

**(h) EDCs are not allowed to develop, own, or operate community solar projects beyond the billing and other responsibilities set forth in this subchapter.**

14:8-9.6 Subscription requirements

(a)-(k) (No change.)

(l) Beginning April 1, 2025, a local government may submit a registration for a municipal community solar automatic enrollment project that requests an exemption from the provisions at N.J.A.C. 14:8-9.10(b)1i, which mandate subscriber enrollment through affirmative consent of the subscriber. Unless explicitly stated otherwise, an automatic enrollment project shall be subject to all other rules of the CSEP, as well as to the following provisions:

1. (No change.)

2. **A local government {that developed a project in the CSEP or Pilot Program and wishes to convert it to a municipal community solar automatic enrollment project may provide} may contract with an existing community solar project to become a municipal community solar automatic enrollment project by means of a public procurement process and by providing, to the Board, a resolution or ordinance stating its intention to convert the project as a municipal community solar automatic enrollment project and the mechanism by which it intends to enroll new customers {by no later than December 31, 2025;}. The Board may, by Board Order, set annual limits on the number or capacity of projects that convert to municipal community solar automatic enrollment projects or contract with a single municipality;**

3. (No change.)

4. **The automatic enrollment project shall be located within {15 miles of the boundaries of} the same EDC service territory as the associated local government;**

5.-13. (No change.)

14:8-9.7 Community solar billing

(a) (No change.)

**(b) Subscribers shall receive at least the project’s guaranteed bill credit discount, as identified in the project’s registration, respective to the capacity to which they are subscribed. The Board shall set, by Board Order, a minimum guaranteed bill credit discount applicable to all projects and a minimum guaranteed bill credit discount applicable to subscribers automatically enrolled to an automatic enrollment project, and projects may establish a higher discount in their registration.**

(c)-(s) (No change.)

14:8-9.9 EDC responsibilities and cost recovery

(a)-(c) (No change.)

**(d) Each community solar project shall telemeter its production data to the EDC in accordance with EDC Electronic Data Interchange procedures.**

**(e) The EDCs shall be responsible for measuring the metered production of energy by community solar projects and for verifying that the community solar projects are producing an amount of energy that is greater than or equal to the amount of energy that is being credited to subscribers’ bills.**

SUBCHAPTER 11. SUCCESSOR SOLAR INCENTIVE PROGRAM

14:8-11.2 Definitions

For the purposes of this subchapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

“Co-location” means siting two or more SuSI-eligible solar facilities on the same property or on contiguous properties, such that the individual facilities are eligible for a higher incentive value or different program than they would be if they were combined into one single facility. In the case of net metered projects, SuSI-eligible solar facilities shall [be] not be deemed co-located if they serve separate net metering customers as defined at N.J.A.C. 14:8-4. **A community solar facility and a net metered facility are not deemed co-located if they serve separate customers.**

14:8-11.4 Successor Solar Incentive Program eligibility

(a)-(e) (No change.)

(f) *{Co-location is not permitted in the ADI Program, unless the Board grants a waiver in response to a petition.} The following restrictions on co-location in the ADI Program apply:*

**1. Co-located net metered facilities that serve the same net metering customer as defined at N.J.A.C. 14:8-4 may sum to a capacity of no more than five MW in the ADI Program;**

**2. Co-located community solar and/or remote net metered facilities may sum to a capacity of no more than five MW unless sited on:**

**i. Rooftops of separate buildings on different properties; or**

**ii. A landfill that is owned by a public entity and is not properly closed at the time of registration, in which case, the total capacity of all the co-located community solar and/or remote net metered facilities may sum to no more than 10 MW; and**

**3. Co-located net metered facilities shall receive the lowest incentive value available to any of the facilities as if registered either individually or aggregated. The registration packages of such co-located facilities shall include an affidavit accepting the lowest incentive.**

(g)-(k) (No change.)

14:8-11.5 Successor Solar Incentive Program registration process

(a)-(c) (No change.)

(d) The registrant shall meet minimum facility maturity standards according to the ADI or CSI Program conditions and provide all required documentation as part of its initial registration package.

1.-2. (No change.)

3. For community solar projects in the ADI Program and the CSEP, the registrant shall supply the following, and any other information the Board, or its designee, may deem necessary to confirm eligibility for the Program:

i. (No change.)

**ii. For facilities sized up to one MW, evidence of having submitted to the relevant EDC an Attachment A to an Interconnection Application and Agreement signed by the installer;**

**iii. For facilities sized one MW or greater, written authorization from the EDC providing conditional approval to construct and a Milestone Reporting Form;**

**iv. Evidence of applications for all discretionary land use approvals and entitlements applicable to the project, such as municipal zoning permit or municipal site plan approval, county site plan approval, soil conservation district approval, and Pinelands Commission or Highlands Commission approval, with a signed list of all permits to be applied for;**

**v. A community engagement and subscriber acquisition plan;**

**vi. A guaranteed bill credit discount to be offered to subscribers, given as a percentage to two decimal places; and**

**vii. For projects on a contaminated site or landfill, an estimated size of the area designated as a “contaminated site” or “properly closed sanitary landfill,” a completed New Jersey Department of Environmental Protection permit readiness checklist, and a completed Contaminated Sites and Landfills Eligibility Verification Form.**

(e)-(l) (No change from proposal.)

**(a)**

**BOARD OF PUBLIC UTILITIES**

**Competitive Solar Incentive Program**

**Reproposed Amendments: N.J.A.C. 14:8-11.5 and 11.10**

Authorized By: New Jersey Board of Public Utilities, Christine Guhl Sadovy, President, Dr. Zenon Christodoulou, Ph.D., Marian Abdou and Michael Bange, Commissioners.

Authority: N.J.S.A. 48:2-12, 48:3-49 et seq., 48:3-87, 48:3-115(c), and 48:3-116 through 118.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.  
 BPU Docket Number: QX22100653.  
 Proposal Number: PRN 2024-115.

The deadline for comments on this matter is 5:00 P.M. on December 6, 2024. While all comments will be given equal consideration and will be made part of the final record of this proceeding, the preferred method of transmittal is through the Board of Public Utilities' (Board) Public Document Search tool, by searching for the specific docket number listed above, and using the "Post Comments" button. Written comments may also be submitted. Please include subject matter and docket number and submit to:

Secretary of the Board  
 New Jersey Board of Public Utilities  
 44 South Clinton Ave., 1st Floor  
 PO Box 350  
 Trenton, NJ 08625-0350  
 Attn: BPU Docket No. QX22100653  
 Phone: 609-292-1599  
 Email: [board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)

All comments are considered "public documents" for purposes of the State's Open Public Records Act. Commenters may identify information that they seek to keep confidential by submitting it in accordance with the confidentiality procedures set forth at N.J.A.C. 14:1-12.3.

The agency proposal follows:

#### Summary

The Board is proposing to amend its existing solar energy rules for the Competitive Solar Incentive (CSI) Program, as part of the larger Successor Solar Incentive (SuSI) Program set forth at N.J.A.C. 14:8-11. The CSI Program aims to provide incentives for 300 megawatts (MW) of new solar annually, thus, forming a critical element in achieving the goals set forth in the Solar Act of 2021 (the Act) and the 2019 New Jersey Energy Master Plan. The CSI Program is open to qualified grid supply solar installations (that is, those selling into wholesale markets), new net metered non-residential solar installations with an installed capacity larger than five MW, and certain electricity storage facilities that are combined with grid supply solar installations. The program awards Solar Renewable Energy Certificates (SREC-IIs) through a competitive solicitation, with projects competing on SREC-II bid price only. Awarded solar generation facilities, thus, receive the lowest incentive contribution from New Jersey's ratepayers.

On December 7, 2022, the Board originally proposed rules governing the CSI Program that were published in the February 6, 2023 New Jersey Register at 55 N.J.R. 127(a). On November 17, 2023, the Board adopted the proposed rules with non-substantial changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3), and with proposed N.J.A.C. 14:8-11.5(d)2iv and 11.10(j) not adopted, but still pending, that were published in the December 18, 2023 New Jersey Register at 55 N.J.R. 2555(a). On the same date, the Board also approved a notice of proposed substantial changes upon adoption proposing N.J.A.C. 14:8-11.5(d) and 11.10(j) that also was published in the December 18, 2023 New Jersey Register at 55 N.J.R. 2461(a). The resulting notice of adoption was not filed before the 18-month expiration date and the notice of proposal expired on August 6, 2024. Consequently, on September 4, 2024, the Board approved a new notice of proposal repropounding N.J.A.C. 14:8-11.5(d) and 11.10(j) with changes as discussed below for additional public comment.

**Summary of Public Comments and Agency Responses to the 2023 notice of proposed substantial changes upon adoption follows:**

Comments on the original notice of proposal and on the notice of proposed substantial changes upon adoption to proposed amendments were received from New Jersey Division of Rate Counsel (RC).

#### 1. Comments Received During Initial Comment Period Giving Rise to Substantial Changes in Proposal upon Adoption

COMMENT: The commenter strongly supports the use of confidential price caps at N.J.A.C. 14:8-11.10(j), but suggests that the provision, as proposed, does not provide sufficient safeguards to ensure competitive results that reduce ratepayer costs. The commenter recommends that more

rigorous bid evaluation is warranted. As currently proposed, the commenter believes that the price cap would be discretionary, would pose an unnecessary procedural hurdle before each solicitation, and would require Board review without the context provided by the actual results of the solicitation. The commenter recommends the following language in lieu of N.J.A.C. 14:8-11.10(j): "Confidential price caps based on assessments of market conditions shall be established for each tranche prior to each solicitation, and there will be an assessment of the competitiveness of the pricing resulting from the solicitation. If the Board determines that a project or projects would breach a price cap, that have been bid at prices that are not competitive, any and all such bids will be rejected regardless of whether the targeted number of megawatts in that tranche or tranches has been met." (RC)

RESPONSE: The Board thanks Rate Counsel for its support and suggestions. The Board partially integrated Rate Counsel's suggested language into proposed N.J.A.C. 14:8-11.10(j), allowing the Board to exercise discretion in considering SREC-II bid submissions in relation to the confidential, pre-determined price caps established for any and all competitive tranches. The Board considers that price caps set before the opening of a solicitation window are intended to protect ratepayers against excessive bid prices, and incentive levels are capped at prices sufficient to facilitate development of large-scale solar projects in New Jersey at the lowest viable cost to New Jersey ratepayers. However, the Board understands that changes in macroeconomic conditions including, but not limited to, interest rates and energy and capacity market prices may occur on an abbreviated timescale compared to the solicitation window, and price caps determined at the start of the solicitation may not represent best available fiscal data at the close of the solicitation. Therefore, the Board proposes that the price caps may be revised by Board Order based on an updated assessment of fiscal parameters used to set the price caps for a given solicitation. The Board declines to include the requirement that any and all bids that breach a price cap will automatically be rejected regardless of whether the targeted number of megawatts in that tranche or tranches has been met. Rather, the Board may use additional tools to consider successful bids: electing to award bids that do not exceed the price caps by more than 10 percent, adjusting the number of megawatts awarded in a tranche in response to bid prices above or below the confidential price caps, or rejecting any bids above the confidential price caps where the Board determines the bid prices are not competitive.

#### 2. Comments Received upon Publication of Notice of Proposed Substantial Changes upon Adoption to Proposed Amendments to N.J.A.C. 14:8-11.10

COMMENT: The commenter reiterates the initial comment that the confidential price cap should be mandatory for each solicitation, and that the Board should review the price caps as a part of the bid selection process, to determine the competitiveness of the results. In response to the Board's modifications at N.J.A.C. 14:8-11.10(j), the commenter states a continued preference for a stronger rule including provisions requiring, not just allowing, the Board to use price caps as a part of the analysis of the competitiveness of the solicitation. The commenter expresses appreciation for the amendments made that gives the Board discretion to review the results of each solicitation and reject noncompetitive bids. The commenter urges the Board to use the discretionary means to ensure that ratepayers are protected from overpaying for solar and developers do not receive excessive profits. (RC)

RESPONSE: The Board thanks Rate Counsel for its comments and support of the amendments. The Board shares the concerns of Rate Counsel and takes seriously the protection of ratepayers from excessive incentivization.

#### Summary of Agency-Initiated Change in the Notice of Proposed Substantial Changes Upon Adoption

On December 8, 2023, the Board proposed a substantial change at new N.J.A.C. 14:8-11.5(d)2iv to reduce the administrative burden of the rule consistent with Board action taken through a Board Order on April 12, 2023. See 55 N.J.R. 2461(a). The Board Order addressing registration requirements sought to eliminate unintended barriers to participation in the first solicitation of the CSI Program created by two registration requirements. See *Competitive Solar Incentive ("CSI") Program*

Pursuant to P.L. 2021, c. 169, 2023 N.J. PUC LEXIS 54 (Apr. 12, 2023). In that Board Order, for projects that participated in the first solicitation, the Board waived the requirement for submitting “electrical and building permits or documentation that applications for electrical and building permits have been submitted to the relevant municipality,” proposed at N.J.A.C. 14:8-11.5(d)2iv. The Board waived this requirement because stakeholder comments had revealed that it created a barrier to participation in the CSI Program that outweighed the intended benefit of ensuring project maturity. Due to the lengthy development cycle for the large projects served by the CSI Program, the permitting requirement would force participating projects to make decisions on design and engineering at a point in project development when they may not have the information necessary to do so. In the April 12, 2023 Order, the Board directed Board staff to review the registration requirements for participation in the CSI Program initially promulgated by Board Order and subsequently proposed at 55 N.J.R. 127(a) and to suggest any modification to program rules that would result in a more effective registration process for future solicitations. In the Notice of Proposed Substantial Changes, the Board proposed changes to the building and electrical permit registration requirements of the CSI Program that were initially proposed at N.J.A.C. 14:8-11.5(d)2iv. Specifically, the Board proposed to amend language for permitting requirements for registrants in the CSI Program to instead require documentation of applications for land use permits and approvals, including municipal and/or county site plan approvals, soil conservation district approvals, and any permitting required by the Pinelands or Highlands Commissions. The Board proposed this substantial change to its rule in order to avoid jeopardizing the success of this program through the unintended barrier to participation created by the initial registration requirements.

As the notice of proposed substantial changes expired prior to adoption of the changes, the Board is now repropounding these amendments in a new notice of proposed rulemaking.

#### Summary of the Reproposed Amendments

At N.J.A.C. 14:8-11.5(d)2, the Board repropounds changes to the documentation required by CSI Program registrants for participation in the program for each of the proposed tranches to eliminate unintended barriers to participation, resulting in an effective registration process for future solicitations.

At N.J.A.C. 14:8-11.10(j), the repropounded amendments clarify the tools the Board may utilize when considering SREC-II bids against the tranche-specific confidential, pre-determined price caps for each solicitation. The repropounded amendments specifically give the Board the discretion to revise the confidential price caps based on up-to-date market data; elect to award bids that exceed the price cap by no more than 10 percent but are determined to be competitive; adjust megawatt target allocations amongst tranches in response to bid prices above or below the confidential price caps; and reject bids above the confidential price caps that the Board determines are not competitive and/or are not fiscally responsible even if the megawatt target of the tranche or tranches have not been met. The repropounded amendments allow the Board to consider which bids are truly competitive in nature and to meet the program goals of facilitating large-scale solar projects at the least cost to New Jersey ratepayers.

As the Board has provided for a 60-day comment period on this notice of proposal, the notice is excepted from the rulemaking calendar requirement set forth at N.J.A.C. 1:30-3.3(a)5.

#### Social Impact

The repropounded amendments will have a positive social impact on New Jersey by encouraging the continued efficient and orderly development of solar energy generation in the State and reducing the cost of solar incentives to ratepayers. The CSI Program has, to date, procured 310 megawatts of new clean solar generation for New Jersey consumers at competitive prices, with the continued target of 300 MW per year. The significant increase in local solar generation is expected to reduce electric generation from fossil fuel, resulting in reduced emission of greenhouse gases, particulate matter, and sulfur and nitrous oxide compounds, all of which have demonstrated negative impacts on human health and biodiversity. Amendments that ease registration barriers facilitate the efficient development of solar facilities that alleviate negative health and

environmental impacts, while amendments that support the Board’s use of confidential price caps protect ratepayers from excessive incentivization so that large-scale solar development proceeds at the lowest feasible cost.

#### Economic Impact

The repropounded amendments in the registration requirements for CSI Program participants at N.J.A.C. 14:8-11.5(d) are intended to eliminate unintended barriers to participation in the program for solar developers and promote the continued growth of the solar industry in New Jersey. This change will result in small but positive impacts for the New Jersey economy by allowing solar development to occur at lower cost and more quickly. The economic benefit for individual solar developers is larger, as these changes may be the difference between a project that is viable and one that does not get built.

The competitive determination of the incentive levels ensures that solar will be procured at a lower cost to New Jersey ratepayers than if the competitive process modifications as proposed in these amendments were not put into place. In order to protect ratepayers against elevated prices that would result from low levels of competition, the repropounded amendments provide the Board with authority to adopt confidential pre-determined price caps for any and all procurement tranches that will cap awards at a certain price level. The repropounded amendments to the bid selection process at N.J.A.C. 14:8-11.10(j) provide the Board with the ability to consider the competitiveness of SREC-II bids received during a program solicitation in relation to the confidential, pre-determined price caps and to make awards that facilitate large-scale solar projects at the least cost to New Jersey ratepayers.

#### Federal Standards Statement

N.J.S.A. 52:14B-1 et seq., requires State agencies that adopt, readopt, or amend State rules exceeding any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. This rulemaking has no Federal analogue and is not promulgated pursuant to the authority of, or in order to implement, comply with, or participate in any program established pursuant to Federal law or pursuant to a State statute that incorporates or refers to Federal law, Federal standards, or Federal requirements. Accordingly, N.J.S.A. 52:14B-1 et seq., does not require a Federal standards analysis for the repropounded amendments.

#### Jobs Impact

The CSI Program promotes the continued vigorous development of the solar market in New Jersey, encouraging the utility-scale solar market in New Jersey. The State has had few incentives for large-scale solar facilities before the CSI Program was established; by alleviating barriers to participation in the CSI Program with revised registration requirements to accommodate project design, the repropounded amendments provide growth opportunities for the large-scale solar industry located in New Jersey. As such, the repropounded amendments will support job creation and retention in the State. Moreover, all systems over one MW in size will continue to be subject to New Jersey’s prevailing wage statute.

#### Agriculture Industry Impact

The CSI Program has protections built into the rules intended to reduce the amount of solar development that might otherwise displace agriculture. The CSI Program consists of several different tranches and these recommended tranches are designed, in part, to comply with the provisions of the Solar Act of 2021 that direct development of grid-supply solar toward marginal land and the built environment and away from open space, flood zones, and farmland. N.J.S.A. 48:3-114.c. The structure of the solicitation, which provides for selecting the lowest cost projects to fill Tranche 1: Basic Grid Supply, regardless of whether those projects would qualify for another tranche, ensures that the basic grid supply tranche can be filled by projects sited on preferred land uses if they are cost-competitive with greenfield projects. The repropounded amendments, by allowing the Board mechanisms through which to consider bids with respect to the confidential price caps, offer additional protection against the selection of grid supply projects sited on covered agricultural land that are not competitively priced. In providing the Board with the discretion to consider the competitiveness of bids, the repropounded amendments continue to support the Board’s policy of prioritizing solar on the built environment, contaminated sites, and landfills.

**Regulatory Flexibility Statement**

This rulemaking will not impose any recordkeeping, reporting, or other compliance requirements on small businesses. A small business, as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., is a business that has fewer than 100 full-time employees. Regarding businesses that qualify as small businesses pursuant to the Regulatory Flexibility Act, the SuSI Program is a voluntary program and, as such, will not impose any requirements on any small business that chooses not to voluntarily participate in the program.

**Housing Affordability Impact Analysis**

This rulemaking will not impact the affordability of housing in New Jersey, nor will it have an impact on the average cost of housing. This rulemaking only addresses a grid supply solar energy program and will not directly affect housing prices or the housing market.

**Smart Growth Development Impact Analysis**

This rulemaking will not impact smart growth development in New Jersey. This rulemaking will not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey. The scope of the rulemaking is limited to establishing a new competitive procurement program for solar in New Jersey.

**Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The rulemaking will not have an impact on pretrial, detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

**Full text** of the reproposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## SUBCHAPTER 11. SUCCESSOR SOLAR INCENTIVE PROGRAM

## 14:8-11.5 Successor Solar Incentive Program Registration Process

(a)-(c) (No change.)

(d) The registrant shall meet minimum facility maturity standards according to the ADI or CSI Program conditions and provide all required documentation as part of its initial registration package.

1. (No change.)

2. For the CSI program, the registrant shall supply the following and any other information the Board, or its designee, may deem necessary to confirm eligibility for the program:

i.-iii. (No change.)

iv. [(Reserved)] **Evidence of filed applications or approvals for all discretionary land use approvals and entitlements applicable to the project, such as municipal zoning permit or municipal site plan approval, county site plan approval, soil conservation district approval, and Pinelands Commission or Highlands Commission approval, with a list of all land use permits to be applied for;**

v.-viii. (No change.)

3. (No change.)

(e)-(l) (No change.)

## 14:8-11.10 Competitive solar incentive solicitation design

(a)-(i) (No change.)

(j) [(Reserved)] **The Board may establish, by Board Order, confidential, pre-determined price caps based on assessments of market conditions for any, or all, tranches prior to the solicitation. If the Board establishes confidential price caps, the Board may:**

**1. Revise confidential price caps by Board Order, based on an updated assessment of relevant parameters, including cost of capital, revenue expectations, and net installation and operational costs as specified in the Board Order establishing the caps;**

**2. Elect to award bids that do not exceed the price caps by more than 10 percent;**

**3. Adjust the number of megawatts awarded in a tranche, if bid prices are above or below any confidential price caps established for the solicitation; and/or**

**4. Reject bids above the confidential price cap, where the Board determines that the bid prices are not competitive and/or are not fiscally responsible, regardless of whether the targeted number of megawatts in that tranche or tranches have been met.**

(k)-(l) (No change.)

**TRANSPORTATION****(a)****MOTOR VEHICLE COMMISSION****Enhanced Motor Vehicle Inspection and Maintenance Program**

**Proposed Amendments: N.J.A.C. 13:20-7.1, 7.2, 26.2, 26.3, 26.11, 32.1, 32.20, 32.21, 33.1, 33.21, 33.22, 43.1 through 43.8, 43.14, 43.17, 43.21, 44.2, 44.3, 44.4, 44.17, 45.3, 45.4, 45.14, and 45.16**

Authorized By: Motor Vehicle Commission, Latrecia Littles-Floyd, Acting Chair and Chief Administrator.

Authority: N.J.S.A. 39:2A-21, 39:2A-28, 39:8-1, 39:8-2, 39:8-10, 39:8-57, 39:8-60, and 39:8-77.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2024-117.

Submit written comments by December 6, 2024, to:

Emily Armstrong, APO

Attn: Legal Affairs

Motor Vehicle Commission

225 East State Street

PO Box 162

Trenton, NJ 08666-0162

or through email to: [MVC.rulecomments@mvc.nj.gov](mailto:MVC.rulecomments@mvc.nj.gov)

The agency proposal follows:

**Summary**

The Motor Vehicle Commission (Commission) proposes amendments to existing rules pertaining to the Enhanced Motor Vehicle Inspection and Maintenance (I/M) Program established by the State in accordance with the Federal Clean Air Act, 42 U.S.C. §§ 7401 through 7671, and the New Jersey Federal Clean Air Mandate Compliance Act, N.J.S.A. 39:8-41 through 58.

The Federal Clean Air Act grants authority to the United States Environmental Protection Agency (EPA) to require certain metropolitan areas having serious or extreme levels of carbon monoxide or ozone to implement a vehicle inspection and maintenance program. The Commission and the New Jersey Department of Environmental Protection (NJDEP) partnered to create the I/M Program to implement, and ensure compliance with, the Federal Clean Air Act and the New Jersey Federal Clean Air Mandate Compliance Act.

The Commission now proposes amendments to its inspection rules to conform its rules to recent amendments by the NJDEP to its rules pertaining to the inspection of diesel-powered motor vehicles, effective May 15, 2023. The NJDEP amended its rules, at N.J.A.C. 7:27-14.1 and 14.5, to include emission inspections of diesel-powered motor vehicles with a gross vehicle weight rating (GVWR) of 8,501 through 17,999 pounds, to be performed at an official State inspection facility operated by the Commission (CIF) or at a licensed private inspection facility (PIF). See 54 N.J.R. 2007(a); 55 N.J.R. 1005(b).

This class of vehicles was previously subject to self-inspection pursuant to N.J.A.C. 13:20-26. The emission tests and procedures applicable to diesel-powered motor vehicles pursuant to the Commission's self-inspection program are limited to the following non-instrumented tests: a visible smoke test, an indicator light check, a visual fuel leak test, and an emission control apparatus examination. In comparison, vehicles having a GVWR greater than or equal to 18,000 pounds are subject to instrumented tests and are required to undergo a smoke opacity test or an on-board diagnostics (OBD) inspection (if eligible) annually at a PIF, as part of the Commission's periodic inspection program. Both the smoke opacity test and OBD inspection are performed by a licensed and properly trained emission inspector using