

## NEW JERSEY CLEAN AIR COUNCIL

### Clean Air Council Members

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

Draft Approved: 3/9/05

### Clean Air Council Members

Stephen J. Papenberg  
Kenneth Thoman  
Irwin Zonis

### Clean Air Council Liaison

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CAC Web Site

<http://www.state.nj.us/dep/cleanair>

## NJ CLEAN AIR COUNCIL MEETING RECORD

January 12, 2005, 9:30 a.m.

Conectiv

Bank of America Building

150 West State St

3<sup>rd</sup> Floor Conference Room

Trenton, NJ

CALL TO ORDER: Michael Egenton opened the meeting.

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

EXCUSED: Raymond Manganelli, Ken Thoman

ABSENT: George Currier

SPEAKERS: Bob Marshall, Manager, NJ State Relations, Conectiv; Bill O'Sullivan, Director, Division of Air Quality; Sam Wolfe, Assistant Commissioner, Environmental Regulation; Chris Salmi, Assistant Director, Air Quality Management

VISITORS: Kelly Moretta, Schering-Plough Corp., Tony Russo, Chemical Council of NJ; Dennis Poole, NJ Environmental Lobby; Kate Watson, Watson Consulting; Daniel Lefkowitz, Department of Health & Senior Services; Sharon Davis, DEP; Sandy Krietzman, DEP; Matthew Halpin, Public Strategies Impact; Jim Benton, NJ Petroleum Council

### Meeting Record

Roll call was taken. Chairman called for motion to approve the December. Irwin Zonis made the motion to approve the December minutes as submitted. James Blando seconded the motion. The December minutes were approved by unanimous vote.

### **Administrative Report**

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

- FY06 budget and fees – Permit consultants will likely be retained to ensure low permit backlogs and finish issuance of initial operating permits. Air Program does not anticipate budget cuts, but must be fully funded by fees or the federal grant. Minor facility fee increase will be proposed by spring. The last increase was in 1991.
- Mid Course Review –This report on progress in reducing ozone will be submitted to EPA. The draft Mid-Course Review is on the WEB for informal comment. **(See Attachments 2 and 3—distributed at meeting)**
- NOx RACT Rule—Comment period has closed. Rule adoption expected within a few months.
- Bayway Refinery Enforcement Settlement—Bayway is the third of six refineries in New Jersey to reach a national settlement of New Source Review (NSR) issues. NJ refineries are amongst the best controlled in the USA.
- PSE&G—Made significant reductions in NOx emissions because of the selective catalytic reduction (SCR's) installed in 2004 in the two units at the Mercer Generating Station. Permit applications have been received for control of NOx, SO<sub>2</sub> and particulates from Hudson Unit 2.
- NSR—Constructive interaction with cogeneration plants. A new state-of-the-art manual was finalized for turbines and included cogeneration specific NOx limits. We also have determined that turbine overhauls can be considered routine maintenance for up to 15 years.
- EPA's Mercury Rule—DEP submitted comments opposing EPA's 30% reductions and recommending NJ's 90% reduction. **(See Attachment 4—distributed at meeting)**
- Mercury Switches--Scrap melters have 5 years to reduce mercury emissions to 35 mg/ton or by 75%.
- Private Inspection Facilities (PIFs)—20% of inspection facilities are PIFs. 99% upgraded their software as required. About 10 failed to do so and are not permitted to do inspections.
- Diesel Initiative—A reduction in allowable smoke from on-road diesel exhaust pipes is being considered to better catch engines that are out-of-tune.

### **MTBE**

*Presented by Sam Wolfe, Assistant Commissioner, Environmental Regulation Program:*  
**(See Attachment 5—distributed at meeting)**

- MTBE has been in use for 35 years, since 1968.
- The 1990 Clean Air Act Amendments required reformulated gas in ozone non-attainment areas. The oxygen content of reformulated gasoline results in cleaner burning gasoline.
- New Jersey participated in the Wintertime Oxygenated Fuels program in the 1990's because of carbon monoxide non-attainment in certain areas of the State.
- New Jersey has attained the CO standard, but not the ozone standard. Reformulated gas still used in the State. (2% oxygen by weight in fuel, 11% oxygen by volume in fuel.)
- MTBE is the most common oxygenate used in New Jersey.

- MTBE is a concern because it has been detected in groundwater and drinking water in New Jersey, although usually detected at concentrations that are well below standard (levels that are not associated with health effects).
- Detected in private wells since 1980's. Recent Private Well Testing Act results show that a very low percentage of wells had detections of MTBE, and very few had detections above the drinking water standard of 70 ug/liter.
- Most cases related to underground storage tanks.
- If MTBE is banned, another oxygenate must be used according to the Clean Air Act. Ethanol is the next most commonly used oxygenate in the State. Ethanol is more volatile than MTBE during warm weather.
- Costs of using ethanol in place of MTBE are estimated to be approximately \$200 million per year statewide.
- Reducing fuels spills and leaks are a better focus than a ban.

### **Conectiv Overview**

*Presented by Bob Marshall, Manager, NJ State Relations, Conectiv:*

- Conectiv is a regulated electric utility.
- Conectiv services eight counties in South Jersey.
- Anyone with questions, were welcomed to contact Mr. Marshall.

### **PM 2.5 Update**

*Presented by Chris Salmi, Assistant Director, Air Quality Management: (See Attachment 6—distributed at meeting)*

- The USEPA made no changes to their preliminary designations of non-attainment with New York and Connecticut and with Pennsylvania, New Jersey and Delaware.
- The USEPA responded to NJDEP that Burlington, Camden and Gloucester Counties would remain with the Philadelphia Non-Attainment Area.
- NJ has a legal option to petition the designations for review if it can prove that EPA arbitrarily made the designations. The courts tend to give deference to the agencies.
- NJ has 3 years to develop an attainment plan and 5 years to attain the standard.

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

- Review January Minutes.
- MTBE— Chairman called for a vote based on the findings and presentation of Assistant Commissioner Sam Wolfe. The Chairman suggested the Clean Air Council remain neutral since MTBE is a federal issue and the continuing uncertainty of replacing it with another oxygenate (such as ethanol). Members voted unanimously in favor of this position. DEP will inform the Clean Air Council if dialogue with EPA changes. Assistant Commissioner Wolfe said he plans to discuss the issue at the February meeting of the Clean Water Council and will let the Clean Air Council know the end result of that meeting. Chairman said he would also speak in advance of that meeting with Pat Matarazzo (Chairman - Clean Water Council) about the MTBE Task Force and the discussion/position of the Clean Air Council.
- Annual Public Hearing Update—Irwin Zonis suggested edits; Dr. Bielory will include diesel aspect; Sam Wolfe was invited to suggest speakers and to attend the hearing; Jim Blando to invite DHSS Commissioner and appropriate Assistant Commissioner and encourage their attendance; Jim Blando will reach out to insurance companies;

Jorge Berkowitz will reach out to consultants; Michael Egenton will reach out to health organizations for data.

- Jorge Berkowitz asked for status of request to reappoint Joe Spatola to the CAC. DEP is making a special effort to reappoint Joe and the expired terms of current members.
- Chairman called for a motion that James Blando sign the PM 2.5 letter to Governor Codey, attaching a copy of the 2004 hearing report. Irwin Zonis made the motion; Jorge Berkowitz seconded the motion. James Blando signed the letter.
- Jim Blando to send e-mail about AWMA emissions impact statement presentation at DEP on February 4.
- The letter to the Public Health Council will be reconsidered in May after the 2005 CAC Public Hearing.
- Richard Lynch to research what legislators are sponsoring bills related to mold.
- Chairman called for motion to adjourn the meeting. Jorge Berkowitz made the motion, seconded by Irwin Zonis. The meeting was adjourned.

### **ARTICLES OF INTEREST**

- New Clips

### **NEXT MEETING**

February 9, 2005, 9:30 a.m., IBEW, Local 94, 219 Franklin St., Hightstown, NJ 08520  
(609) 426-9702