Excerpts from New Jersey
DRAFT GLOBAL WARMING RESPONSE ACT
RECOMMENDATION REPORT
DECEMBER 15, 2008

1. Unrealistic Time Frame:

One message is clear. For New Jersey to be on track with meeting its 2020 and 2050 GHG limits, it is imperative for the State to begin implementation of the recommendations in this report over the next 18 months. (Page 83)

> ***[Comment: This draft is itself 18 months in the making and nearly six months overdue. It is hortatory in nature and recommends a number of future steps, none of which has enforceable deadlines. It is not clear what, if any, actions will occur by July 2010.]***

2. Reliance on Unproven Carbon Sequestration

Table 4.2: Energy Estimate and Source Comparison over Time (Page 71)

2004			2020 EMP		2050 Low Growth Scenario			2050 High C Scenar
GWh	**% of Total**		**GWh**	**% of Total**	**GWh**	**% of Total**	**GWh**	**% of To**
Nuclear & Fossil w/sequestration	27,082	34.5	34,000	43.6	31,300	21.0	56,600	32.2
Fossil	27,749	35.3	12,000	15.4	0	0.0	0	0.0
On-Site (Includes CHP)	1,227	1.6	12,000	15.4	12,000	8.1	12,000	6.8
Imported Electricity	21,421		27.3		0.0		0.0	0.0
Subtotal Non Renewable	**77,479**	98.6	**58,000**	74.4	**43,300**	29.1	**68,600**	39.0

…for those scenarios where additional energy generation beyond renewable and biopower sources would be needed, the possible sources would include converting the CHP facilities to use hydrogen that is generated from non-carbon emitting sources, nuclear power or fossil fuel (coal or natural gas) with carbon capture and sequestration. The State is confident that a combination of one or more of these additional sources would produce additional capacity to meet the State's 2050 electricity, transportation and heating needs, even under high usage scenarios….Meeting all of these scenarios relies heavily on an ever increasing supply of renewable energy sources, and the elimination of our State's reliance on carbon based energy sources, without the ability to sequestrate that carbon safely and efficiently. (Emphasis added. Pages 71 and 72)

[Comment: This plan assumes that the state will completely cease imported coal-generated electric power which now accounts for 27% of its total power needs as well as all other fossil-based generation by 2020 – in less than a dozen years. Despite this proposed profound transformation, the plan does not offer a clear explanation how to achieve this – absent application of "clean coal" carbon sequestration technology that has yet to be demonstrated.]

3. Significant Jump in Nuclear Power

Specifically, the EMP states that the anticipated 2020 electricity usage and the sources of that electricity will be:

44 percent nuclear; (Page 69)

[Comment: Currently New Jersey gets 34% of its power from nuclear power yet no new reactors are scheduled to be licensed. This projected increase, as many of its assumptions, depends completely on actions and financing completely outside the state's control.]

4. Is New Jersey Proposing a Moratorium on New Coal-Fired Plants (or just flirting)?

There are several technical approaches the NJDEP could take to establish a CO2 emissions performance standard for new power plants. Such a standard could be fuel-and technology-specific or fuel- and technology-neutral. It could be set based on existing and emerging technologies, including approaches to maximize energy efficiency, use of low-carbon fuels, and carbon capture and sequestration or other emerging CO2 **…**This performance standard would be technology forcing and, regardless of whether the standard was fuel-specific or fuel-neutral, would be set at a level to functionally require carbon capture and sequestration for coal-fired power plants, resulting in a moratorium on new coal EGUs in New Jersey until such time as CO2 carbon capture and sequestration measures are in place to significantly reduce CO2 emissions. (Emphasis added. Pages 34 and 35)

[Comment: On this key element of the strategy, it is impossible to tell what the state policy is or will be.]

5. RGGI Is No Short-Term Help

Table 2.1: Estimated New Jersey GHG Emissions and Projections (MMtCO2eq) (Page 22)

Sector	Sub-sector	2004	2020 BAU	2020 with potential reductions	Com
Electricity Generation	In-state	19	28.1	19.6	Reduc represe RGGI adjuste

					non-R faciliti

[Table 2.1 shows that GHG emissions will actually increase between now and 2020 by .6 million metric tons because the cap is set above current emission levels. Yet Table A1.1 translates this actual increase into an 8.5 MMt decrease when compared to a theoretical "Business as Usual" or BAU level.]

Table A1.1: Anticipated 2020 GHG Reductions per Action, (MMT CO2eq)
Preliminary estimates – subject to revision based on additional input

Action	Discussion	Approximate MMT CO2eq/y reduced
RGGI	The RGGI will result in a cap on carbon dioxide emissions from electricity producers in the region. Reductions attributable to RGGI are difficult to quantify at a statewide level because the RGGI limits are regional. For the purpose of estimating anticipated reductions by 2020, the emissions from NJ facilities covered by RGGI are considered to be equal to NJ's estimated share of the total RGGI limit.	8.5

[Comment: Based upon the experience of the European cap-and-trade system upon which RGGI is based, projections of any GHG reduction by 2020 is problematic at best.]

6. Eschewing Direct Action While Waiting for Market Forces

CO2 as a Pollutant

In November 2005, New Jersey adopted a new regulation under the authority of New Jersey's Air Pollution Control Act to classify CO2 as an air contaminant. This rule enables the State…to enact additional rules to reduce CO2 emissions from other sectors as necessary. It also sends a powerful message in light of the federal government's failure to regulate CO2 under its existing Clean Air Act Authority. New Jersey also added CO2 as an air pollutant in its emission statement program requirements. The emission statement program require the annual reporting of actual emissions of about 50 air contaminants by approximately 700 of the largest stationary sources of air pollution in New Jersey. (Page 100)

[Comment: Although New Jersey has had the legal authority since 2005 to directly regulate C02 and other GHG, it has used that authority solely for the

***purpose of compiling an inventory – rather than taking direct actions such as imposing fees or limiting new major emission sources**.]*

7. Transportation Sector Savings Depend on Robust New Car Sales

With the assumption that this rule is ultimately implemented, that VMT growth in the State is in the range of 1% per year until 2020, and that NJ residents continue to acquire new vehicles at the current pace, overall reductions of GHGs from the motor vehicle fleet are expected to be reduced by approximately 22% below what they otherwise would be by 2020. (Page 93)

8. Green Buildings Conflict with Permit Extension Act

[Key Strategy] Require adherence to green building guidelines for new construction. (Page 5)

Development of the green building guidelines, and requiring adherence to those guidelines, is an important policy in achieving the statewide GHG limits because they will ensure that new construction occurring as a result of State program support or requirement will employ effective but not cost-prohibitive energy efficiency, energy conservation and renewable energy technologies. (Page 35)

***[Comment: As DEP Commissioner, Ms. Jackson supported and Gov. Jon Corzine signed "The Permit Extension Act" which exempts all pending projects from any new energy conservation, efficiency or requirements for solar heating or renewable energy**.]*

9. State Terrestrial Sequestration Ambitions Swamped by Continuing Sprawl

Terrestrial Carbon Sequestration:

New Jersey will, in the short term, maintain its current level of sequestering 7 million metric tons annually of carbon dioxide from terrestrial sources and eventually increase that rate to 8 million metric tons annually. (Page 7)

Reaching the 2020 target of maintaining current carbon sequestration capacity will certainly be a challenge. This presumes halting the statewide loss of forest land and maintaining New Jersey's wetland resources. (Page 67)

***[Comment: New Jersey, already the nation's most densely populated state, continues to lose farmland, forests and open space to development at a rate of more than 15,000 acres per year (a rate that is accelerating) due to the state's inability to promulgate or enforce coherent "smart growth" strategies**. See http://www.peer.org/news/news_id.php?row_id=845]*

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