

**NEW JERSEY CLEAN AIR COUNCIL**

<p><b><u>Clean Air Council Members</u></b>          John Valeri Jr., Esq., Acting Chair          Allen Weston, Acting Vice-Chair          Leonard Bielory, M.D.          Robert Campbell          Maria Connolly, PP, AICP          Joseph Constance          Marc DeBlasio          Michael Egenton</p>	<p><b><u>Clean Air Council Members</u></b>          Toby Hanna, P.E.          Sandra Howland          Andrew McNally          Richard Opiekun, Ph.D.          Scott Ross          John Spinello          Robert Weber</p>
<p><b><u>Clean Air Council Liaison</u></b>          Heidi Jones, 609-777-0598  <a href="mailto:Heidi.Jones@dep.nj.gov">Heidi.Jones@dep.nj.gov</a></p>	<p><b><u>NJ Clean Air Council Website:</u></b>  <a href="http://www.state.nj.us/dep/cleanair">http://www.state.nj.us/dep/cleanair</a></p>

**New Jersey Clean Air Council Meeting Record**

1801 Absecon Blvd. (Route 30)  
 Meeting room at the Wastewater Treatment Facility/Wind Farm  
 Atlantic City, NJ

Wednesday, November 14, 2018

CALL TO ORDER	John Valeri opened the meeting.
COUNCIL MEMBERS PRESENT	All Council members were present with the changes noted below.
EXCUSED	Robert Campbell Joseph Constance Marc DeBlasio Sandra Howland
ABSENT	John Spinello
PUBLIC	Kimberly Scarborough, PSEG Chrissy Buteas, NJBIA Nikki Sandelier, NJBIA
NJ DEP Staff	Frank Steitz

## Meeting Record

- Michael Egenton made the motion to approve the September minutes as submitted; Richard Opiekun seconded the motion. Minutes were approved by a unanimous vote except for one abstention by Maria Connolly.
- Public hearing topics for 2019 was discussed; final decision will be made at December meeting.
- Leonard Bielory made a motion to adjourn; Richard Opiekun seconded the motion. Meeting was adjourned at 10:40am.
- Tour was given by Amy Cook-Menzel after the meeting was adjourned.

## Administrative Report

*Presented by Frank Steitz, Director, Air Quality*

1. **Volkswagen Draft Beneficiary Mitigation Plan** -- The Draft Beneficiary Mitigation Plan for the Volkswagen Mitigation Trust was released for public comment on October 5, 2018. Participation at the Department's various outreach sessions was as follows:

- 35 attendees on October 12, 2018 webinar;
- 25 attendees on the October 17, 2018 webinar;
- 20 attendees at the October 17, 2018 afternoon session in Trenton;
- 11 attendees at the October 22, 2018 afternoon session in Newark;
- 3 attendees at the October 22, 2018 evening session in Newark;
- 11 attendees at the October 30, 2018 afternoon session in Camden; and,
- 0 attendees at the evening session in Camden.

The comment period closed on November 7, 2018. In addition to the verbal testimony, DAQ received approximately 35 written comments, including 20 which came in on the last 2 days of the comment period.

2. **EPA Proposes Ozone State Implementation Plan Revision Approval** – On October 29, 2018, EPA proposed approval of New Jersey's source-specific revisions to its 8-hour ozone State Implementation Plan. Specifically, the source-specific revisions address the reasonably available control technology requirements for volatile organic compounds from external floating roof tanks at four facilities: Paulsboro Refining, Buckeye Port Reading Terminal, Buckeye Pennsauken Terminal, and Phillips 66 Company (Linden). The intended effect of these revisions is to allow these facilities to install domes on one-half of the external floating roof tanks that store the volatile organic compounds with vapor pressure three pounds per square inch absolute or greater. Comments on this proposal are due to EPA by November 28, 2018.
3. **Reclassification of Northern New Jersey Ozone Nonattainment Area** -- On November 7, 2018, EPA proposed to reclassify the New York-Northern New Jersey-Long Island ozone nonattainment area (New Jersey's shared northern multi-state nonattainment area) from moderate to serious nonattainment upon the final date of the reclassification notice (estimated January 2019), based on its failure to attain the 2018 ozone standard as shown by 2015 – 2017 ozone monitoring data. The proposed action gives the area until July 20, 2021 to achieve the standard. EPA further proposed that the state air agencies submit State Implementation Plan revisions required to satisfy the requirements for serious areas for the 2008 NAAQS 12 months after the effective date of the final reclassification notice (estimated January 2020). Any necessary rulemaking, including those needed for reasonably available control technology measures, to demonstrate compliance would have to be in effect no later than the start of the final full ozone season preceding the attainment date (estimated March 2020). EPA is seeking comment on the proposed deadline, as well as an extended deadline up to January 1, 2024, for implementing reasonably available control technology measures in newly reclassified Serious nonattainment areas for the 2008 ozone standard. DAQ staff is reviewing the proposal to determine whether to submit comments.

4. **State Efforts to Sue EPA on Interstate Transport** -- On October 5, 2018, the Environmental Protection Agency's final action denying Delaware and Maryland's 2016 petitions against upwind EGUs, based on Section 126(b) of the Clean Air Act, was published in the Federal Register. The petitions argued that transported emissions from upwind state sources were preventing Delaware and Maryland from attaining the 2015 8-hour ozone standard. EPA's denial determined that the federal Cross-State Air Pollution Rule will fully address the interstate pollution transport obligations of the 2008 ozone standard based on their most recent modeling which shows these states will attain the 2008 ozone standard by 2023, nullifying the need for full transport Federal Implementation Plans. Appeals of the Administrator's final decision must be filed within 60 days (approximately December 5, 2018). On or about October 15, 2018, Maryland filed its petition for review of the Administrator's final action, and Delaware filed its petition for review of the Administrator's final action on November 5, 2018.
5. **Port Authority Clean Air Strategy** -- The Port Authority of New York and New Jersey's 10-year Clean Air Strategy Plan to reduce emissions from goods movement expires in the fall of 2019, and work is underway to determine the shape of the next plan.
6. **Fumigation Web Meeting** -- On November 13, 2018, Air Director Frank Steitz led a web-based meeting with USEPA Regional Offices 1 - 4 and State Air Agencies in those regions to discuss Clean Air Act Requirements for fumigation operations and share New Jersey's experiences. All four EPA regions participated and the states on the call included: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, West Virginia, Maryland, North Carolina, South Carolina, Mississippi, Alabama. DEP Air Compliance and Enforcement Acting Director Chris Odgers and Chief of the Southern Regional Office Mary Toogood also participated. Specific topics covered included regulatory requirements and technical discussions on the calculation of potential air emissions and their impacts on local communities, permit applicability and Hazardous Air Pollutant requirements under the Clean Air Act. New Jersey emphasized the need for regulatory consistency between the EPA Regions and States. The States and EPA regions agreed on a follow up webinar in the first quarter of 2019. Topics of the next meeting will include recent advances in fumigation technologies including emission control equipment and alternate fumigation chemicals.
7. **Comments on EPA's Affordable Clean Energy Proposal Submitted** -- On August 31, 2018, EPA proposed the Affordable Clean Energy rule in the Federal Register. The proposal replaces the Clean Power Plan rule with carbon dioxide emission guidelines only for boilers serving electric generating units and creates New Source Review compliance exemptions for these sources. State comments were jointly signed by the Department, the Division of Law and the BPU and were submitted on October 31, 2018.
8. **Air Pre-application Meeting on Expansion of the Warren County District Landfill** -- On October 31, 2018, Division of Air Quality staff met with representatives from the Warren County District Landfill to discuss plans to modify the facility's Title V air operating permit to expand its landfill capacity. The Department's Division of Solid and Hazardous Waste approved this capacity expansion on July 3, 2018. Air staff will work with the facility to determine its air application requirements and provide timely permit approvals for construction and operation of the expanded landfill.
9. **Phoenix Energy Center Project Application** -- On October 23, 2018, DAQ's Bureau of Stationary Sources received an air preconstruction permit application for the Phoenix Energy Center project, a proposed 700-megawatt power plant at the site of a closed paper mill near Bloomsbury, New Jersey. The proposed facility would have one combined-cycle combustion turbine fueled exclusively with natural gas providing power to New Jersey and the PJM Interconnection. The project is subject to Federal Prevention of Significant Deterioration requirements for oxides of nitrogen, carbon monoxide, total suspended particles, particulate matter less than 10 micrograms and less than 2.5 micrograms, sulfuric acid and greenhouse

gases. It is also subject to New Jersey’s lowest achievable emission rate and emission offset requirements for oxides of nitrogen and volatile organic compounds.

10. **Updated Air General Permit** – On December 3, 2018, a Notice of Availability will be published in the New Jersey Register announcing an updated general air permit for non-hazardous air pollutant dry-cleaning equipment. This notice will also be posted on the Department’s air permitting website for facility use. The draft updated general permit was published in the May 7, 2018 New Jersey Register for public comment; relevant comments were incorporated where appropriate. The changes from proposal to final were limited to minor edits and clarifications.

**NEXT MEETING**

December 12	IBEW, Local 94, 219 Franklin St., Hightstown, NJ
-------------	--

**Tentative 2019 meeting dates & locations:**

January 9	ERM, 200 Princeton South Corporate Centre, Suite 160, Ewing
February 13	STEM building at Kean University, 1075 Morris Ave, Union, NJ 07083
March 13	NJ DEP, 401 East State Street, 6th Floor, Trenton
April 10	NJ DEP, 401 East State Street, 6th Floor, Trenton – PUBLIC HEARING
May 8	Raritan Valley Community College Atrium, 118 Lamington Rd, Branchburg, NJ 08876
June 12	NJ DEP, 401 East State Street, 6th Floor, Trenton
July 10	NJ DEP, 401 East State Street, 6th Floor, Trenton (present to Commissioner – tentative)
August 14	No meeting.
September 11	Chamber of Commerce, 216 W. State St., Trenton, NJ
October 9	NJ BIA, 10 Lafayette Street, Trenton, NJ
November 13	NJ DEP, 401 East State Street, 6th Floor, Trenton
December 11	IBEW, Local 94, 219 Franklin St., Hightstown, NJ