

**NEW JERSEY  
CLEAN AIR COUNCIL**

**Clean Air Council Members**

Toby Hanna, P.E., Chairman  
Joseph Constance, Vice Chairman  
Mohammad "Ferdows" Ali  
Leonard Bielory, M.D.  
Sara Bluhm  
Michael Egenton  
John Elston  
Manuel Fuentes-Cotto  
Howard Geduldig  
Robert Laumbach, M.D.  
Pam Mount  
Richard E. Opiekun, Ph.D.

**Clean Air Council Members**

James Requa, Ed.D.  
Nicky Sheats, Esq., Ph.D.  
Joseph Spatola, Ph.D.  
Kenneth Thoman

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Approved: September 14, 2011

**NJ CLEAN AIR COUNCIL MEETING RECORD**

July 13, 2011, 9:00 a.m.

NJDEP

401 E. State St.

Trenton, NJ 08625-0420

CALL TO ORDER: Toby Hanna opened the meeting.

COUNCIL MEMBERS PRESENT: All of the Council members were present with the changes noted below.

EXCUSED: Joseph Spatola

SPEAKER: Bill O'Sullivan, Director, Division of Air Quality

PUBLIC: Ann Arnold, NJDEP; Scott Ross, NJ Petroleum Council; Ashley Stewart, Thomas Edison State College; Tony Russo, Chemistry Council of NJ

**Meeting Record**

The roll call was taken. The vote for the approval of June's minutes was tabled until the September 14, 2011 meeting.

**Administrative Report**

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

- 1. Lead NAAQS** – USEPA Region 2 Administrator Enck sent Governor Christie a letter (June 14, 2011) providing the Agency's preliminary determination that the air quality in New Jersey meets the lead health standard. **More lead monitoring will be done to confirm this determination.** Two lead monitors will be sited in Newark area because the Covanta Essex incinerator has the potential to emit more than 0.5 tons per year of lead. Comments on the preliminary determination will be accepted until August 15<sup>th</sup>.

2. **Nitrogen Dioxide NAAQS** – The Governor received a letter dated June 28, 2011, from the USEPA Region 2 Administrator Enck, providing its preliminary determination that it intends to designate all of New Jersey as “unclassifiable/attainment,” for the 1-hour nitrogen dioxide (NO<sub>2</sub>) NAAQS. While NO<sub>2</sub> monitors show attainment, none are sited near enough to major roads to meet EPA’s new siting criteria. NJDEP plans to install two NO<sub>2</sub> monitors near major roadways.
3. **Sulfur dioxide NAAQS** – NJDEP recommended that the area impacted by the Portland Power Plant be designated nonattainment for the 1-hour sulfur dioxide (SO<sub>2</sub>) NAAQS. NJDEP also recommended the rest of New Jersey be designated attainment/unclassifiable until air quality modeling can be done to determine if any major sources of SO<sub>2</sub> are causing a localized violation of the NAAQS. All monitors, except one in Warren County near the Portland plant, indicate attainment.
4. **Combined Heat and Power** – More companies are developing projects for combined heat and power (CHP), which produce both electricity and useful heat. CHP is promoted by the Energy Master Plan (EMP) to increase clean local electricity generation, reduce costs for businesses, and reduce air pollution. In September, the NJDEP expects to publish final general permits for turbine and spark ignited engines CHP facilities, consistent with a commitment in the EMP.
5. **Recycling Processing Facilities** – The Bureau of Air Permits (BAP) is denying some applications for processing recycled materials if they would cause adverse local impacts from fugitive dust, odor, and/or diesel engines. Air Pollution Controls (APC) can resolve most local impact issues, but in some cases the proximity of the facility to people makes this challenging.
6. **USEPA’s 185 Penalty Fee** – Major facilities in the Northern New Jersey/New York City/Connecticut (NNJ/NY/CT) ozone nonattainment area may be subject to fees (~\$12 million/year) for 2008 NO<sub>x</sub> and VOC emissions because the area did not meet the revoked (old) 1-hour ozone standard by November 15, 2007. The USEPA had issued guidance that allowed states, like New Jersey, to avoid the 185 fee program if compliance with the 8-hour ozone standard (85 ppb) was met in lieu of the 1-hour standard. However, on July 1, 2011, the U.S. Court of Appeals rejected the USEPA’s 185 Fee Guidance because it allowed violations of the old standard to continue. NJ currently attains the 1-hour standard. USEPA is considering how to react to the court decision and will provide further direction to the affected states.
7. **Transport Rule-CSAPR (Cross States Air Pollution Rule)** – On 7/6/11, EPA adopted a rule which caps emissions of sulfur dioxide and nitrogen oxide in each state starting in 2012, to address transport of air pollution across state lines. With some exceptions, most New Jersey power plants are within the EPA allocations for each plant.
8. **New Ozone NAAQS** – EPA is expected to adopt its long promised more stringent ozone NAAQS in late July or August. A limit of between 60 and 70 ppb is expected. The current limit is 75 ppb. The implementation rule, which will provide attainment deadlines, may be delayed until the end of 2011. (Postscript: EPA has postponed setting a new ozone NAAQS to 2014.)
9. **HEDD Rule Revision** – On September 9, 2011, NJDEP will hold a stakeholder session on draft revisions to the NO<sub>x</sub> rule, to provide partially controlled High Energy Demand Day (HEDD) electric generating units two more years to comply (2017 instead of 2015). (Postscript: Stakeholders meeting was postponed.)

10. **New Assistant Commissioner-August 1, 2011** – The new Assistant Commissioner of Environmental Management as of August 1, 2011 is Jane Kozinski. Jane currently works for the British Embassy as a Senior Policy Advisor on clean energy and climate issues. She was also a hydrologist for the US Geological Survey.

**Presentation of 2011 Annual Hearing Report**  
**“The Cumulative Health Impacts of Toxic Air Pollutants  
on Sensitive Subpopulations and the General Public”**

**Key Findings:**

Toby Hanna  
Robert Laumbach  
Michael Egenton  
Howard Geduldig

**Key Recommendations:**

**Implementation of a Cumulative Impacts Approach**

Sara Bluhm  
Toby Hanna  
Howard Geduldig

**Defining and Identifying Overburdened Communities**

Richard Opiekun

**Data Collection and Availability**

Michael Egenton

**Multi-Pollutant Exposure and Interactions between Chemical and Non-Chemical Stressors**

Dr. Robert Laumbach

**Community Outreach, Education, and Assistance**

Dr. Leonard Bielory

**NEW BUSINESS/OLD BUSINESS**

- The Committee discussed having a smaller subcommittee for public hearings
- Members reviewed the preliminary hearing report with in depth discussion.
- Pam Mount suggested, a vote be taken by the Council to have the public hearing moved from April to the month of March in order to finalize the annual hearing report by July’s meeting.
- Dr. Bielory made a motion, seconded by Toby Hanna to commend and thank Nicky Sheats for a job well done as Chairman of the Public Hearing Subcommittee as well as his work on the annual report.
- Dr. Bielory then made a motion, seconded by Richard Opiekun to recognize and thank Ann Arnold for her work as writer of the annual report.
- Joe Spatola and Michael Egenton were voted as the Nominating Committee for September’s election of chairperson and vice chairperson.

- Pam Mount and Ann Arnold were asked to write an article on the Clean Air Council. The article would be shared with Angelene Taccini, Director of Communications.
- The Chairman called for motion to adjourn the meeting. Ferdows Ali made the motion to adjourn, seconded by Manuel Fuentes-Cotto. The meeting was adjourned at 12:16 p.m.

### **ARTICLES OF INTEREST**

- News Articles
- Final NJDEP PSD Delegation, signed July 15, 2011
- Fed's Top Environmental Prosecutor Promises Stepped Up Enforcement in New Jersey Visit

### **NEXT MEETING**

September 14, 2011  
New Jersey Business & Industry Assoc.  
(NJBIA)  
102 W. State St.  
1<sup>st</sup> Floor Conference Room  
Trenton, NJ 08608