

NEW JERSEY CLEAN AIR COUNCIL

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Clean Air Council Members

Joyce Paul
Joseph Spatola, Ph.D.
Kenneth Thoman
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NJ CLEAN AIR COUNCIL MEETING RECORD

January 14, 2009, 11:30 a.m.
Environmental Resources Mgt
Princeton Crossroads
250 Phillips Blvd.
Suite 280
Ewing, NJ 08618

CALL TO ORDER: Dr. Bielory opened the meeting.

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

EXCUSED: Joseph Constance, Richard Lynch, Joseph Spatola

REPRESENTED: Michael Egenton by Doug Lafayette

SPEAKERS: Bill O’Sullivan, Director, Division of Air Quality (DAQ); Ed Choromanski, Administrator, Air Compliance & Enforcement

PUBLIC: Kelly Moretta, Schering-Plough Corp., Lucinda Tiagoloff, Office of Legislative Services; Dan Cunningham, PSEG; Sharon Haas, NJDEP; John Gerrity, IBEW Local Union 94; Susan Angyal, Jon Perry, Brian Cerra and Jeff Coffey, Environmental Resources Mgt.

Meeting Record

Roll call was taken. Chairman called for motion to approve the November and December minutes. Irwin Zonis made the motion to approve both minutes. Ken Thoman seconded the motion. The November and December minutes were approved by a unanimous vote.

Administrative Report

Presented by Bill O’Sullivan, Director, DAQ:

1. Clean Air Interstate Rule (CAIR)—On December 23, 2008, the US Court of Appeals

granted the USEPA's petition to remand CAIR to the USEPA without vacatur. NJDEP supported this court action. The Court noted that remanding without vacatur was appropriate in that vacatur "would at least temporarily defeat... the enhanced protection of the environmental values covered by [the USEPA rule at issue]." NJDEP's proposal to reinstate NOx budget rule will not be adopted. NJDEP will implement its previously adopted CAIR rule which governs NOx allocations in New Jersey.

2. Daily PM2.5 Health Standard—On December 22, 2008, the USEPA proposed their final 24-hour PM2.5 designations, which includes Warren County as attainment/unclassifiable, despite NJDEP's request that Knowlton Township be nonattainment. In the past, the USEPA has expanded nonattainment areas from what was recommended, but never reduced a recommended nonattainment area. NJDEP is exploring an appeal of this USEPA action.

3. Regional Haze State Implementation Plan (SIP)—On January 9, 2009, USEPA signed Findings of Failure to Submit the SIP Revision for Regional Haze. New Jersey and other participating Mid Atlantic/Northeast Visibility Union (MANE-VU) states were required to submit their Regional Haze SIPs in December, 2007. There are no sanctions associated with this finding. New Jersey's Haze SIP was proposed in September, 2008, and is expected to be finalized by April.

4. Low Emission Vehicle (LEV) Program—As of January 1, 2009, all new cars and light-trucks delivered for sale in New Jersey must have either California emissions certification or 50-state emissions certification. Other vehicles cannot be delivered for sale in New Jersey after January 1. The NJDEP Mobile Source Bureau worked with the New Jersey Motor Vehicle Commission (NJMVC) and new car dealer associations to inform them of the requirements and to develop enforcement protocols for the NJMVC's new car titling agencies. No major issues have occurred with the January 1, 2009 implementation.

5. Diesel Retrofits—In cooperation with USEPA and Northeast States for Coordinated Air Use Management (NESCAUM), NJDEP has completed one of its largest, voluntary diesel reduction projects. A total of \$381,167 was spent to retrofit 54 vehicles for both on-road and off-road vehicles in the Camden area. This project was funded by a settlement agreement between USEPA and COSMED Group, Inc. Phase I of the project consisted of retrofitting 15 on-road vehicles and 2 non-road vehicles at the Camden County Municipal Utilities Authority. Based on the success of Phase I, \$260,059 of additional funds were dedicated to this project by USEPA in the summer of 2008, to create Phase II of this project. Phase II involved the retrofitting of 37 vehicles from three additional fleets at the City of Camden, County of Camden and South Jersey Port. Additional grant monies are expected from USEPA's Diesel Emission Reduction Program which may be increased from \$50 million to \$300 million as part of the national stimulus package.

6. Diesel Inspection Centers—The Diesel Risk Reduction Program has succeeded in transitioning over 50% of the diesel inspection centers to voluntary electronic reporting of their inspection data. This represents 66% of the annual inspection volume (~50,000 inspections out of 75,000). Currently, the inspection centers are required to fill out a paper "bubble" form, which the program then scans into the data system. The electronic system is less resource intensive for both the inspection centers and the program and will be integrated into the new Inspection and Maintenance program being implemented jointly with the New Jersey Motor Vehicle Commission in 2009. The program will continue to encourage electronic reporting by the remaining inspection centers.

7. CO₂ Budget Trading Program—On November 17, 2008, the Department published the CO₂ Budget Trading Program, also known as the Regional Greenhouse Gas Initiative

(RGGI) that became effective December 9, 2008. The rule effects fossil fuel fired electric utilities. The Operating Permit program will amend each operating permit to include the general provisions, compliance requirements and CO₂ monitoring, recordkeeping, and reporting requirements. A separate rule governing the spending of RGGI funds (from auction of allowances) was proposed (February 17, 2009 NJ Register; March 23, 2009 hearing).

8. Electronic Permits—The Air Quality Permitting Program (AQPP) has begun issuing all new and modified major facility operating permits electronically on CD-ROM. Following a pilot program this month, AQPP plans to issue all new and modified minor facility permits on CD-ROM as well. With this implementation, all new permits will be publicly available through the NJDEP's Dataminer on the web.

9. Combined Heat and Power General Permit—DAQ is developing a general operating permit for turbine-powered cogeneration facilities up to 50 million BTU per hour heat input (about 5 MW). **(Handout—Distributed at meeting).**

10. Boiler and Furnace General Permits—NJDEP finalized revised general permit for small boilers and heaters to reflect the revised NO_x RACT rule that includes a requirement for an annual tune up with carbon monoxide and nitrogen oxide monitoring. **(Handout—Distributed at meeting)**

11. Nonattainment Penalty Fees—Major facilities in the northeastern counties of New Jersey may be required to pay nonattainment penalty fees for calendar year 2008 emissions which exceed 80% of baseline emissions. Further guidance from USEPA is expected soon. If implemented, 2008 fees will be due in January 2010. **(A copy of an informational e-mail to major facilities was distributed at the meeting)**

12. Coal-Fired Boilers—December 15, 2010 is the deadline for most coal-fired boilers in New Jersey to install modern air pollution control equipment. The Connecticut Deepwater coal-fired unit will have a December 2012 deadline under rules to be adopted by April 1, 2009. Vineland City is shutting down its boiler. **(A table outlining the installation dates of air pollution controls was distributed at the meeting)**

13. LS Power—A hearing for the proposed 750MW gas-fired facility is scheduled for December 29, 2009.

14. Greenhouse Gas (GHG)—Stakeholder meetings on NJDEP's GHG Action Plan were held in January. Finalization is expected in the spring. Marjorie Kaplan, Manager of NJDEP's Office of Climate and Energy, will address the CAC in February.

Outdoor Wood Boilers (OWB)

Presented by Ed Choromanski, Administrator, Air Compliance & Enforcement

- Citizens have complained about smoke/odors and soot from OWBs located near their properties for the past 3 years.
- NJDEP as well as County Environmental Health Act (CEHA) county inspectors have cited these OWBs for exceeding smoke (opacity) and odors in accordance with NJAC 7:27-3 (Prohibition of Smoke from the Combustion of Fuel) and NJAC 7:27-5 (Prohibition of Air Pollution) where appropriate.
- Two public meetings (Hunterdon and Warren Counties) sponsored by Assemblyman Dougherty were held in December. About 200 residences attended both meetings.
- Citizens from many other counties in New Jersey attended. Most of the citizens installed OWBs as a source of heat for their primary residences. Others were planning to install OWBs.
- Citizens objected to NJDEP citing violations for OWBs in residential settings. They believe that NJDEP has no authority to cite private, single dwelling residences. They

also believe that the smoke is really condensed water vapor. Citizens are also concerned that NJDEP is citing these units after the citizens obtain approval from municipal building code officials using the NJ Department of Community Affairs (NJDCa) building code requirements and invested personal funds for the purchase and installation of approved equipment. They feel there is a conflict between the two state agencies related to approval of operating OWBs.

- USEPA has instituted a voluntary standard for OWBs. These newer (Phase II) units are 90% cleaner than older models. Many other northeast states are also regulating these units, using setbacks, chimney heights, and seasonal burn periods, as well as requiring newer Phase II units. The New Jersey Legislature is interested in further regulating this equipment and deciding if best to do so within the NJDCa or NJDEP.
- NJDEP is scheduled to meet with NJDCa officials on January 29 to discuss OWB issue to decide what next steps to take.

NEW BUSINESS/OLD BUSINESS

- The CAC congratulated Pam Mount on her re-election as Mayor of Lawrence Township.
- Council agreed to send congratulatory letter to Lisa Jackson. The letter was signed by Chair and Vice-Chair for mailing.
- Council asked for follow-up from Ed Choromanski on OWB.
- New Source Review letter and CAC support for the USEPA to drop their approach letter tabled until later date
- 2009 Public Hearing discussion: Final brochure completed. Speakers—Council had general discussion: Invite new USEPA Administrator; Ken Thoman lined up Ralph Izzo from PSEG; Jim hang suggested Dan Kammen from Berkley; Jim Blando will suggest /contact speaker for nuclear aspect; Jim Zhang will contact Eric Lawson from Princeton; need speaker on economics and more emphasis on science; feedback from Green House Gas Action Plan stakeholders meetings as it related to electric generation.; invite Sierra Club.
- Chairman called for motion to adjourn the meeting. John Elston made the motion to adjourn, seconded by Toby Hanna. The meeting was adjourned at 2:14 p.m.
- At the conclusion of the CAC meeting, many members remained in ERM's conference room for a webinar on the sequestration of carbon dioxide from power plants. Information on this subject is available from the National Energy Technology Laboratory and other sources as well. A few references are:
www.NETL.DOE.GOV/Publications/carbon_seq/refshelp.html
<http://fossil.energy.gov>
www.netl.doe.gov

ARTICLES OF INTEREST

- News Clips

NEXT MEETING

Princeton University, Multi-Purpose Room, Frist Campus Center, Princeton, New Jersey