

NEW JERSEY CLEAN AIR COUNCIL

Clean Air Council Members

Leonard Bielory, M.D., Chairman
Toby Hanna, P.E., Vice Chairman
Ferdows Ali, Ph.D.
James Blando, Ph.D.
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Michael Egenton
John Elston
Manuel Fuentes-Cotto
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Clean Air Council Members

Joyce Paul
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NJ CLEAN AIR COUNCIL MEETING RECORD

September 9, 2009, 9:30 a.m.
NJ State Chamber of Commerce
216 W. State St., Trenton, NJ

CALL TO ORDER: James Blando opened the meeting.

COUNCIL MEMBERS PRESENT: All of the Council members were present with the changes noted below. (**See Attachment 1 – Attendance Sheet**)

EXCUSED: Ferdows Ali, Ken Thoman, Jim Zhang

SPEAKERS: Bill O’Sullivan, Director, Division of Air Quality; Sharon Haas, Bureau of Inspection & Maintenance, Chris Salmi, Assistant Director, Air Quality Management

VISITORS: David Brogan, NJ Business & Industry Association

Meeting Record

Dr. Bielory chaired the meeting. Mr. Egenton took the roll call. July minutes were tabled until October 14 meeting.

Administrative Report

Presented by Bill O’Sullivan, Director, Division of Air Quality:

1. **Delaware Deepening Project**—The Philadelphia Army Corps of Engineers submitted a Draft Conditional Statement of Conformity and supporting documentation concerning the federal General Conformity requirements for dredging. DAQ expressed concern by September 15, 2009 letter about emission estimates and credits, potential mitigation strategies and language in the conditional statement.

2. **Emission Offsets**—The US Court of Appeals for the D.C. Circuit held that EPA’s practice of allowing new past emission reductions from source shutdown to offset new major sources emission increases, without requiring that an attainment plan be approved for the area, is inconsistent with the federal Clean Air Act. On July 10, 2009, the court remanded this shutdown offset provision of the 8-hour ozone rule to EPA. Since New

Jersey has its own non-attainment NSR, this ruling does not directly impact New Jersey permitting of major new facilities at this time. Also, the New Jersey rule has provisions to avoid the use of shutdown credits over 10 years old, and the New Jersey State Implementation Plan (SIP) accounts for use of limited amounts of shutdown credits.

3. NO₂ 1-Hour Standards—The EPA is proposing to supplement the current annual standard of 53 parts per billion by adding a new 1-hour NO₂ standard at a level between 80-100 ppb. More monitoring may be required, including near roadway monitoring.

4. Emission Reduction at Ports—The Port Authority of NY & NJ received a \$7 million federal American Recovery and Reinvestment Act grant that will help launch a \$28 million program to replace pre-1994 trucks serving the port. An additional \$21 million from the PA of NYNJ will enable approximately 16% of truck owners serving the port to replace their pre-1994 trucks. The Port Authority also received \$2.8 million and \$1.8 million to install a shore power system at the Brooklyn Cruise Terminal and to upgrade two diesel switcher locomotive engines with ultra-low emitting locomotive technology, respectively.

5. Case by Case MACT Standards for Certain Industrial Boilers—On July 12, 2009, NJDEP sent a letter to major hazardous air pollutant facilities requesting they submit applications for a significant modifications to their Title V permits to include a MACT determination. NJDEP has also developed presumptive MACT limits for carbon monoxide from oil and gas boilers. These were published in the September 21, 2009 New Jersey Register.

6. Electric Cars—BMW has leased over 200 electric MINI-E cars to New Jersey citizens and to government agencies as part of a one-year national field trail in California, New York and New Jersey. The cars are full speed, highway capable electric cars with up to 120 mile range. BMW has applied for Zero Emission Vehicle credit for the cars placed in New Jersey as part of the NJDEP's Low Emission Vehicle program rules. The credits can be used by BMW toward satisfying their ZEV sales requirements which became mandatory on January 1, 2009 in New Jersey.

7. Linden Coal-fired Power Plant—On July 27, 2009, the DAQ had a pre-application meeting with ESS Group, Inc to discuss an integrated coal gasification combined cycle plant proposed to be located in Linden. This state-of-the-art plant would gasify coal to produce synthetic gas (syngas), which will be combusted to produce electricity or products for sale, products for sale including hydrogen, urea, and ammonia. Over 90% of the CO₂ would be piped and sequestered about ½ mile below the ocean floor. An application for the air permitting aspects of this project is expected later this fall.

8. Eight-Hour Ozone SIP—On August 25, 2009, the EPA proposed to disapprove the Reasonably Available Control Technology (RACT) and the Reasonably Available Control Measure (RACM) portions of New York's SIP for the New York portion of the New York-Northern New Jersey-Long Island (NY-NJ-CT) 8-hour (0.08 ppb) ozone moderate nonattainment area. The EPA proposed to disapprove New York's RACT requirements because New York missed the schedules in its SIP and has not adopted all the RACT and RACM measures identified in its SIP.

The EPA approved the RACT and RACM components of the New Jersey SIP on May 12, 2009. On May 8, 2009, the EPA proposed to disapprove the attainment demonstration component of the NJ SIP because it did not believe ozone air quality would attain the 84 ppb level this summer. However, so far, there have not been four exceedances of 84 ppb at any site in the region, so New Jersey may attain the 85PPB ozone MAAQS this year.

Cooler weather, economic downturn, and better air pollution control (see item 9) all contributed to lower ozone this summer.

9. High Energy-Demand Days (HEDD)—To comply with new rules adopted this Spring, PSEG has installed water injection on 40 uncontrolled simple cycle combustion turbines in New Jersey; Connective has installed selective non-catalytic reduction (SNCR) on their Deepwater coal-fired boiler in New Jersey; and Reliant has committed to install additional SNCR capacity on four coal-fired boilers located in Shawville, PA.

10. Air Toxics—DAQ's Air Monitoring program participates in EPA's national School Air Toxics Monitoring Program (SATMP) project. The two SATMP sites in New Jersey are Paulsboro High School and Mabel Holmes Middle School in Elizabeth. Both schools are located in proximity to refineries. Data will be posted on EPA's website after QA/QC.

Substantial discussion followed, and some of the specific items are listed here.

- Air toxics are a hot issue. (Dr. B.)
- "Future" is the integration of all aspects of our lives – transport, housing. Maybe need something more specific. (Dr. B)
- "Vision" implies "20-20" as well as the date twenty years from now. Consider "2020 Vision for Clean Air." Lots of variables need to be decided in the next ten years.
- Funding, staffing: How do we continue to fund the air program in the future? (Mr. O'S.) Is the Council interested in discussing funding?
- What sectors of our society need to do their part? Transportation? Individuals? (e.g., 2-cycle lawn motors) (Mr. Egenton)
- Area source category – need more public education
- Automobiles – Much has been done.
- Industry - Much has been done.
- How do you get the individual to do his part? Individual choice, personal choice, but not always regulated.
- Approx. 50% of the pie chart is tied to individuals. (Mr. Hanna)
- Soft words like "reach out" do not work! You have to make it work! Telling someone to buy a 4-stroke lawnmower to replace his 2-stroke unit is expensive! (John Elston)
- Refrigerators – change to more energy efficient units is underway.
- "Money" will not be our primary topic, but it should be included in our thinking.
- Air Quality, in 2008's SIP's for ozone and particulates, attempted to show the percentage of each problem is from individual use.

Dr. Bielory observed that a review of Air Quality economics should be presented to the Council. Mr. O'Sullivan responded that he will try to have this as a topic for our November meeting.

Mr. O'Sullivan had two concluding remarks: (1) There have been more than 100 nominations for NJDEP's newly-proposed Science Advisory Board. (2) Over the next three years, one of our hearings should be on Air Toxics.

Inspection & Maintenance (I&M) Outreach

Presented by Sharon Haas, Bureau of I&M:

1. Discussed New Jersey's efforts to inform the Public about the Inspection and Maintenance (I & M) program. Instructional brochures have been prepared to provide

guidance to the Public to help them meet environmental requirements, pass inspection, increase driver safety and improve gasoline mileage. Brochures, sun visors, and tire pressure gages are being made available (including at PIF's, Private Inspection Facilities.) Plans are being made to install video screens in the waiting areas of CIF's (Central Inspection Facilities) to show what can be done. (CIF's inspect approximately two million cars per year, about 83% of the total vehicle population; PIF's handle the remainder.)

2. Presented a DVD on New Jersey's inspections: "Saving Gas & Money." New Jersey has won an award from the AAMVA, the American Association of Motor Vehicle Administrators, for earning the highest ever point score for Environmental Stewardship for this DVD. Some movie houses are showing this DVD, and it is made available to drivers' education classes.

Air Monitoring Update

Presented by Chris Salmi, Assistant Director, and Air Quality Management:

1. Presented information on the 2009 Ozone season.
2. Stated the importance of the 2009 ozone season, which is the attainment date for the 85ppb standard. New Jersey has 14 monitors; the Camden unit (vandalized) is shut down, but one unit was added in Newark. Preliminary data, "design values," range from 75 to 83 ppb. Since the ozone season (April 1 through October 31) is not over – there could yet be some high-temperature days – these data are not yet complete. If proven, the monitors in New Jersey would show compliance with the standard.
3. The standards have changed in the past, and may change in the future. The "old" standard is 85 ppb; the "new" standard is 75 ppb. The "old old" (sic) standard, one hour, was 125 ppb. EPA is now considering a standard of less than 75.

Mr. O'Sullivan stated that New Jersey is five years ahead of other East Coast states; our regulations recognize and speak to future problems as well as to current problems; we do have to "tighten up a bit here and there." Mr. Spatola stated that transport issues continue to trouble New Jersey. OTC, working with LADCO (East Coast organization) has sent a letter to EPA (copy to CAC will be sent.) Reductions in allowable emissions from EGU's (electric generating units) are expected. TC is also looking at other consumer products.

NEW BUSINESS/OLD BUSINESS

- Dr. Bielory reported that three members of the Council were retiring: Jorge Berkowitz, John Maxwell, and Irwin Zonis.
- Mr. Egenton reported that the President of the New Jersey Senate, and the Speaker of the General Assembly, had signed a Joint Legislative Resolution commending Mr. Zonis for his years of service on the Council. Mr. Egenton then read the Resolution, and, to the applause of the Council, presented the original document to Mr. Zonis, who expressed his appreciation.
- Mr. Zonis then presented a two-page summary of the Council's activities for the previous twelve months.
- Dr. Bielory then made a motion, seconded by Mr. Hanna, that Mr. Zonis be nominated for an award for environmental stewardship in the Governor's Environmental Award program. The Council voted to approve the motion, with no abstentions, and no negative votes.
- Mr. Zonis, speaking for himself as well as for Mr. Spatola and Mr. Elston (the three members of the Nominating Committee) praised Dr. Bielory and Mr. Hanna for the exceptional year just passed, and nominated Dr. Bielory and Mr. Hanna for second

terms as chairperson and vice chairperson respectively. Mr. Egenton seconded these nominations. There were no nominations from the floor. A vote was taken and Dr. Bielory and Mr. Hanna were elected unanimously.

- Next discussed were possible topics for the 2010 public hearing. Mr. Zonis pointed out that all eight of the topics mentioned in last month's mailing referred to "the future", and he suggested that topic No. 8 in the list could be re-stated as "Vision for the Next Decade: Air Quality and Air Pollution Control in New Jersey."
- Discussion of agencies was entertained.
- Mr. Zonis moved, and Mr. Egenton seconded, a motion to adjourn. The meeting ended at approximately 12:30 PM. Chairman called for motion to adjourn the meeting.

ARTICLES OF INTEREST

- News Clips

NEXT MEETING

October 14, 2009, 9:30 a.m., UMDNJ, School of Public Health, 683 Hoes Lane West Room 3B, Piscataway, NJ 08854