

## NEW JERSEY CLEAN AIR COUNCIL

### Clean Air Council Members

Jorge H. Berkowitz, Ph. D., Chairman  
Michael Egenton, Vice Chairman  
Richard Aicher  
Ferdows Ali, Ph. D.  
Leonard Bielory, M.D.  
James Blando, Ph. D.  
Joseph Constance  
George Currier, P.E.  
Elease Evans  
Gene Feyl  
Marcelino Iglesias  
Richard M. Lynch, Ph.D.  
Raymond M. Manganelli, Ph.D.

### Clean Air Council Members

John Maxwell  
Stephen J. Papenberg  
Joseph A. Spatola, Ph.D.  
Irwin Zonis

### Clean Air Council Liaison

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<http://www.state.nj.us/dep/cleanair>  
DEP Electronic Bulletin Board  
609-292-2006

Approved: February 11, 2004

## NJ CLEAN AIR COUNCIL MEETING RECORD

January 14, 2004 at 9:30 a.m.  
NJ Department of Environmental Protection  
401 E. State St.  
7<sup>th</sup> Floor Large Conference Room  
Trenton, NJ. 08625  
609-633-2007

CALL TO ORDER: Jorge Berkowitz 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, Elease Evans, Raymond Manganelli, Richard Lynch, Richard Aicher  
NJDEP: Bill O'Sullivan, Director, Division of Air Quality; Joann Held, Chief, Bureau of Air Quality Evaluation, Linda Bonanno, Division of Science & Research Technology, Ed Bakos, Environmental Regulation  
SPEAKERS: Lisa Jackson, Assistant Commissioner, Compliance & Enforcement (C&E), NJDEP; Ed Choromanski, Administrator, Air & Environmental Quality, C&E; Knute Jensen, Chief, Bureau of Enforcement & Compliance Services  
PUBLIC: Randy Minniear, Chemical Council of New Jersey

### Meeting Record

Roll call was taken. Chairman called for motion to approve the December minutes. Irwin Zonis made the motion, seconded by Joseph Spatola. The December Minutes were approved as submitted.

### Administrative Report

*Bill O'Sullivan, Director, Division of Air Quality*

- California Car--Governor signed the bill into law on January 14, 2004.
- Mercury Rule—DEP regulations were proposed in the January 5, 2004 New Jersey Register to reduce mercury emissions. The rule would set emission limits for NJ's coal-fired boilers and iron and steel scrap-melters. It would also tighten limits on municipal solid waste incinerators (**See Attachment 2—Distributed at meeting.** Also, the EPA's proposed rule for electric generating units was published in the 1/30/2004 Federal Register)
- 8-hr ozone--EPA advised NJ that it intends to approve NJ's recommended designations and boundaries, with the exception of Ocean County. This county would remain in the New York City non-attainment area as it was for the one-hour ozone non-attainment area. Comments to EPA will be submitted to further justify including Ocean County in the Philadelphia metropolitan non-attainment area, since the high ozone levels in Ocean County are caused by emissions from the Philadelphia area. (**See Attachment 3--Distributed at meeting**)
- Fine Particulate Matter—EPA proposed a rule "To Reduce Interstate transport of Fine Particulate Matter and Ozone (Interstate Air Quality Rule)". DEP will comment by end of comment period in March. (**See Attachment 4—Distributed at meeting.** Also, the proposal appeared in the 1/30/2004 Federal Register.)
- On-Board Diagnostics (OBD)—Inspections were expanded on January 12, 2004 to include model year 1996-97 vehicles.
- Emission Statement Program—Two workshops will update the regulated community on the new reporting requirements for fine particles, ammonia, certain air toxics, carbon dioxide, and methane emissions. Reporting of 2003 emissions is required for these air contaminants for the first time by May 15, 2004. The workshops are being held on February 11 in cooperation with the Air and Waste Management Association, and February 18, 2004, at Rutgers University.
- New Source Review (NSR)—Based on NJ's and other states' appeal of EPA rule of August 2003, exempting 20% equipment replacement from NSR permits, and associated air pollution control, the US Court of Appeals issued "a stay pending review" of the appeal. Court action is ongoing for other NSR rule revisions adopted on 12/31/2002. The end of 2004 could decide both cases.
- PM2.5—Two Fine Particulate Matter Designation Recommendation workshops were held on December 2 and 4. One was held in Camden; the other in Newark. DEP staff recommended 10 counties in North Jersey to be designated as non-attainment, and none were designated in South Jersey. A final designation recommendation is due to EPA Region 2 Administrator by February 15, 2005.
- MTBE—Bans on the use of this gasoline oxygenate additive began at the end of 2003 in New York and Connecticut. Refineries generally replace MTBE with ethanol in order to continue to meet federal oxygenate specifications. No disruption in gasoline supplies occurred.
- NJ Operating Permits—The program continues to progress. There are 120 initial operating permits remaining. The goal is to complete the initial operating permits in 2005.
- Camden South Pilot Project—(Joann Held, Chief, Bureau of Air Quality Evaluation) (**See Attachment 5. Distributed at meeting**)  
Bucket brigade will conduct 24-hour organics high-tech sampling in Waterfront South and Copewood & Davis neighborhoods. Ambient concentrations of the target

compounds will also be measured in each of the two selected neighborhoods simultaneously with the personal monitoring. Ambient monitoring will begin in February, personal monitoring in April 2004. Monitoring and sample analyses are scheduled for completion by June 2006 and a final report is anticipated by December 2006.

### **C&E Paterson Sweep**

*Lisa Jackson, Assistant Commissioner, C&E, NJDEP (See Attachment 6. Distributed at meeting)*

- To identify a high number of regulated businesses located in close proximity to residential neighborhoods.
- Two-phase C&E effort to ensure inner-city residents equal protection under environmental laws. The first phase will focus on community outreach and on providing assistance to the city's known and potentially regulated individuals, businesses and government operations. The second will be to conduct a large-scale inspection effort.
- Both efforts were led by DEP in partnership with the EPA, the Passaic County Health Department and the Passaic Valley Sewerage Commission.
- Areas of focus during enforcement effort and issues of environmental concern include: air pollution, Community Right to Know, discharge prevention, hazardous waste, land use, lead and mercury contamination, refrigerant recovery, pesticides, solid waste, underground storage tanks and water pollution.
- Major violations were issues. Penalties will be applied.
- Another sweep planned for 2004.

### **Overview of Compliance & Enforcement's(C&E) New Advisory System**

*Ed Choromanski, Administrator, Air & Environmental Quality, C&E (See Attachment 7. Distributed at meeting)*

Changes being introduced to the Air Compliance & Enforcement Program:

- Active participation in development of permits (GP) compliance plans, permit library requirements, Standard operating procedures (SOPs) and rule development teams. Approach to foster idea of Air Program Team, rather than individual office products and provides insight of actual occurrences from inspector's field experience.
- Involvement in EPA initiatives such as the Refinery Initiative which produced the Coastal Eagle Point Oil Company settlement and will provide funding for an "electrified" truck stop which was ranked No. 9 on the East coast based on size, proximity to public and other factors. Also involved in settlement discussions with Valero Refining & Amerada Hess. Of particular interest for NJ is the covering or replacement of the API water separators, which will reduce tons of VOC and Benzene from being emitted from these facilities. We are also involved with EPA on their settlement with Conoco Phillips (Bayway Refinery). Also included in the settlements with two asphalt refineries in NJ, Chevron and Citgo.
- EPA CMS inspection requirements for grant which include 50% of 385 major facility Full Compliance Evaluations (FCEs) and 20% of 250 SM-80 facility FCEs completed annually. To take credit for an FCE we must have a field inspection, evaluation of all monitoring/testing activity and have reviewed the annual certification form.
- Portable analyzers were introduced. Each regional office has a Land Instruments portable analyzer, which has the capability of measuring CO, NOX, SO2, O2, H2S, &VOC). Measurements can be taken in ppm, lbs.hr and lbs/mmBTU. This way,

inspectors can not only look at equipment, but also can actually have an indication of the pollutant levels emitted and determine if the equipment is in compliance with rules and/or permit limits. They are also used to determine if facility stack test extensions are warranted.

- Facilities that are identified as having a high risk will be given an inspection priority no matter what their size classification.
- Regional office inspectors will respond timely or refer to CEHA agencies timely citizen complaints. They will follow-up on any referrals made to CEHA agencies to insure that all complaints are investigated and actions taken when warranted.
- Emphasis will be placed on “eyes wide open” for all inspectors. Inspectors are continually instructed to report any potential violations for any media to the appropriate office for investigation.
- An emphasis on Compliance and Compliance Assistance. Each regional office has inspectors that are included on compliance assistance teams. When requested, these teams (part of the Green Start program, will evaluate the facility for compliance issues and provide a timeframe for any minor violations to be corrected. In addition, introduced “Duty Officer” concept at each regional office, that informational calls get referred to and that individual assists the person to obtain appropriate forms, assists on DEP on-line issues (renewals, information, etc.) or directs the individual to the appropriate office for answering questions they do not have answers for.
- Development of Web-based Advisory System. Based on Trends identified from any office, other facilities or industry-based sectors are advised of potential issues that they should be aware of. These advisories are mailed out to facilities that may be subject to the issue as well as placed on-line for all to see.

#### **C&E Outreach & Targeting**

Knute Jensen, Chief, Bureau of Enforcement & Compliance Services (**See Attachment 6 distributed at meeting.**)

- The New Bureau of Enforcement and Compliance Services is a support group for C&E programs. Reflects commitment to continued improvement of C&E operations and especially exploration of new directions: -technology, data, reporting; outreach and innovation; Open Public Records Act (OPRA) request management; Case Management support
- Two major challenges include better communication/outreach and better use of resources (targeting).
- Some tools being employed are on the Internet. New C&E pages and content including real-time reports; advisories-a three tier system to alert regulates of concerns or opportunities; and publishing checklists; utilizing the press; data systems on NJEMS and Dunn & Bradstreet; and regional & sectoral initiatives.

#### **NEW BUSINESS/OLD BUSINESS**

- Review January minutes
- Feedback from members about having May or June meeting in Camden regarding air toxics/environmental issues/public perception.
- Second draft of letter to NJ Public Health Council—Steve Papenberg
- Public Hearing Update—speakers, mailing labels
- MTBE—As requested by the CAC, See Attachment 8. Copy of July 31, 2000 letter from Clean Water Council to Commissioner Shinn.
- Invite Compliance & Enforcement to 2005 meeting, after 2004 sweep completed.

. **ARTICLES OF INTEREST**

- New Clips

**NEXT MEETING**

February 11, 2004 at 9:30 a.m., University of Medicine & Dentistry (UMDNJ), 65  
Bergen St., 15th floor, Room 15-14A, Newark, NJ 07101 908-973.972.7524