

NEW JERSEY CLEAN AIR COUNCIL

<u>Clean Air Council Members</u> Richard Opiekun, Ph.D., Chair Sara Bluhm, Vice-Chair Leonard Bielory, M.D. Maria Connolly Joseph Constance Michael Egenton Howard Geduldig, Esq.	<u>Clean Air Council Members</u> Toby Hanna, P.E. Sandra Howland Robert Laumbach Pam Mount Nicky Sheats, Esq., Ph.D. Eric Svenson Jr. John Valeri Jr., Esq. Robert Weber
<u>Clean Air Council Liaison</u> Heidi Jones, 609-777-0598 Heidi.Jones@dep.nj.gov	<u>NJ Clean Air Council Website:</u> http://www.state.nj.us/dep/cleanair

New Jersey Clean Air Council Meeting Record

Chamber of Commerce
216 West State Street
Trenton, NJ

Wednesday, September 14, 2016

CALL TO ORDER Richard Opiekun opened the meeting at 9:35am.

COUNCIL MEMBERS PRESENT All of the Council members were present with the changes noted below.

EXCUSED Pam Mount
Robert Weber
Robert Laumbach
Nicky Sheats

PUBLIC Kimberly Scarborough, PSEG
Scott Ross, NJ Petroleum Council
Frank Minch, Dept. of Agriculture
Dan Fatton, NJ Work Environment Council
Joseph Carpenter, NJDEP
Andrea Friedman, NJDEP
Bob Marshall, NJDEP

Meeting Record

- Michael Egenton made the motion to approve the year extension of Chair and Vice-Chair to the Clean Air Council, Leonard Bielory seconded the motion. Council members agreed unanimously to accept the additional one-year reappointment of Richard Opiekun as Chair and Sara Bluhm as Vice-Chair of the Clean Air Council.
- Michael Egenton made the motion to approve the June minutes as submitted; Leonard Bielory seconded the motion. The June minutes were approved by a unanimous vote.
- The Chairman welcomed the two newest appointees to the Council. The NJ Department of Agriculture is now being represented by Sandra Howland and the NJ Department of Consumer Affairs is being represented by Maria Connolly.
- Bill O'Sullivan presented his monthly administrative report to the Council for consideration and discussion.
- John Valeri and Eric Svenson discussed the current status of the Clean Power Plan (CPP) in the courts and a possible timeline for the DC Circuit Court's decision following upcoming oral arguments in front of the Court on September 21. Council members agreed to postpone presenting a detailed report with recommendations for New Jersey's development of a plan to the Commissioner of the NJDEP until the court decision has been finalized and new implementation guidance developed, with a revised timeline, by the U.S. EPA. In the short-term, the Council will issue a brief summary of the testimony received at the April 2016 public hearing and links to relevant CPP documents and reports on the CAC website, along with a statement as to why a postponement of specific recommendations is needed.
- The Council discussed a potential timeframe to meet with the Commissioner of the NJDEP to make him apprised of the decision to postpone a final report on the CPP, as well as to discuss potential hearing topics for 2017. Finalization of the timeframe will occur at the October 12 meeting.
- Council members were asked by the Chairman to review public hearing topics from the past 10 years to determine if any need to be revisited in light of new regulations, technologies, and/or public health and environmental impacts. Members are expected to present their findings in October.
- Members were tasked with suggesting locations to visit FOR FUTURE CAC MEETINGS.
- The Clean Air Council will be seeking a replacement for Joseph Spatola, public member, as he submitted his resignation letter to the Governor effective August 1, 2016. The NJDEP will seek a replacement for Joe, as well as follow-up on the appointments for the two additional vacancies on the council.
- Leonard Bielory made a motion to adjourn; Richard Opiekun seconded the motion. Meeting was adjourned at 11:55am.

Administrative Report

Presented by Bill O'Sullivan, Division of Air Quality

1. CSAPR - EPA finalized revisions to the Cross State Air Pollution Rule (CSAPR) on 9/7/15. The revised CSAPR lowers the ozone season cap on NOx emissions from power plants in 22 states to address regional transport of NOx for the 75 ppb ozone National Ambient Air Quality Standard (NAAQS). On average, actual 2015 ozone season NOx emissions will need to be reduced by about 20% in 2017. Pennsylvania ozone season NOx emissions will need to be reduced by about 50%, which should improve ozone levels in NJ next year. Emission trading will slow the actual NOx emission reduction, since banked ozone season allowances approximately equal to the new cap can be used for compliance with the new cap. EPA will need to further revise CSAPR to address the 70 ppb ozone NAAQS.
2. Good Neighbor Plan - In anticipation of the final CSAPR, NJDEP withdrew its "good neighbor" ozone plan in order to be subject to the revised ozone season NOx caps in CSAPR. EPA recognized the resulting lack of a good neighbor ozone plan in a June 15, 2016 Federal Register

notice. The new 2017 CSAPR ozone season cap is about 2% less than NOx emissions from NJ power plants in 2015. With the scheduled shutdown of the BL England coal boiler by May 1, 2017, NJ is expected to meet the CSAPR ozone season NOx cap.

3. MAT – EPA’s Mercury and Air toxics (MAT) rule survived another legal challenge. On 6/13/16, the Supreme Court decided not to review the DC Circuit Court’s decision not to vacate the MAT rule. The DC Circuit had found that EPA should have done an economic analysis as part of its original decision to regulate mercury. EPA has proposed the required initial economic analysis, based on the economic analysis already done for the actual MAT rule proposal.
4. National fuel economy rule for heavy duty vehicles – On 8/16/16, USEPA and NHTSA issued the final phase 2 GHG and fuel efficiency standards for heavy-duty vehicles, which will be phased in beginning with model year 2018 trucks.
5. Carbon Monoxide - On 7/1/16, USEPA approved NJ’s carbon monoxide maintenance plan, which demonstrates that NJ will continue to attain the CO NAAQS. NJ has long been in attainment of the carbon monoxide NAAQS, and was designated attainment on 8/23/2002.
6. Power Plant Permits
 - a. Middlesex Energy Center - 633 MW new combined cycle power plants in Sayreville was approved on 7/19/16.
 - b. Bayonne Energy Center - Two simple cycle turbines, 128 MW total, were approved to be added to this power plant on 8/26/16.
 - c. RC Cape May - 450 MW new combined cycle power plant permit was reissued to include oil backup fuel on 9/16/16.
 - d. Woodbridge Energy Center – 630 MW new combined cycle power plant applications were submitted on 9/1/16.
7. Electric Vehicles
 - a. Workplace Charging Grant Program – This program was recommended by the CAC and began in June 2016. Over \$600,000 has been allocated from NJ enforcement settlement funds and BPU funds. More funding may be added in the future. About \$300,000 in grants are administratively complete.
 - b. Workplace Charging Recognition Program – This program was also recommended by the CAC and has been posted on the NJDEP Drive Green website. The recognition program would initially recognize, via a certificate and potentially a press release, all employers that installed workplace charging between January 2015 and September 2016. Top performers will be honored at the Governor’s Environmental Excellence Awards Program in December 2016.
 - c. PSEG Workplace Charging Program – the Department’s new Workplace Charging Grant Program is being coordinated with PSE&Gs ongoing program. For projects which are eligible for grants from both PSEG and NJDEP, PSEG will fund the charging station costs and NJDEP will fund the installation costs.
 - d. Discover DEP Podcast on National Drive Electric Week – See the DEP website for this latest Podcast which features Ryan Gergely of the Bureau of Energy and Sustainability.
 - e. Clean Corridors – NJDOT submitted a letter of support for the regional application for designating certain highways as “Clean Corridors”, including I-95 from Maryland to Maine. No funds are currently associated with this designation, but this designation may influence future funding for EV infrastructure.

8. Inspection and Maintenance Program - Changes to the I&M rules have been adopted and will be in the 10/3/16 NJ Register. These rules eliminate tailpipe testing in 2017, for vehicles which are over 20 years old. All 1996 and newer vehicles will continue to be inspected for a working on board diagnostic system (OBD) and emission control system failures indicated by the OBD and check engine light.
9. Diesel Retrofit Program – The Bureau of Mobile Sources is in the process of closing out the implementation of the Diesel Retrofit Law, which funded the retrofit of particulate filters on publically owned vehicles (State, County and local governments). All remaining installations are due by 12/31/16. About \$80 million in retrofits have been accomplished over the last 8 years.
10. Construction Vehicles - On June 30, 2016, NJDEP announced the availability of \$7 million for private construction equipment owners to install pollution control devices (retrofits) or replace their diesel equipment (30% up to \$100,000). \$7 million is provided from USEPA Diesel Emission Reduction Act (DERA) and NJDOT Congestion Mitigation and Air Quality (CMAQ) funds.
11. Future Rule to decommission Stage 2 vapor recovery systems at gas stations – NJDEP is developing a rule proposal to decommission the vapor recovery systems on the gasoline nozzles at gas stations. Some of the pump vapor recovery systems are incompatible with the on board vapor recovery (OBVR) systems on most vehicles. The Stage 2 systems are estimated to have a net increase in VOC emissions about 2017. The rule will also likely require improvements to the Stage 1 systems for delivery of fuel from tank trucks to the gas stations storage tanks, which should provide a net air quality benefit.
12. USEPA Ports Workgroup – Peg Hanna received a letter of commendation from Chris Grundler, Director of USEPA, Office of Transportation and Air Quality, for her work on the USEPA Mobile Source Technical Review Subcommittee Ports Workgroup.
13. Nanoparticles – A study in the Proceedings of the National Academy of Sciences in the United Kingdom indicates that “abundant” toxic nanoparticles from air pollution reside inside human brains and may be linked to Alzheimer’s disease.
14. Clean Power Plan (CPP) analysis – Graphs created by John Gorgol were shared with the CAC. These plot the estimated accumulation of allowances or emission reduction credits (ERCs) over the 2022 to 2030 proposed phases in timeframe for the CPP. The graphs show that a mass-based program would likely result in a deficit of allowances. A rate-based program would likely result in a surplus of ERCs, even under fairly low increases in energy efficiency (EE) and renewable energy (RE). The surplus of ERCs would be large for higher estimates of EE and RE.

ARTICLES OF INTEREST

Newspaper Articles

NEXT MEETING

If coming to DEP:

***** Parking in Crescent Temple Lot. Have ID ready. *****

From train station traveling north:

Go through next light (East State Street)

Parking is on North Clinton Avenue –parking lot on right hand side (see guard)

Parking is for Clean Air Council members only.

January 13	ERM, 200 Princeton South Corporate Centre, Suite 160, Ewing
February 10	NJ DEP, 401 East State Street, 5 th Floor, Trenton
March 9	PJM, 2750 Monroe Blvd, Audubon, PA
April 28 (Thurs)	Public Hearing— Thomas Edison State University, 111 W. State St., Trenton, NJ
May 11	NJ DEP, 401 East State Street, 5 th Floor, Trenton
June 8	NJ DEP, 401 East State Street, 5 th Floor, Trenton
July 14 (Thurs)	<i>No meeting.</i>
August	<i>No meeting.</i>
September 14	Chamber of Commerce, 216 W. State St., Trenton, <i>Michael Egerton</i>
October 12	NJ Business & Industry Association, 10 West Lafayette Street Trenton, NJ
November 9	NJ DEP, 401 East State Street, 5 th Floor, Trenton
December 14	IBEW, Local 94, 219 Franklin St., Hightstown, NJ