



New Jersey Department of Environmental Protection

Public Notice of Offer and Procedures for 2022 Fixed-Price Sale of CO₂ Allowances Pursuant to N.J.A.C. 7:27C-5.5

Pursuant to N.J.A.C. 7:27C-5.5, the Department is publishing this notice of offer and procedures for the fixed-price sale of 2022 allocation year CO₂ allowances to Certified Dispatch Agreement Facilities (hereinafter “Notice of Offer and Procedures”). All terms not defined herein have the meanings set forth at N.J.A.C. 7:27C-1.2.

This Notice of Offer and Procedures sets forth the number of CO₂ allowances set aside for direct sale for each budget unit at a certified dispatch agreement facility for the 2022 allocation year. The price shall be \$2.00 per CO₂ allowance, in accordance with N.J.S.A. 26:2C-48 and N.J.A.C. 7:27C-5.5(a). This Notice of Offer and Procedures also sets forth the procedures and deadlines for the exercise of a purchase option by the CO₂ Authorized Account Representative (AAR) for the certified dispatch agreement facility (CO₂ budget source), payment to the Department, and transfer of CO₂ allowances to the purchaser upon completion of financial settlement.

This Notice of Offer and Procedures will be posted at <https://www.state.nj.us/dep/aqes/rggi-who-is-regulated.html> under RGGI Program Requirements/Forms and will be distributed via e-mail to the CO₂ Authorized Account Representatives of all qualified certified dispatch agreement facilities.

Key Information and Dates

Department Contact: Doug Benton
Bureau of Climate Change and Clean Energy
New Jersey Department of Environmental Protection
401 East State Street
P.O. Box 402
Trenton NJ 08625-0402
609-984-3355
douglas.benton@dep.nj.gov

Notice of Offer and Procedures Issued:	December 1, 2022
Notice of Intent to Purchase Due:	February 1, 2023, 5 PM EST
Fixed Price Sale Offer:	February 3, 2023
Payment for Allowances Due:	February 10, 2023, 5 PM EST

Certified Dispatch Agreement Facilities

Certified dispatch agreement facilities are eligible for the purchase of CO₂ allowances pursuant to N.J.A.C. 7:27C-5.5.

The following facilities have submitted dispatch agreement facility certifications to the Department and have been certified by the Department as dispatch agreement facilities:

- Chambers Cogeneration LP (ORIS Plant Code: 10566)
 - CO₂ Budget Unit ID 1001 and 1002
- Logan Generating Company (ORIS Plant Code: 10043)
 - CO₂ Budget Unit ID 1001

Each certified dispatch agreement facility may purchase the total number of set-aside allowances for its facility or the amount equal to the CO₂ emissions of its facility in the year 2022 as documented in the RGGI CO₂ Allowance Tracking System (RGGI-COATS), whichever is less.

The number of 2022 allocation year CO₂ allowances available for purchase for each certified dispatch agreement facility is listed by CO₂ budget unit in Appendices A through B of this Notice of Offer and Procedures.

CO₂ Allowance Set-Aside and Exercise of Option to Purchase

Pursuant to N.J.A.C. 7:27C-5.5(a), based on the average annual CO₂ emissions for the most recent three-year period for which complete CO₂ emissions data are available, which is 2018 through 2020, the Department has set-aside 1,038,768 CO₂ allowances for Chambers Cogeneration and 738,953 for Logan Generating Company. The number of allowances for each CO₂ budget unit is included in Appendices A through B of this Notice of Offer and Procedures.

The option to purchase CO₂ allowances offered through this Notice of Offer and Procedures must be exercised by the AAR for the certified dispatch agreement facility through the filing of a Notice of Intent to Purchase (NIP) in the form prescribed in Appendix C of this Notice of Offer and Procedures. **All NIPs must be received by the Department by 5 PM EST on February 1, 2023. Any NIP submitted subsequent to this deadline will NOT be accepted.** Failure to submit a NIP by the deadline specified in this Notice of Offer and Procedures will be considered to be a decline by the AAR of the CO₂ allowance fixed-price offer made by the Department for the certified dispatch agreement facility.

A separate NIP must be submitted for each certified dispatch agreement facility. The NIP must specify the number of CO₂ allowances that the AAR intends to purchase on behalf of each CO₂ budget unit at the certified dispatch agreement facility. The number of CO₂ allowances specified by the AAR for each CO₂ budget unit must be equal to or less than the applicable number specified for the CO₂ budget unit in Appendices A through B of this Notice of Offer and Procedures. The NIP must also specify the type of financial settlement to be used, either wire transfer or certified funds in the form of a cashier's check.

The NIP must be signed by the AAR for the dispatch agreement facility and notarized. Submission of a signed and notarized NIP constitutes a binding agreement to purchase the number of CO₂ allowances specified in the NIP. The original signed document must be mailed to the following address:

New Jersey Department of Environmental Protection
Bureau of Climate Change and Clean Energy
Attn: NJ RGGI Program,
401 E. State Street, 2nd Floor,
Mail code 401-02H
P.O. Box 420
Trenton, NJ 08625-0420

In addition, the AAR should scan the signed document and e-mail it to the Department staff contact identified in this Notice of Offer and Procedures to ensure prompt processing of the NIP.

A template of the NIP is provided as Appendix C of this Notice of Offer and Procedures. The NIP form will be posted at <https://www.state.nj.us/dep/aqes/rggi-who-is-regulated.html> under RGGI Program Requirements/Forms.

Fixed-Price Offer

The Department will confirm receipt of a timely submitted NIP via a confirmation e-mail to the AAR, no later than February 3, 2023. The confirmation e-mail will list the number of CO₂ allowances the AAR intends to purchase for each CO₂ budget unit at the certified dispatch agreement facility and the total number of CO₂ allowances requested for the dispatch agreement facility. The Department will also issue a fixed-price offer that reflects the number of CO₂ allowances the AAR intends to purchase for each CO₂ budget unit at the certified dispatch agreement facility, which may be adjusted down if necessary, based on the 2022 CO₂ emissions data for each CO₂ budget unit documented in RGGI-COATS. The form of the fixed-price offer is attached as Appendices A through B of this Notice of Offer and Procedures.

The confirmation e-mail will provide detailed instructions for payment, including account information for the Global Warming Solutions Fund.

Payment is due in United States dollars (USD) no later than 5 PM EST on February 10, 2023. Payment must be made in cash, as specified below, through a wire transfer or certified funds in the form of a cashier's check. The Department prefers that payment be made through a wire transfer.

Payment Procedures

Wire Transfers

Cash wire transfers must be received by the Department no later than 5:00 PM EST on February 10, 2023. The Department's confirmation e-mail will contain the details for submitting cash by wire transfer. The wire transfer details will include the following information necessary to execute the transfer: receiving bank name, beneficiary account name and account number, ABA routing number, and originator to beneficiary information (OBI). The purchaser is responsible for obtaining confirmation from its financial institution that the payment has been deposited in the proper account listed in the Department's confirmation e-mail.

Each purchaser submitting cash by wire transfer must also complete and submit the "Wire Transfer Remittance Form for 2022 CO₂ Allowance Purchase". This form is included as Appendix D of this Notice of Offer and Procedures and will be posted at <https://www.state.nj.us/dep/aqes/rggi-who-is-regulated.html> under RGGI Program Requirements/Forms. This form must be faxed or e-mailed to the following on or before the day of the wire transfer, to ensure that the payment is credited to the appropriate certified dispatch agreement facility:

NJ RGGI Program
Attn: Doug Benton
Fax: 609-984-3355
E-mail: douglas.benton@dep.nj.gov

A separate wire transfer must be made for each certified dispatch agreement facility and be accompanied by a separate Remittance Form.

The dollar amount of the wire transfer must exactly match the dollar amount of the payment due listed in the Department's confirmation e-mail for the certified dispatch agreement facility. The Department will not return any unused balance transferred to the Department, although any unused balance may be applied to a future CO₂ allowance purchase.

Certified Funds

Certified funds in the form of a cashier's check must be received by the Department no later than 5:00 PM EST on February 10, 2023 at the following address:

New Jersey Department of Environmental Protection
Office of Trust Fund Management
Mailstop 428-4
Trenton, NJ 08625-0420

The Department's confirmation e-mail will contain the details for submitting cash by cashier's check. All checks must be made out to "Treasurer, State of New Jersey." The purchase will be credited at the time the check clears.

Each purchaser submitting cash by cashier's check must also complete and submit the "Certified Funds Remittance Form for 2022 CO₂ Allowance Purchase." This form is included as Appendix E of this Notice of Offer and Procedures and will be posted at <https://www.state.nj.us/dep/aqes/rggi-who-is-regulated.html> under RGGI Program Requirements/Forms. This form must accompany the cashier's check. In addition, this form must also be faxed or e-mailed to the following to ensure that the payment is credited to the appropriate certified dispatch agreement facility:

NJ RGGI Program
Attn: Doug Benton
Fax: 609-984-3355
E-mail: douglas.benton@dep.nj.gov

Certified funds must be provided separately for each certified dispatch agreement facility and be accompanied by a separate Remittance Form.

The dollar amount of certified funds provided must exactly match the dollar amount of the payment due listed in the Department's confirmation e-mail for the certified dispatch agreement facility. The Department will not return any unused balance transferred to the Department, although any unused balance may be applied to a future CO₂ allowance purchase.

Transfer of CO₂ Allowances

Upon completion of sale and receipt of payment in full, the Department will transfer the CO₂ allowances from the fixed-price contract set-aside account to the compliance account for the certified dispatch agreement facility. For payment in full received through a timely submitted wire transfer, the Department will allocate CO₂ allowances by 5 PM EST on February 17, 2023. For payment in full received through a timely submitted cashier's check, the Department will allocate CO₂ allowances once the cashier's check has cleared. Any allowances remaining in the compliance account of the certified dispatch agreement facility after the Department has made the compliance deduction will be transferred by the Department to the consumer benefit account pursuant to N.J.A.C. 7:27C-5.5(g).

**APPENDIX A –
NOTICE OF OFFER**

CO ₂ Budget Source Name	Chambers Cogeneration LP
ORIS Plant Code	10566
RGGI COATS Compliance Account Number	GN10033
CO ₂ Authorized Account Representative	Robert R. Noble

CO₂ ALLOWANCES AVAILABLE FOR PURCHASE					
CO₂ Budget Unit ID	Average Annual CO₂ Emissions (2018-2020)	RGGI-COATS Emissions Data	CO₂ Allowances in NIP	CO₂ Allowances Offered	Price per CO₂ Allowance
1001	484,776				\$2.00
1002	482,387				\$2.00
Total	967,162				

**APPENDIX B –
NOTICE OF OFFER**

CO ₂ Budget Source Name	Logan Generating Company, LP
ORIS Plant Code	10043
RGGI COATS Compliance Account Number	GN10034
CO ₂ Authorized Account Representative	Robert R. Noble

CO₂ ALLOWANCES AVAILABLE FOR PURCHASE					
CO₂ Budget Unit ID	Average Annual CO₂ Emissions (2018-2020)	RGGI- COATS Emissions Data	CO₂ Allowances in NIP	CO₂ Allowances Offered	Price per CO₂ Allowance
1001	683,533				\$ 2.00
Total	683,533				

APPENDIX C –
NOTICE OF INTENT TO PURCHASE TEMPLATE

Instructions

This template (see next page) of a Notice of Intent to Purchase is provided for informational purposes only. The CO₂ Authorized Account Representative (AAR) must use the Notice of Intent to Purchase form provided by the Department as a Microsoft Word document that accompanies this Notice. This document will be posted at <https://www.state.nj.us/dep/aqes/rggi-who-is-regulated.html> under RGGI Program Requirements/Forms. The AAR must fill in the table cells with the appropriate information, print out the document, and sign, date, and notarize. In no instance may the number of CO₂ allowances for which the AAR is indicating an intent to purchase exceed the number of CO₂ allowances set-aside for a respective CO₂ budget unit, as specified in this Notice of Offer and Procedures.

A separate Notice of Intent to Purchase must be submitted for each certified dispatch agreement facility for which the AAR intends to purchase CO₂ allowances.

NOTICE OF INTENT TO PURCHASE

Certified Dispatch Agreement Facility Information

CO ₂ Budget Source Name	
ORIS Plant Code	
RGGI COATS Compliance Account Number	
CO ₂ Authorized Account Representative	

CO₂ Purchase Agreement

Based on the New Jersey Department of Environmental Protection’s 2022 Notice of CO₂ Allowance Offer and Procedures for Fixed-Price Sale of CO₂ Allowances pursuant to N.J.A.C. 7:27C-5.5 (“Notice of Offer and Procedures”) dated December 1, 2022, the following number of CO₂ allowances will be purchased on behalf of the above-listed CO₂ budget source:

CO ₂ ALLOWANCES TO BE PURCHASED				
CO ₂ Budget Unit ID	CO ₂ Allowances Set-Aside	CO ₂ Allowances to be Purchased	Price per CO ₂ Allowance	Purchase Amount (\$)
			\$ 2.00	
			\$2.00	
Total				

I understand and agree that the Department’s fixed-price offer based on this Notice of Intent to Purchase may be adjusted down if necessary, based on the 2022 CO₂ emissions data for each CO₂ budget unit documented in RGGI-COATS.

Payment Method

Payment will be provided as follows (check one):

Cash (wire transfer)

Cash (certified funds)

Terms and Conditions of Sale

I, the undersigned, acknowledge that this document constitutes a binding agreement to purchase the CO₂ allowances indicated above, and to remit to the New Jersey Department of Environmental Protection (“Department”) payment in full by February 10, 2023 in accordance with the process set forth in the Department’s Notice of Offer and Procedures dated December 1, 2022. The Department’s agreement to convey the CO₂ allowances offered in accordance with this Notice of Offer and Procedures is contingent upon receipt of this Notice of Intent to Purchase, properly executed, and payment in full as described above. I understand that all sales are final and that CO₂ allowances will be allocated by the Department to the above-listed compliance account in the RGGI CO₂ Allowance Tracking System once financial settlement has been completed.

I am authorized to make this submission on behalf of the owners and operators of the CO₂ budget sources or CO₂ budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

I certify that I was selected as the CO₂ authorized account representative of the CO₂ budget source (or alternate CO₂ authorized account representative of the CO₂ budget source, as applicable) by an agreement binding on the owners and operators of the CO₂ budget source and each CO₂ budget unit at the source, in accordance with the procedures set forth at N.J.A.C. 7:27C-2.1 et. seq. I certify that I have all the necessary authority to carry out my duties and responsibilities under the CO₂ Budget Trading Program on behalf of the owners and operators of the CO₂ budget source and of each CO₂ budget unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the Department or a court of competent jurisdiction regarding the source or unit.

I agree that any disputes related to this sale and purchase transaction will be subject to the personal jurisdiction and venue of courts of the State of New Jersey.

Signature of CO₂ Authorized Account Representative
(in blue ink)

Date

Name (print)

Title

Organization

Notary

APPENDIX D –
WIRE TRANSFER REMITTANCE FORM FOR 2022 CO₂ ALLOWANCE
PURCHASE

CO ₂ Budget Source Name	
ORIS Plant Code	
RGGI COATS Compliance Account Number	
CO ₂ Authorized Account Representative	

In the field below, indicate the amount of funds provided in U.S. dollars.

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Provide information for the account from which the funds will transferred in the fields below.

Account Name	
ABA Number	
Account Number	
Type of Account (Checking/Savings)	

This form must be faxed or e-mailed to the following address on or before the day of the wire transfer to ensure that the payment is credited to the appropriate certified dispatch agreement facility. Cash wire transfers must be received by the Department no later than 5:00 PM EST on February 10, 2023.

NJ RGGI Program
Attn: Doug Benton
Fax: 609-984-3355
E-mail: douglas.benton@dep.nj.gov

**APPENDIX E –
CERTIFIED FUNDS REMITTANCE FORM FOR 2022 CO₂ ALLOWANCE
PURCHASE**

CO ₂ Budget Source Name	
ORIS Plant Code	
RGGI COATS Compliance Account Number	
CO ₂ Authorized Account Representative	

In the field below, indicate the amount of funds provided in U.S. dollars.

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Provide information for the account from which the funds will transferred in the fields below.

Account Name	
ABA Number	
Account Number	
Type of Account (Checking/Savings)	

This form must accompany the certified funds. Certified funds in the form of a cashier’s check payable to “Treasurer, State of New Jersey” must be received by the Department no later than 5:00 PM EST on February 10, 2023, at the following address:

New Jersey Department of Environmental Protection
Office of Trust Fund Management
Mailstop 428-4
Trenton, NJ 08625-0420

This form must also be faxed or e-mailed to the following address to ensure that the payment is credited to the appropriate certified dispatch agreement facility:

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