

NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL REGULATION
DIVISION OF AIR QUALITY
BUREAU OF AIR QUALITY PLANNING

Notice of Rule Proposal

N.J.A.C. 7:27-31 NOx Budget Program

Notice of Public Hearing and Availability

Proposed Revisions to New Jersey's State Implementation Plan (SIP) Addressing Fine Particulate Matter (PM_{2.5}), Ozone, and Section 110(a)(2)(D)(i)(I) of the Federal Clean Air Act, 42 U.S.C. §7410

Take notice that the New Jersey Department of Environmental Protection (Department) is proposing to amend New Jersey's NOx Budget Program, N.J.A.C. 7:27-31 and its SIP addressing PM_{2.5}, Ozone and Section 110(a)(2)(D)(i)(I) of the Federal Clean Air Act. A statement of the substance of the proposal follows:

The Department is proposing to repeal N.J.A.C. 7:27-31.23, the expiration of the NOx Budget Program. The Clean Air Interstate Rules (CAIR) at N.J.A.C. 7:27-30 is to replace the NOx Budget Program on January 1, 2009. The Federal CAIR program, as established in the Federal rules, was vacated by the U.S. Court of Appeals for the D.C. Circuit on July 11, 2008 (State of North Carolina v. Environmental Protection Agency, 531 F.3d 896 (D.C. Cir. 2008)), along with the Federal Implementation Plan (FIP). Accordingly, the Department proposes to repeal the December 31, 2008 expiration of the NOx Budget Program, in order that the NOx Budget Program remains applicable during the 2009 ozone season, which begins on May 1, 2009.

The proposal is scheduled to be published in the New Jersey Register dated November 17, 2008. Copies of the Department's proposal are available from the Department's web sites at www.state.nj.us/dep/aqm and <http://www.state.nj.us/dep/rules/notices.html>, the Department's Public Information Center at 401 E. State Street in Trenton, the Department's Regional Enforcement Offices, a number of public libraries throughout the State, and, for a fee, LexisNexis Customer Service at (800)223-1944 or www.lexisnexis.com/bookstore. For more information on obtaining copies, please contact:

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A public hearing concerning the proposal is scheduled as follows:

Friday, December 19, 2008 at 10:00 a.m. at

NJ Department of Environmental Protection Building, Public Hearing Room (1st Floor)
401 East State Street
Trenton, New Jersey

Written comments may be submitted by close of business, **Friday, January 16, 2009**, to:

NJ Department of Environmental Protection
Alice A. Previte, Esq.
Attn: DEP Docket # 17-08-10/695
Office of Legal Affairs
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