

## NEW JERSEY CLEAN AIR COUNCIL

### Clean Air Council Members

Jorge H. Berkowitz, Ph. D., Chairman  
Michael Egenton, Vice Chairman  
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.  
John Maxwell

Approved: September 8, 2004

### Clean Air Council Members

Stephen J. Papenberg  
Gilberto Soto  
Kenneth Thoman  
Irwin Zonis

### Clean Air Council Liaison

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DEP Electronic Bulletin Board  
609-292-2006

## NJ CLEAN AIR COUNCIL MEETING RECORD

July 14, 2004, 9:30 a.m.  
NJDEP  
401 E. State St.  
7<sup>th</sup> Fl. Large Conference Room  
Trenton, NJ 08625

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: George Currier, Raymond Manganelli

ABSENT: Marcelino Iglesias

NJDEP: Commissioner Bradley Campbell, DEP; Bill O'Sullivan, Director, Air Quality Management; Chris Salmi, Assistant Director, Air Quality Management; Peg Hanna, Diesel Initiative Coordinator; Linda Bonano, Science, Research & Technology

SPEAKERS: Richard Lynch, President, Environmental Safety Management Corp.

PUBLIC: Michael Calvin, American Lung Association; Kelly Moretta, Schering-Plough; Dennis Poole, NJ Environmental Lobby; Katie Watson, Watson Consulting

### Meeting Record

Chairman introduced Kenneth Thoman to the CAC. Roll call was taken. Chairman called for motion to approve the June minutes. Irwin Zonis seconded the motion with edits that "Presented by" prefix all speakers' names at end of title. John Maxwell seconded the motion. The July Minutes were approved with edits.

### Administrative Report

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

1. USEPA agreed with NJ's ten-county nonattainment area recommendation for northern New Jersey (Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset and Union counties) but recommended that Burlington, Camden and Gloucester counties in southern New Jersey also be designated as nonattainment for their contribution to monitored violations in Philadelphia. NJDEP staff are evaluating the three (3) county addition and will provide feedback to EPA in September. EPA intends to finalize the designations in November 2004.
2. General permits for perchloroethylene dry cleaning facilities, degreasers and Stage I gasoline dispensers were published in the NJ Register on July 6, 2004. A list of general permits (final, proposed and in-progress) will be distributed to the CAC members at the September meeting.
3. NJDEP adversely commented on EPA's proposed rule for hazardous air pollutants, including mercury, emitted by coal and oil-fired utility boilers (utility MACT rule).
4. Legislation was enacted for a surcharge on toxic air contaminant emissions, with three (3) different fee rates based on three (3) categories of air toxics. The DEP Air program is not expected to receive any higher appropriation of funds. Two-million dollars of the fees are dedicated to improving nuclear power plant security. **(See attachment 2, distributed at meeting)**
5. The Preconstruction permit backlog goal was met in May, in advance of the July 1 deadline. The current backlog is less than two-percent of the total preconstruction applications received each year. The new goal is a permit backlog of zero by July 1, 2005.
6. Rules under active development include:
  - a. Diesel smoke cutpoints
  - b. Tighten idling standards
  - c. Ozone Transport Commission (OTC) NOx model rule (proposed)
  - d. Heavy Duty Diesel backstop standards for 2007
  - e. Zero emission vehicles credit bank
  - f. Mercury standards for coal, scrap metal, solid waste, and medical waste.

### Indoor Air Quality

*Presented by Richard Lynch, President, Environmental Safety Management Corp. (See Attachment 3—distributed at meeting.)*

### Presentation of Hearing Report Recommendations to Commissioner Campbell

Jorge Berkowitz:

- The Chair thanked Commissioner Campbell for availing his staff to the CAC and the support provided by Bill O'Sullivan, Chris Salmi, Joann Held, Charles Pietarinen, Peg Hanna and Sonia Evans.

- The Council views the hearing as successful. In part to the 12 qualified speakers who provided current information about the topic and in part to the Hearing Subcommittee, Stephen Papenberg, Irwin Zonis and James Blando.
- The hearing addressed disproportionate health impacts and asthma, urban air problems, localized inspections and components of smart growth, and on-road and off-road diesels. The CAC collectively supports the initiatives of the NJDEP in controlling fine particulates and the implementation of the Governor's diesel initiative. The CAC came to this issue as a result of briefings by NJDEP staff.

#### **RECOMMENDATIONS:**

- Use of ultra-low sulfur fuels;
- Clean diesel technology for new diesel engines;
- Retrofitting existing diesel engines with particulate traps, with special attention to diesel school busses and a program of education for municipalities and school boards;
- An anti-idling provision;
- Electrifying of truck stops;
- Identify out of state sources of fine particulate matter and encourage litigation if necessary to compel their control;
- Data gathering on the epidemiology and measurement of fine and nano particulates, support research and monitoring on specific basis. The Chair also offered his willingness to testify in support of diesel legislation.

Irwin Zonis: Fine particulate matter is not understood by the general public. Diesel trains idling at high rates and noise as well at airports negatively impact the health and quality of life of New Jersey citizens. New Jersey Transit may not understand the health impact of the idling trains. Some public education in the short-term future will assist in addressing this problem.

Jim Blando: Encourage and support follow-up on research about particulate matter health effects, encourage public health counterparts in the NJ Department of Health and Senior Services to keep informed on PM 2.5 research, and recommend studies of nanoparticles and their impact on health be more vigorously undertaken. Such studies could be coordinated with ongoing activities conducted in Paterson and Camden.

Steve Papenberg: Idling is enforced at the local level, assisted by the State Police. Insufficient health officers and State Police presence impedes this process. Recommend that the CAC play a future role to help implement these recommendations.

Other:

Jorge Berkowitz: Offered to testify at Diesel Initiative hearings. Expressed appreciation for Commissioner's efforts to reinstate Joseph Spatola to the CAC.

Irwin Zonis: Congratulations for providing funds for Vineland for retrofits. How much funding is available for other areas? Mid-West power plant is a good thing to enter into agreement with to keep emissions below EPA's standards. Congratulations on this.

Elease Evans: Promote indoor air quality by furthering to educate employers about the health impacts of inadequate flow of air patterns in new construction.

Gilberto Soto: How can the CAC lobby stronger for the diesel and idling bills and their implementation? There are often long delays at Port Newark, with trucks at idle waiting for hours to get into or out of the Port.

Richard Lynch: There is a disproportionate rate of asthma and pulmonary disease among minorities. A positive DEP position from an environmental justice perspective and handouts could decrease fine particulates in minority neighborhoods.

Leonard Bielory: How can the CAC be more pro-active to develop more consistent outreach of CAC to public and within DEP? CC--DEP will provide resources to trump air quality issues and invited the CAC to support individually on the local level to multiply the message.

Commissioner Campbell supported Michael Egenton's suggestion to send a press release on the issuance of report.

Michael Egenton—What might be a timely issue for the CAC to consider for its 2005 Public Hearing: Commissioner Campbell—CO2. CAC will take topic under advisement.

Commissioner Campbell: Values CAC service and contributions. The CAC's endorsement and testimony of diesel legislation was encouraged. Important to unite in common purpose to advance and implement this legislation. Reinforce retrofits and uplink sources. Continue to push for mercury standards and controls. Supports electrifying of truck stops and enforcing idling. Recommended that the CAC follow-up with Dr. Warrington of NJ Transit to insure minimizing health effects through diesel train retrofits. DEP continues to press on the litigation front and is looking for some federal activity. Pull together activity to support this legislation.

Peg Hanna: Newark is next to receive funds and PSE&G is participating in a pilot program.

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

- Review July minutes
- Author article on Fine Particulate Matter for the League of Municipalities' Journal in conjunction with their convention this November—Jorge Berkowitz.
- Resurrect letter to Public Health Council—Steve Papenberg and Jorge Berkowitz
- Send letter from Chairman thanking Eileen Hogan and Thomas Corcoran
- Chairman called for motion to adjourn the meeting. Steve Papenberg made the motion, seconded by Gilberto Soto. The meeting was adjourned

### **ARTICLES OF INTEREST**

- New Clips

### **NEXT MEETING**

September 8, 2004, 9:30 a.m., Environmental and Occupational Health Sciences Institute (EOHSI), 170 Frelinghuysen Road, 4<sup>th</sup> Floor, Room 402, Piscataway, NJ 08854

(732) 445-0201—Betty Davis