

NEW JERSEY CLEAN AIR COUNCIL

<u>Clean Air Council Members</u> John Valeri Jr., Esq., Chair Allen Weston, Vice-Chair Leonard Bielory, M.D. Robert Campbell Maria Connolly, PP, AICP Joseph Constance	<u>Clean Air Council Members</u> Michael Egenton Toby Hanna, P.E. Sandra Howland Andrew McNally Richard Opiekun, Ph.D. Scott Ross
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New Jersey Clean Air Council Meeting Record

Meeting via Microsoft Teams

Wednesday, August 26, 2020

CALL TO ORDER	John Valeri opened the meeting.
COUNCIL MEMBERS PRESENT	All Council members were present with the changes noted below.
EXCUSED	Leonard Bielory
PUBLIC	Kimberly Scarborough, PSEG Adam Neuman, IBEW
NJ DEP Staff	Peg Hanna Frank Steitz Heidi Jones

Meeting Record

- Public hearing was held Thursday, July 30, 2020. This meeting focused on developing the hearing report.
- The future Clean Air Council meetings will be held the third Wednesday of the month starting in January 2021. Additionally, starting in September 2020 and going forward, the council meetings will begin at 9:00am.
- Michael Egenton made a motion to adjourn; Richard Opiekun seconded the motion. Meeting was adjourned at 11:45am.

Administrative Report

Presented by Francis Steitz, Director of Air Quality

1. Additional NJPACT Stakeholder Meetings – After reviewing initial stakeholder input, the NJDEP is considering expanding the scope of its NJPACT rulemakings intended to reduce carbon dioxide (CO₂) emissions. Specifically, the Department is looking at several additional stationary source measures, as well as new mobile source initiatives. Air Quality will host three separate topic-driven stakeholder meetings as follows in September:
 - a. September 3, 2020 – GHG performance standards for EGUs and boilers, and carbon intensity standard for fuels
 - b. September 10, 2020 – CA’s advanced clean truck rule, medium-duty inspections and trucking contractor initiatives
 - c. September 16, 2020 - cargo handling equipment and shipsInterested stakeholders will receive invitations to these events and notice of these meetings as well as registration links will be posted on the Department’s NJPACT website.
2. New Jersey 2020 Ozone Exceedances – New Jersey air monitors have measured five days this summer exceeding the 8-hr ozone National Ambient Air Quality Standards (NAAQS) of 70 parts per billion (ppb).
 - Date of NJ Exceedance Station (s)
 - June 9 Rider University / Rutgers University
 - July 6 Leonia
 - July 21 Clarksboro
 - July 22 Leonia /Rider University
 - August 10 Leonia /Rider University

These exceedances are attributed to favorable weather conditions for ozone formation such as abundant sunshine and warm temperatures. Please note, these exceedances occurred while COVID-19 restrictions in New Jersey were in place, which have impacted transportation, business operations and energy use. As more data becomes available, the Department expects to have a better characterization of the conditions that influenced elevated ozone pollution levels in 2020. Last year at this time, NJ monitors had measured 12 days exceeding the 8-hr ozone NAAQS.

For more specific information on Ozone exceedances please visit

<https://www.nj.gov/dep/cleanairnj/airquality2020.html>

3. Multi-State Lawsuit Prevails over EPA - On July 28, 2020, New Jersey, along with New York, Delaware, Connecticut, Massachusetts, and the City of New York, won their case asserting that EPA failed to meet its Clean Air Act “Good Neighbor” obligations for the 2008 Ozone National Ambient Air Quality Standard. The “Good Neighbor” provision requires upwind states to address their transport of significant ozone pollution that prevents downwind states from attaining or maintaining the standard. EPA had deemed the upwind states had met their obligations based on a predicted 2023 modeling run that showed no additional upwind reductions were needed for downwind states to attain the

standard. The states successfully argued that the 2023 date set by EPA was too late and failed to address transport in time for them to meet their current attainment deadline of July 2021 (attainment deadline for the Northern NJ-NY-CT Serious nonattainment area). For this reason, among others, Judge Koeltl agreed with the states and held that EPA had to promulgate “fully compliant”

Federal Implementation Plans for the upwind states of Illinois, Indiana, Michigan, Ohio, Pennsylvania, Virginia, and West Virginia by March 15, 2021, in time for the 2021 ozone season. EPA had offered a protracted schedule that the court rejected.

4. CARB Adopts Advanced Clean Truck Regulations – On June 25, 2020, the California Air Resources Board (CARB) unanimously voted to adopt their proposed Advanced Clean Truck (ACT) regulation designed to accelerate the large-scale transition of zero-emission medium-and heavy-duty vehicles. The regulation has two components:
 - Requires medium- and heavy-duty vehicle manufacturers produce and sell zero-emission vehicles beginning with model year 2024, with incremental sales requirement increases through the model year 2035; and,
 - The one-time-only requirement that large businesses, government agencies, and other entities report information about their medium- and heavy-duty vehicle fleet to help CARB structure future regulatory strategies.
5. Risk Screening Worksheet Finalized –On June 29th Air Quality finalized and posted its revised Risk Screening Work Sheet (RSW) incorporating the most current air quality modeling procedures and toxicity factors on its Permitting Program’s website at www.nj.gov/dep/aqpp/risk.html. The RSW was issued for public comment from May 5 through June 10, 2019. Based on public comment, the sulfur dioxide (SO₂) toxicity Reference Concentration (RfC) was removed as its being reevaluated by the California Environmental Protection Agency (CalEPA). Once it's finalized by CalEPA, SO₂ RfC will be incorporated into a revised RSW and issued for public comment.
6. Keegan Landfill Title V Permit Application -- On June 29, 2020, the New Jersey Sports and Exposition Authority (NJSEA) submitted an initial Title V permit application for the Keegan Landfill in Kearney to comply with N.J.A.C. 7:27-22. The application consists of the same equipment and controls as the Preconstruction Permit application; specifically, a collection system, gas pre-treatment to remove hydrogen sulfide, an enclosed flare, and one emergency utility flare. Air Quality will continue to coordinate the review of the Keegan permits with Solid and Hazardous Waste Management and Air Enforcement.
7. Tennessee Gas Pipeline Title V Permit Application -- On June 30, 2020, Tennessee Gas Pipeline submitted a significant modification Title V application to install and operate new equipment at its Wantage Compressor Station in Sussex County to support additional truck loading of natural gas. The new equipment would include a natural gas-fired turbine, a natural gas-fired emergency generator, a natural gas-fired hot water boiler system, and a pipeline liquids tank with associated truck loading. Also, the application includes the removal of an existing natural gas-fired emergency generator. Air Quality is evaluating the application.
8. CA Low NO_x Rule -- On August 27, 2020, the CA’s Air Resources Board will hold a virtual hearing on, and is expected to approve, a regulation setting stricter oxides of nitrogen (NO_x) limits for new heavy-duty diesel engines designed to lower NO_x emissions by 90% relative to today’s diesel engines. This rulemaking is part of CA’s Advanced Clean Truck (ACT) rulemaking initiative, which NJ is considering as part of the expansion of its NJ PACT CO₂ Reduction Rules. Representatives from the Northeast States for Coordinated Air Use Management (NESCAUM), NJ, and MD will give support statements during the CA hearing.
9. EV-Ready Model Building Codes -- In December 2019, the International Energy Conservation Code (IECC) approved EV-ready building requirements as part of a model building code for state and local government adoption that establish minimum EV-ready parking space requirements for new

residential and commercial construction. State and local government adoption of these EV-ready requirements is an important driver for the Multi-State ZEV Task Force Action Plan and NJ's efforts to increase ZEV penetration. NESCAUM previously submitted comments in support of the codes and will again submit comments opposing a recent appeal from the National Home Builders Association and Leading Builders of America. Air Quality is coordinating with DCA to garner support as required by the Partnership to Plug-In MOU.

10. National ZEV Investment Plan -- Electrify America, the subsidiary formed by Volkswagen as part of the national consent decree, is launching Cycle 3 of its required national ZEV investment plan. On July 23, 2020, on behalf of the Multi-State ZEV Task Force, NESCAUM submitted recommendations (including NJ's input) that Electrify America concentrate its Cycle 3 investments in the ZEV states, including investing in DC fast charging along travel corridors, community charging hubs, and brand-neutral education. Electrify America has already installed at 5 fast-charging locations in NJ with 5 more under development.
11. Framework Agreements on Clean Cars -- On August 17, 2020, California announced voluntary agreements with six automakers (BMW, Rolls Royce, Ford, Honda, Volkswagen Group of America (VW/Audi/Porsche), and Volvo) committing to continued annual reductions of vehicle greenhouse gas emissions through the 2026 model year. States that had previously adopted California's cleaner vehicle standards, including NJ, notified each of the automakers by letters that they will also support the agreements. The 6 automakers also made additional and individual commitments to expedite the transition to zero-emission vehicles. These agreements, designed to further advance innovation and investment, are memorialized in a separate appendix for each company and promote the enhanced distribution of zero-emission vehicles. Under the framework agreements, gasoline- and diesel-fueled cars and light-duty trucks will get cleaner through 2026 at about the same rate as under the former Obama-era program which was recently replaced by the Safer Affordable Fuel Efficient (SAFE) rule in April 2020. These additional reduction benefits will prevent hundreds of millions of tons of greenhouse gas emissions over the lifetime of the agreements.

2020 MEETING DATES & LOCATIONS (tentative)

January 8	ERM, 200 Princeton South Corporate Centre, Suite 160, Ewing
February 12	STEM building at Kean University, 1075 Morris Ave, Union, NJ 07083
March 11	NJ DEP, 401 East State Street, 6 th Floor, Trenton
April 1 *	Public Hearing Postponed.
May 13	Microsoft Teams Meeting.
June 10	Microsoft Teams Meeting.
July 8	Microsoft Teams Meeting.
Thurs. July 30 **	PUBLIC HEARING – Microsoft Teams
August	No meeting.
September 9	Microsoft Teams Meeting.
October 14	Microsoft Teams Meeting.
November 18 **	Microsoft Teams Meeting.
December 9	Microsoft Teams Meeting.
* 1 st Wednesday	
** 4 th Thursday	