

RESOLUTION

- WHEREAS, increasing levels of greenhouse gases in the atmosphere are accepted by many respected scientists and members of the international community as seriously detrimental to the ecosystems and environment of the world, and, ultimately, if steps are not taken to reverse these trends, the effects on human, animal and plant life on Earth may be catastrophic; and
- WHEREAS, in 2007 and 2008, the Legislature enacted P.L.2007, c.112 (C.26:2C-37 et al.), entitled the “Global Warming Response Act” (GWRA), and P.L.2007, c.340 (C.26:2C-45 et al.), commonly known as the “Regional Greenhouse Gas Initiative” or “RGGI” implementing law, to reduce greenhouse gas (GHG) emissions from electricity generated statewide, or generated outside of the state but consumed in the state, through participation in regional or interstate initiatives to reduce these emissions, among other things; and
- WHEREAS, New Jersey is one of 10 northeast and mid-Atlantic states currently participating in RGGI, which established an emissions allowance auction and trading mechanism to reduce the level of GHG emissions on a regional basis and which was agreed to by the signatory states in a Memorandum of Understanding (MOU) signed December 20, 2005 by Governor Codey; and
- WHEREAS, prior to enactment of the GWRA and the RGGI implementing law, the Department of Environmental Protection (DEP) took action toward participating in and implementing the regional initiative as early as 2004, when the DEP proposed rules in the New Jersey Register to redefine carbon dioxide as an air contaminant, as a regulatory prelude to the anticipated future regulatory adoption of a Model Rule proposed through RGGI; and
- WHEREAS, the DEP commitment to RGGI and its mission was later endorsed by the Legislature through the enactment of the GWRA and the RGGI implementing law and the validation of the DEP’s action, pursuant to subsection b. of section 11 of the RGGI implementing law (C.26:2C-55); and
- WHEREAS, the findings and declarations of the Legislature, set forth in section 1 of the RGGI implementing law (C.26:2C-45), assert that the State should implement cost-effective measures to reduce GHG emissions and that participation with other states is a means to accomplish this objective; and
- WHEREAS, section 2 of the GWRA (C.26:2C-38) declared that there are specific actions that the State could take to help attack global warming, including participating in regional and interstate initiatives to reduce these GHG emissions regionally, nationally, and internationally, and that it is in the public interest to establish a GHG emissions reduction program; and

WHEREAS, the Legislature would not have authorized the DEP or Board of Public Utilities to participate in RGGI if it did not contemplate or desire New Jersey to participate in a regional GHG reduction program such as RGGI; and

WHEREAS, the RGGI implementing law was enacted following, and to further the purposes of, the GWRA by dedicating to consumer benefit purposes up to 100 percent of the revenues derived from the auction or sale of allowances under an emissions allowance trading program and by authorizing participation with other states in the formation and activity of the Regional Greenhouse Gas Initiative; and

WHEREAS, in New Jersey, pursuant to the RGGI implementing law, allowance auction proceeds are deposited into the Global Warming Solutions Fund (GWSF), which is statutorily dedicated to support (1) end-use energy efficiency projects and new, efficient electric generation facilities that are state of the art, (2) programs to reduce electricity demand or costs to electricity customers in the low income and moderate-income residential sector, (3) programs designed to promote local government efforts to plan, develop and implement measures to reduce GHG emissions, and (4) programs that enhance the stewardship and restoration of the State's forests and tidal marshes which provide important opportunities to sequester or reduce greenhouse gases; and

WHEREAS, New Jersey has received more than \$102 million in proceeds since the first auction the State participated in, but \$65 million was diverted by Governor Christie to the State's General Fund in the Fiscal Year 2011 Budget, from the intended and statutorily dedicated uses of the GWSF; and

WHEREAS, on May 26, 2011, Governor Christie claimed that RGGI is not effective in reducing greenhouse gases and is unlikely to be so in the future, and announced that New Jersey will withdraw from the regional initiative by the end of the year; and

WHEREAS, on behalf of New Jersey, DEP Commissioner Martin sent a letter on May 31, 2011 to RGGI, Inc. declaring the State's withdrawal from the regional initiative effective December 31, 2011, and confirming New Jersey's participation in the three allowance auctions remaining in 2011, in which the State will only offer current control period allowances; and

WHEREAS, under the GWRA, the State is directed to significantly decrease the amount of GHG emissions by establishing a "2050 limit," a level of GH emissions equal to 80 percent less than the 2006 level of statewide GHG emissions, by January 1, 2050, in addition to setting a "2020 limit"; and

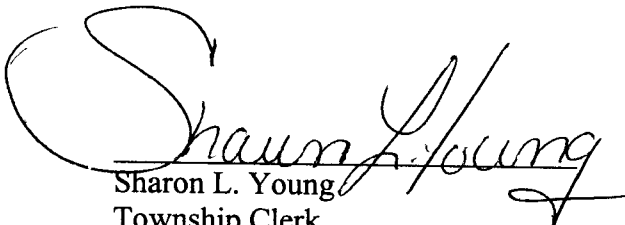
- WHEREAS, the State's goals and policies, established under the GWRA and the RGGI implementing law, are effective in reducing GHG emissions, as evidenced by a DEP report, issued May 26, 2011, which indicated that the GHG inventory for 2008 shows 24.9 million metric tons of carbon dioxide equivalent emissions (MMTCO_{2e}) were generated in New Jersey, compared to 135.9 MMTCO_{2e} in 2007, a reduction of more than eight percent; and
- WHEREAS, even though the DEP data for 2008 indicates the state is below the GWRA "2020 limit," calculated by the DEP as 125.6 MMTCO_{2e}, the state must still take considerable actions to reduce emissions by approximately 99.5 MMTCO_{2e} from the 2008 level in order to reach, or remain below, the 2050 limit of 25.4 MMTCO_{2e}; and
- WHEREAS, New Jersey's participation in RGGI is a key component of the authorization granted and affirmed by the GWRA and the RGGI implementing law, and continued participation in the regional initiative is in the best interest of the state in order to meet the emissions targets established under law; and
- WHEREAS, withdrawal from RGGI would disregard the spirit and intent of the GWRA, the RGGI implementing law, and the MOU signed by the signatory states, and jeopardize the State's ability to reduce GHG emissions and meet the GHG limits established in the GWRA; and
- WHEREAS, the announcement by Governor Christie to withdraw New Jersey from the Regional Greenhouse Gas Initiative is inconsistent with the plain language of the "Global Warming Response Act" and the RGGI implementing law and would undermine the Legislature's intent to lower greenhouse gas emissions; and
- WHEREAS, Both houses of the New Jersey Legislature have passed bills in June 2011, supporting New Jersey's continuing participation in RGGI; and
- WHEREAS, On July 14, 2011, the West Windsor Environmental Commission passed a resolution supporting New Jersey's continuing participation in RGGI.

NOW THEREFORE, BE IT RESOLVED by the Mayor and West Windsor Township Council,
Mercer County, New Jersey:

1. That the Governing Body of West Windsor Township declares that Governor Christie's decision to withdraw New Jersey from the Regional Greenhouse Gas Initiative (RGGI), announced on May 26, 2011, is inconsistent with the intent of the Legislature as expressed in the "Global Warming Response Act," P.L.2007, c.112 (C.26:2C-37 et al.), and P.L.2007, c.340 (C.26:2C-45 et al.), known as the "Regional Greenhouse Gas Initiative" or "RGGI" implementing law.
2. That the Governing Body of West Windsor Township further affirms ongoing support for, and commitment to, New Jersey remaining part of the RGGI agreement.
3. That duly authenticated copies of this Resolution shall be transmitted to the Governor, the Senate President, the Assembly Speaker, the Commissioner of Environmental Protection, the President of the Board of Public Utilities, and the Executive Director of RGGI, Inc.

Adopted: August 1, 2011

I hereby certify that the above resolution was adopted by the Township Council of the Township of West Windsor at its meeting held on the 1st day of August, 2011.


Sharon L. Young
Township Clerk
West Windsor Clerk