

**NEW JERSEY CLEAN AIR COUNCIL**

<p><b><u>Clean Air Council Members</u></b>                  Allen Weston, Chair                  Maria Connolly, PP, AICP, Vice-Chair                  Leonard Bielory, M.D.                  Michael Egenton                  Timothy Fekete</p>	<p><b><u>Clean Air Council Members</u></b>                  Toby Hanna, P.E.                  Stephen Milgrom                  Richard Opiekun, Ph.D.                  John Valeri Jr., Esq.</p>
<p><b><u>Clean Air Council Liaison</u></b>                  George Berdomas, 609-984-1483  <a href="mailto:George.Berdomas@dep.nj.gov">George.Berdomas@dep.nj.gov</a></p>	<p><b><u>NJ Clean Air Council Website:</u></b>  <a href="http://www.state.nj.us/dep/cleanair">http://www.state.nj.us/dep/cleanair</a></p>

**New Jersey Clean Air Council Meeting Record**

Kean University – STEM Building  
 1075 Morris Avenue  
 Union, NJ 07083

Wednesday, February 15, 2023

CALL TO ORDER	Maria Connolly opened the meeting.
COUNCIL MEMBERS PRESENT	All Council members were present with the changes noted below.
ABSENT	
EXCUSED	Timothy Fekete
REPRESENTED	
GENERAL PUBLIC ATTENDEES	Chrissy Buteas
NJ DEP Staff	Francis Steitz George Berdomas Kenneth Ratzman Sydne Hunter Brad Bollen Jake Wallace

### Meeting Summary

- Maria Connolly called to order and roll.
- Dr. David Joiner presented a slideshow about STEM work and Center for Aerobiology Research.
- Francis Steitz presented the February Administrative Report.
- Sydne Hunter presented the updated Clean Air Council webpage.
  - o Change years on council to Council Member since with the month and the year.
  - o Notify the CAC members when the website is live. Anticipating next month in March.
- Motion to approve minutes by Allen Weston, seconded by Leonard Bielory and third by Michael Egenton at 11:00 a.m.
- New Business/Old Business – None
- Motion to adjourn first by Allen Weston, second by Maria Connolly and third by Leonard Bielory at 11:58 a.m.

### Administrative Report

*Presented by Francis Steitz, Director of Air Quality*

1. **NJ Proposes Fine Particulate Matter (PM2.5) State Implementation Plan (SIP) Revision on January 9, 2023:** On January 9, 2023, New Jersey proposed for public comment a revision to the State Implementation Plan (SIP) for the Maintenance of the 2006 35  $\mu\text{g}/\text{m}^3$  PM2.5 24-hr Fine Particulate Matter (PM2.5) National Ambient Air Quality Standards (NAAQS). As a request for a hearing was received, a virtual public hearing concerning the Department's proposed SIP revision will be conducted on February 14, 2023. Written comments will be accepted until February 17, 2023.
2. **EPA Publishes Final Disapproval of 2015 Ozone "Good Neighbor" SIP for NJ and others:** On January 31, 2023, EPA finalized disapproval of New Jersey's interstate transport State Implementation Plan (the "Good Neighbor" SIP) for the 70 ppb 2015 Ozone National Ambient Air Quality Standard (NAAQS). This final action also disapproved or partially disapproved GN SIPs for twenty (20) other states. The disapproval is based on New Jersey's contribution to ozone nonattainment at monitors located in Connecticut, within the Northern New Jersey-New York-Connecticut nonattainment area. EPA determined that New Jersey's evaluation of additional emission controls is insufficient to address good neighbor obligations associated with the 2015 Ozone NAAQS.

In anticipation of this disapproval, EPA proposed a Federal Implementation Plan (FIP), known as the "Transport Rule," for New Jersey and 25 other states on April 6, 2022, to fully address interstate transport obligations for states with disapproved 2015 Ozone GN SIPs and those that did not to submit one. New Jersey commented that EPA should approve NJ's GN SIP because mobile sources make up 79% of the state's annual NOx emissions and no additional emissions reductions can be expected from New Jersey for the non-EGU source control measures proposed in the FIP. However, USEPA disagreed and stated that emissions reduction opportunities existed at the emissions control stringency levels for all states covered in its disapproval action. This final rule is effective on March 2, 2023. It is expected EPA will now move forward with finalizing the Transport Rule.

3. **Atlantic City Electric Settlement:** On January 24, 2023, the Division of Air Enforcement's Central Regional Office entered into a settlement agreement with Atlantic City Electric to addresses violations associated with the installation and operation of 5 unpermitted diesel generators at 4 locations in and

around Beach Haven during 2021 and 2022. These engines were used to provide supplemental power for local businesses during the summer months. Atlantic City Electric has corrected these violations by removing the generators from service. The total settlement is \$261,000 of which \$130,500 will be paid to the State Treasurer and \$130,500 will go towards the Department's Environmental Mitigation Project Fund.

4. **Air Permit Denial for Aries Kearny Biochar Production Facility:** The Division of Air Quality (DAQ) will be denying the preconstruction permit application requested by Aries Kearny Biochar Production facility on December 23, 2020. The facility is in Kearny, NJ (EJ area). Air Quality reached out Aries multiple times regarding the AO 2021-25 status. On December 13, 2022, DAQ informed Aries of its intent to deny the application unless the facility demonstrates full compliance with AO 2021-25, as this is necessary for the permit review to proceed. Since DAQ has not received a response from Aries on this matter, DAQ is denying the permit.
5. **PurpleAir App:** Air Quality developed a desktop app to enable communities to download and process data from low cost PurpleAir sensors in their neighborhoods. It is publicly available to freely download on Github: <https://github.com/SebAire/Purple-Air-Data-Merger> and has attracted the attention of EPA/ORD staff who have asked for a demonstration. Making low-cost air quality sensors more available and understandable for the public is an ongoing goal of the Bureau of Air Monitoring. [NJDEP | Air Quality, Energy and Sustainability \(AQES\) | Air Monitoring | Community Science Air Monitoring](#)
6. **Adoption of Cargo Handling Equipment Rule:** DAQ adopted the Cargo Handling Equipment (CHE) Rule in the February 6, 2023, New Jersey Register. The adopted rule will limit NOx and PM emissions from Cargo Handling Equipment at NJ's ports and railyards during NJ's transition to 100% clean energy by 2050.
7. **Port Study & Port Funding:** The non-profit International Council on Clean Transportation released a [report](#) this week which estimates that full electrification of the Port of NY/NJ would reduce Annual PM2.5 emissions by 69% and reduce annual average PM2.5 concentrations in Jersey City by 0.59 ug/m<sup>3</sup> and in Elizabeth by 0.82 ug/m<sup>3</sup>. Corresponding health benefits would be at least \$150 million per year. This kind of quantification can help ports apply for funding such as the [opportunity](#) released by USDOT recently which provides \$662 million for port electrification, among other things. Applications are due April 28, 2023.
8. **Funding opportunity for electric transit buses:** The Federal Transit Administration announced two funding opportunities totaling \$1.7 billion for its Low and No Emission (Low-No) Grants Program and its Bus and Bus Facilities Program. The purpose of the **Low-No Program** is to support the transition of the nation's transit fleet to the lowest polluting and most energy efficient transit vehicles. The Low-No Program provides funding to state and local governmental authorities for the purchase or lease of zero-emission and low-emission transit buses, including acquisition, construction, and leasing of required supporting facilities. Applications are due April 13. DAQ will distribute to the Department's local government listserv. See the [NOFO announcement page](#) for additional information.
9. **NJ Transit receives award for electric ferries:** NJ Transit was awarded \$7.2 million to convert two NY Waterway vessels from diesel power to battery electric and buy charging equipment to support them. This award was part of \$97.6 million awarded to seven projects in seven states as part of the Federal Transit Administration's Electric or Low-Emitting Ferry Pilot Program. Full list of selected projects is available [here](#).

10. **IRA transportation Funding:** Under the Inflation Reduction Act (IRA), USEPA received \$41.5 billion in appropriations to support 24 new and existing programs. Six new USEPA programs account for 98% of this total funding and the majority are focused on transportation decarbonization. In addition, there are several new non-EPA funding programs (such as tax credits) under the IRA that can be leveraged for transportation electrification projects. In order to keep track of the numerous funding opportunities and ensure stakeholders are aware, DEP’s Mobile Source Office created a handy reference document that can be found at <https://dep.nj.gov/drivegreen/inflation-reduction-act/>. We will use this document to guide our strategic decision making on how to best access and utilize the funding.
  
11. **Agilex Draft Permit Published for Public Comment:** DAQ held a public hearing on February 2, 2023, at the Franklin Township Senior Center, Somerset for draft air permit for Agilex. There were 12 attendees including ten (10) residents, their attorney, and the attorney representing the facility. Five (5) of the residents and their attorney spoke at the public hearing. The main concerns were odor and noise. Once the public comment period ends on February 20, 2023, DAQ will compile all comments and draft the responses to comments document in support of a final decision on the draft permit.
  
12. **RGGI Fixed Price Sale:** The DEP confirmed and approved the sale of CO2 allowances to two certified dispatch agreement facilities after we received notices from the facilities of intent to purchase allowances on February 3, 2023. 245,000 CO2 allowances will be sold to Logan Generating Plant and 256,280 allowances to Chambers Cogeneration facility at a fixed price of \$2.00 per allowance. The total fixed-price sale proceeds of \$1,002,560 will be transferred to the NJ RGGI account on Friday February 10<sup>th</sup>. This is the last fixed-price sale of allowances to these facilities as they were decommissioned in 2022 and their power purchase agreements are no longer in effect.

## Clean Air Council FY22/23 Meeting Locations

### MEETING DATES & LOCATIONS (tentative)

**Meeting will be 9:30am – 12pm, every 3<sup>rd</sup> Wednesday of the month, unless otherwise noted.**

March 15	Hybrid: 401 E. State Street, Trenton, NJ
April 19	Public Hearing Room - Microsoft Teams Meeting and in-person (hybrid). – 401 E. State Street, Trenton, NJ
May 17	PSEG’s Energy & Environmental Resource Center (EERC). 244 Chestnut St., Salem, NJ.
June 21	Hybrid: 401 E. State Street, Trenton, NJ
July 19	7 <sup>th</sup> Floor Large Conference Room. Hybrid: 401 E. State Street, Trenton, NJ – present Hearing Report to the commissioner
August 16	No meeting. (Microsoft Teams Meeting, only if needed)
September 20	Hybrid: Microsoft Teams & In-person
October 18	Hybrid: Microsoft Teams & In-person
November 15	Hybrid: Microsoft Teams & In-person
December 20	IBEW – 299 Ward Street, East Windsor, NJ 08520