a significant contributor to the State’s climate pollutant inventory, black carbon emissions compromise local air quality and reductions therefore have co-benefits. The 80x50 Report provided estimated black carbon emissions by source, including wildfires and prescribed burning. *Id.* at 134.

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The Department's Greenhouse Gas Inventory Mid-Cycle Update included black carbon estimates. See https://www.nj.gov/dep/aqes/ghgarchive/MCU%20GHG%20Inventory_2021.pdf.

The Department will also include a comprehensive black carbon inventory in its next greenhouse gas emissions inventory, which is prepared biennially in accordance with the Global Warming Response Act, N.J.S.A. 26:2C-37 et seq. The black carbon emissions inventory will identify emissions associated with the combustion of fossil and biogenic materials, including emissions from wildfires and prescribed burns.

Accordingly, because the State's air pollutant emissions associated with wildfires and prescribed burns or estimates thereof are monitored, reported, and publicly available, the Department has determined that rulemaking as requested in the petition is not warranted.

Conclusion

For the reasons stated above, the petition is hereby denied. A copy of this notice has been mailed to the petitioner as required by N.J.A.C. 1:30-3.6.