

## **9.0 COMMITMENTS AND REQUESTS FOR FUTURE ACTION**

As discussed in Chapter 5, the two multi-state annual fine particulate matter (PM<sub>2.5</sub>) nonattainment areas associated with New Jersey are projected to reach attainment of the 1997 annual PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS) by their attainment date (i.e., April 5, 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. The measures that were included in the attainment demonstration modeling are referred to as either on the books/on the way (OTB/OTW), or measures that are beyond on the way (BOTW). These control measures are outlined in Chapter 4.

In addition, although not outlined specifically in Chapter 4, other State and Federal measures were implemented, and achieved benefits, prior to the 2002 base year. For example, control measures such as the on-board diagnostics (OBD) enhanced Inspection and Maintenance (I/M) program, the federal Reformulated Gasoline (RFG) program, and all New Jersey's existing stationary source control measures achieved pre-2002 benefits, and these programs, as well as numerous others, are incorporated into the 2002 inventory, from which the future inventories are projected.

Chapter 5 also discusses other measures, in addition to those OTB/OTW and BOTW measures included in the attainment modeling, that both New Jersey and the United States Environmental Protection Agency (USEPA) are implementing that are expected to provide benefits in time to help the 1997 PM<sub>2.5</sub> multi-state nonattainment areas reach their attainment goals. These measures provide additional assurance that New Jersey's associated multi-state nonattainment areas will attain the 1997 annual PM<sub>2.5</sub> standard by April 5, 2010. In addition, a portion of these measures are relied upon as contingency measures. Additional non-modeled measures provide for additional emission reductions that not only will help the State attain both the 1997 8-hour ozone and annual PM<sub>2.5</sub> NAAQS, but will help the State attain the 2006 daily PM<sub>2.5</sub> standard of 35 µg/m<sup>3</sup>, address regional haze at New Jersey's Class I area and other downwind Class I areas, reduce air toxic emissions, advance the State's Greenhouse Gas Initiative, and ultimately help the State meet its own PM<sub>2.5</sub> goal of goal of 12 µg/m<sup>3</sup>. See Chapter 1 for more information on these other air quality 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 PM<sub>2.5</sub> implementation.

### **9.1 Control Measure Commitments**

Because the Ozone Transport Region conducted one-atmospheric modeling to satisfy both the 8-hour and PM<sub>2.5</sub> attainment demonstration obligations, all of measures included in the State's PM<sub>2.5</sub> attainment demonstration modeling are also in the State's 8-hour ozone attainment demonstration. The 8-hour ozone attainment demonstration was

submitted to the USEPA for approval on October 29, 2007,<sup>1</sup> and since its submittal, the State of New Jersey has been working to implement those measures needed for attainment. Table 9.1 provides a status on those control measures committed to in the State's 8-hour ozone state implementation plan (SIP) that will also provide the emission reductions needed to bring about PM<sub>2.5</sub> attainment.

The State commits to propose and adopt those measures in Table 9.1 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 9.1: State Control Measure Commitments**

<b>Control Measures</b>	<b>Status</b>	<b>Notes</b>
<b>BOTW Measures Included in Regional Attainment Modeling *</b>		
Consumer Products 2009 Amendments	Proposed 11/05/07; hearing held 12/10/07 with close of comments on 1/4/08	VOC reduction measure; primarily for 8-hour ozone attainment
Portable Fuel Containers 2009 Amendments	Proposed 11/05/07; hearing held 12/10/07 with close of comments on 1/4/08	VOC reduction measure; primarily for 8-hour ozone attainment
Adhesives and Sealants	Proposed 11/05/07; hearing held 12/10/07 with close of comments on 1/4/08	VOC reduction measure; primarily for 8-hour ozone attainment
Asphalt Paving	Proposal expected August 2008; compliance date 4/16/09 or 4/16/10	VOC reduction measure; primarily for 8-hour ozone attainment
Industrial/Commercial/Institutional (ICI) Boiler Rule Changes (for certain categories) <sup>2</sup>	Proposal expected August 2008; compliance dates 5/1/09-12	NO <sub>x</sub> reduction measure; for 8-hour ozone attainment
<b>Additional measures to provide contingency for attainment and to support attainment **</b>		
Refinery Rules	Proposal expected August 2008	VOC, NO <sub>x</sub> , and SO <sub>2</sub> reductions; NO <sub>x</sub> and SO <sub>2</sub> reduction PM contingency measures
Case by Case NO <sub>x</sub> Emission Limit Determinations (FSELS/AELs)	Proposal expected August 2008	NO <sub>x</sub> reduction measure

<sup>1</sup> Letter dated October 29, 2007 from then NJDEP Commissioner Lisa P. Jackson to USEPA Region II Administrator Alan J. Steinberg. Available at <http://www.nj.gov/dep/baqp/8hrsip/commissioner's%20letter.pdf>.

<sup>2</sup> Some categories have 2009 compliance dates; remainder have 2012 compliance dates.

<b>Control Measures</b>	<b>Status</b>	<b>Notes</b>
High Electric Demand Day (HEDD) Program	Proposal expected August 2008; compliance dates 5/1/09-15	NO <sub>x</sub> reduction measure
Diesel Idling Rule Changes	Promulgated 8/6/07; operative 9/8/2007	PM <sub>2.5</sub> and NO <sub>x</sub> reductions; PM contingency measure
Smoke Rule Changes	Proposal expected August 2008	PM <sub>2.5</sub> and NO <sub>x</sub> reductions; PM contingency measure
Municipal Waste Combustor Rule Changes	Proposal expected August 2008; compliance dates 5/1/09 or 5/1/10	NO <sub>x</sub> reductions; PM contingency measure
Nonattainment New Source Review (NNSR) (New Jersey Subchapters 8, 18, and 22)	PM <sub>2.5</sub> NSR being done based on USEPA's 2008 implementation rule: a) Prior to 7/15/08: Apply interim procedures b) Post 7/15/08 and prior to NJ rule: Apply USEPA's Appendix S (40 C.F.R. pt. 51) c) NJ Rule Revision expected: 2008: Develop rule strategies 2009: Propose rule revision 2010: Adopt rule revision	Proposal after the USEPA adopts the remaining components of the implementation rule for PM <sub>2.5</sub> NSR.***
Asphalt Production Plants Rule	Proposal expected August 2008; compliance dates 5/1/09-12	NO <sub>x</sub> reductions; PM contingency measure
Glass Manufacturing	Proposal expected August 2008	NO <sub>x</sub> reductions but most benefits will occur post-2010
Certain Categories of ICI Boilers - additional credit	Proposal expected August 2008	NO <sub>x</sub> reduction measure; PM contingency measure
NO <sub>x</sub> RACT Rule 2006 (includes distributed generation and certain boilers)	Adopted September 8, 2005	NO <sub>x</sub> reduction measure; PM contingency measure
Onroad Motor Vehicle Control Programs (Fleet turnover 2010)	New car standards (both Federal and State) are already adopted to provide for these benefits	Direct PM <sub>2.5</sub> and NO <sub>x</sub> reductions; PM contingency measure
Nonroad Motor Vehicle Control Programs (Fleet turnover 2010)	New car standards (both Federal and State) are already adopted to provide for these benefits	Direct PM <sub>2.5</sub> , SO <sub>2</sub> , and NO <sub>x</sub> reductions; PM contingency measure
Federal Clean Air Interstate Rule (CAIR) Program – Phase I 2010 SO <sub>2</sub> Cap	Adopted March 10, 2005 (published in the Federal Register on May 12, 2005)	SO <sub>2</sub> reductions; PM contingency measure

<b>Control Measures</b>	<b>Status</b>	<b>Notes</b>
<b>Additional PM<sub>2.5</sub> Stationary Source Measures</b>		
Fugitive Dust at Stationary Sources	Proposal expected in 2009	Direct PM <sub>2.5</sub> reductions
#6 Fuel Oil-Fired Boilers	Proposal expected in 2009	Direct PM <sub>2.5</sub> and SO <sub>2</sub> reductions
Stationary Diesel Engines	Proposal expected in 2009	VOC, NO <sub>x</sub> , SO <sub>2</sub> , and direct PM <sub>2.5</sub> reductions
Low sulfur distillate and residual fuel strategies	Proposal expected 2008	SO <sub>2</sub> reduction measure with direct PM <sub>2.5</sub> cobenefits

\* “Beyond On the Way (BOTW)” control measures (state, regional, or federal) that have been or will be proposed by New Jersey and will include those measures that were identified as part of the effort to reach attainment by April 5, 2010.

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

\*\*\* The PM<sub>2.5</sub> rule allows up to three years for states to revise their regulations and SIP. New Jersey expects the three year clock to be triggered once the USEPA adopts the remaining components of its PM<sub>2.5</sub> NSR implementation rules.

The USEPA has also committed to implement additional emission control measures not listed in Table 9.1. Specifically, the USEPA has proposed new, small offroad engine standards, and adopted more stringent exhaust emission standards for locomotives and marine diesel engines, as well as adopted a second phase of its Federal Clean Air Interstate Rule (CAIR) Program that will result in SO<sub>2</sub> reductions (refer to Chapter 4 for details). All of these efforts should provide additional emission reductions for 2009 and beyond. While New Jersey’s PM<sub>2.5</sub> attainment demonstration does not rely on further emission reductions from these measures, the implementation of these measures will help support 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 2009 and beyond. New Jersey is also relying on some of the SO<sub>2</sub> CAIR reductions as part of its contingency plan for this proposed SIP revision (refer to Chapter 6).

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:

1. additional public health protection in view of health effects below the NAAQS, consistent with the NJDEP’s internal goal of meeting an annual PM<sub>2.5</sub> level of 12 µg/m<sup>3</sup>;
2. progress toward the new 2006 24-hour PM<sub>2.5</sub> NAAQS;
3. additional reductions, which would be relied upon should the State not attain by 2010;
4. additional benefits toward meeting the State’s other PM-related air quality goals outlined in Chapter 1 (e.g., Greenhouse Gas Initiative, Air Toxics, etc.); and,

5. 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.

## **9.2 Transport-Related Requirements**

Chapter 8 of this proposed SIP revision: 1) reiterates the State's compliance with the USEPA's guidance in determining that it had the authority to implement its Infrastructure SIP requirements, and has meet all timing requirements associated with those requirement, with respect to the PM<sub>2.5</sub> NAAQS, and 2) provides updates on the State's progress in meeting its requirements under Section 110(a)(2)(D)(i) of the Clean Air Act with respect to the 1997 PM<sub>2.5</sub> NAAQS. The remainder of this Section reiterates the State's PM<sub>2.5</sub>-related transport commitments.

New Jersey commits to implement strategies to address the transport of direct PM<sub>2.5</sub> and PM<sub>2.5</sub> precursor emissions from New Jersey, particularly in light of the State's concerns that the implementation of CAIR alone does not resolve interstate transport issues.<sup>3</sup> New Jersey further commits to revising its Nonattainment New Source Review (NNSR) program. New Jersey will also address interstate transport by relying upon its Regional Haze SIP to address visibility requirements in New Jersey's Class I area. New Jersey expects to propose its Regional Haze SIP around the same time as it proposes this PM<sub>2.5</sub> SIP. Finally, New Jersey commits to consider any additional measures, beyond those already in place, implemented by the neighboring upwind states, if they are more stringent than our current actions.

## **9.3 State Requests of the USEPA**

### **New Jersey's Reliance on the USEPA and Other State Actions for Attainment**

As discussed in Chapter 4, New Jersey based its 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. Further, the implementation of measures by states upwind than New Jersey's immediate neighbors is relied upon to reduce the transport of PM<sub>2.5</sub> and its precursors into the Mid-Atlantic/Northeast Visibility Union (MANE-VU) region, including New Jersey. Additional cost effective controls on the largest upwind sources are still needed to reduce the PM<sub>2.5</sub> and PM<sub>2.5</sub> precursors being transported into the MANE-VU region. New Jersey requests that the USEPA, in reviewing the attainment demonstrations and other SIP revisions from other states, take into consideration the impact on New Jersey's attainment obligations, and ensure 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. In addition, New Jersey expects that the USEPA will adopt all federal

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<sup>3</sup> See letter from NJDEP Commissioner Lisa P. Jackson to USEPA Regional Administrator Steinberg dated December 22, 2006. The letter is posted on the NJDEP's website at <http://www.state.nj.us/dep/baqp/sip/siprevs.htm>.

measures in a timely fashion so that the state can benefit from the emission reductions from these measures.