

NEW JERSEY CLEAN AIR COUNCIL

Clean Air Council Members

Michael Egenton, Chairman
James Blando, Ph.D., Vice Chairman
Ferdows Ali, Ph.D.
Jorge H. Berkowitz, Ph.D.
Leonard Bielory, M.D.
Joseph Constance
Elease Evans
Gene Feyl
Toby Hanna, P.E.
Marcelino Iglesias
Richard M. Lynch, Ph.D.
Raymond M. Manganelli, Ph.D.
John Maxwell

Draft Approved: 9/14/05

Clean Air Council Members

Joseph Spatola, Ph.D.
Kenneth Thoman
Junfeng (Jim) Zhang, Ph.D.
Irwin Zonis

Clean Air Council Liaison

Sonia Evans, CAC Liaison
Telephone 609-633-2007
Fax 609-984-6369

cac@dep.state.nj.us

CAC Web Site

<http://www.state.nj.us/dep/cleanair>

NJ CLEAN AIR COUNCIL MEETING RECORD

July 13, 2005, 9:30 a.m.

NJDEP

401 E. State St.

7th Fl. Large Conference Room

Trenton, NJ 08625

CALL TO ORDER: Michael Egenton opened the meeting.

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

EXCUSED: Ferdows Ali, Jorge Berkowitz, Marcelino Iglesias, Kenneth Thoman, Raymond Manganelli

SPEAKERS: Bill O'Sullivan, Director, Division of Air Quality; Commissioner Campbell, NJDEP; Dr. Eddy Bresnitz, Deputy Commissioner and State Epidemiologist, NJDHSS

VISITORS: Kelly Moretta, Schering-Plough Corp., Tony Russo, Chemical Council of NJ; Dan Cunningham, PSE&G; Dan Doggendorf, Continental Airlines; Larry Downs, Medical Society of NJ; Doug O'Malley, NJPIRG; Richard Lynch, Jr.; Anthony Lacey, Inside EPA (via telephone); NJDEP--Jeremee Johnson, Peg Hanna, Sam Wolfe, Chris Salmi, Sandy Krietzman, Karen Hershey, Alescia Teel

Meeting Record

Roll call was taken. Chairman called for motion to approve the June minutes. Irwin Zonis made the motion to approve the June minutes with edits. Dr. Bielory seconded the motion. The June minutes were approved with edits by a unanimous vote.

Administrative Report

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

- Air Workshop—Over 200 participated on June 29, at the War Memorial Building. The morning session consisted of overview of emission inventory, air monitoring, planning requirements and schedules relevant to the State Implementation Plans (SIPs) for 8-hour ozone, fine particulate matter and regional haze. Workgroup meetings were held in the afternoon. The categories were: homes and restaurants, diesel initiatives, gasoline cars and trucks, non-automobile gasoline engines, volatile organic compounds processes and consumer products, and stationary combustion. Recommendations are expected by September 30, 2005. For more information visit www.state.nj.us/dep/airworkgroups.
- Diesel Risk Reduction Legislation (Peg Hanna)—The intent of the bill is to reduce particulate matter from diesel powered mobile sources, primarily publicly owned vehicles. The program is dependent on funding which requires a constitutional amendment. **(See Attachment 4 - Summary of Diesel Risk Reduction Legislation)**
- New Source Review (NSR)—Mixed court decisions. The Duke Power decision points to pounds per hour as the trigger for applicability. New York vs. EPA upholds EPA's ton/year applicability based on actual emission changes with a 10-year look back. The Clean Unit Exemption and Pollution Control Project Exemption were vacated. No decision yet in the EPA rule that allows up to 20% of a source operation to be replaced at any time without requiring any upgrade of air pollution control.
- Mercury--In May, New Jersey, other states, one city and four public health groups petitioned EPA to reconsider its decision to delist electric utilities from a Clean Air Act provision that would have required the installation of stringent pollution controls for mercury on nearly all of the country's 1,300 coal and oil fired power plants. The Logan generating station passed the NJ mercury rule standard without adding upgrades. Tests of carbon injection at PSE&G showed promising results.
- Permit Backlogs—Ninety-one percent of initial operating permits completed. Backlog for minor facilities is about 40. The goal is zero backlogged permits for both Title V and Preconstruction permits.
- CAIR (Clean Air Interstate rule)—NJDEP supports NJ being in CAIR, EPA's emission trading program for NOx and SO2 emissions from electric generating units. NJ is working with the Ozone Transport Commission (OTC) on "CAIR-Plus" strategy to get more emission reduction in the OTC.
- Used Oil—In progress is a testing program to confirm that asphalt plants burning used oil demonstrate compliance with their Air Permit emission limits. Having a well-controlled source burning used oil avoids the past practice of burning the used oil in boilers without air pollution controls, including schools and apartment buildings.
- PSE&G Hudson—NJDEP approved conceptual design of PSE&G's air pollution control system for the coal-fired Unit 2 at the Hudson generating plant. The system would include a baghouse for better particulate control, a scrubber for sulfur dioxide control, and selective catalytic reduction (SCR) for better nitrogen oxide control.
- I/M (Inspection and Maintenance program)—NJDEP and the Motor Vehicle Commission held kick-off meeting with MACTEC, the selected contractor, on a project to provide "Evaluation, Consultation and Procurement Services" for the New Jersey Motor Vehicle Inspection System. The primary output due this fall will be an

interim report detailing the most viable options for the design of a new inspection program. Transition to a new generation of motor vehicle inspections is expected mid-2007.

- National Ambient Air Quality Standards (NAAQS)—EPA released a final staff paper reviewing the fine particulates. The recommendations include more stringent health-based standards for PM 2.5. PM10 would be a secondary PM standard to improve protection of visibility in urban areas.

PRESENTATION OF HEARING RECOMMENDATIONS

Dr. Bielory:

- Fellow members were thanked for their assistance with the hearing report. Efforts of report writer, Dr. Linda Bonanno, were acknowledged for preparing an excellent document.
- Reviewed recommendations and formally submitted the report to Commissioner Campbell and Dr. Bresnitz, respectfully requesting their feedback.

Commissioner Campbell:

- Report brings together policy domains rarely seen as a whole.
- DEP will continue to support the reduction of diesel emissions, which jeopardize the health and welfare of New Jersey's communities. Grateful that the report highlights the diesel legislation. Future measures may include retrofitting private fleets.
- Environmental justice is a significant concern of our society. Schoolchildren from low income and urban areas are disproportionately plagued by asthma, which contributes to increased visits to emergency departments and increased absenteeism from school. The adverse health effects caused by air pollution continue to be disproportionately higher in communities of color and low-income communities. These communities are often located in urban centers that experience higher levels of pollution because of proximity to traffic and smokestacks.
- The health benefits of air pollution control far outweigh costs.
- DEP supports the coupling of Public Health Alerts with Air Monitoring Advisories.
- DEP will continue to support energy conservation.
- Recent EPA staff recommendations for more stringent fine particulate ambient air quality standards point to the need for better control of diesels and power plants.
- NJDEP is active in identifying the next wave of protection and control efforts for upwind sources. 90% or better reduction of mercury emissions from power plants and incinerators is one example.
- NJDEP welcomes CAC's challenge to increase public awareness of air pollution and its public health consequences.

Dr. Bresnitz:

- Good morning.
- On behalf of the department of health and senior services, I would like to thank the council for their dedicated efforts to improve air quality in NJ and the public's health.
- Our department supports the recommendations outlined in the 2005 report to the Commissioner of DEP.
- As I outlined in my testimony to the council in April, DHSS has many programs and activities aimed at addressing several of the recommendations.

- In particular, the Department of Health and Senior Services is working reduce the impact of asthma by fostering the adoption of best practices in school and healthcare delivery settings.
- Reducing environmental triggers and educating asthmatics and their families about how to avoid these triggers are key elements of best practice approaches.
- Environmental triggers include both outdoor and indoor air pollutants, the most important from my perspective as a physician and epidemiologist, is tobacco smoke.
- We appreciate the council's support for legislation on a smoking ban for all public places and places of employment.
- With your advocacy and those of many others, and clear support from Commissioner Campbell and the DEP, I am hopeful that when the legislature comes back into session next fall, they will agree to pass legislation to protect workers and the public from being involuntarily exposed to the hundreds of harmful toxins contained in tobacco smoke.
- Implementation of this one recommendation would result in immediate health benefits to so many people, more so than any of the other recommendations, at no cost to anyone.
- Now that is a cost-effective health policy that we can all support.
- Safe food, clean water and clean air are the basic necessities to healthy lives.
- We know what needs to be done and now we need to do it. Thank you.

Dr. Bielory: (Closing)

- Air is a gift and we need to truly take this to heart (as well as lungs) as it affects everyone from our children to our elderly parents. The Clean Air Council clearly recognizes the need to increase our awareness to improve the air quality and thus the wellbeing of our citizens at the present time and leave a healthy legacy for generations to come.

Michael Egenton:

- Thanked Commissioner Campbell and Dr. Bresnitz for their feedback, indicating that the CAC will continue to outreach to improve air quality in NJ.
- Asked Commissioner Campbell and Dr. Bresnitz for suggestions for topics for 2006 Hearing. Commissioner Campbell will follow-up with suggestion.
- Thanked DEP for staff involvement with the CAC.

NOTE: Doug O'Malley, at John Maxwell's request, gave brief overview of NJPIRG's outreach activities. Distributing the 2005 Hearing Report as part of the organization's canvassing efforts was discussed.

NEW BUSINESS/OLD BUSINESS

- Chairman announced that Governor Codey appointed Hugh DeFazio, Esq. to fill the public vacancy on the CAC.
- Chairman appointed Irwin Zonis and Raymond Manganelli to serve as Nominating Committee for Election of Officers at September 14 meeting. Mr. Zonis accepted the appointment and also accepted on behalf of Dr. Manganelli.
- Chairman asked Sam Wolfe to inform CAC if Governor's Office schedules public signing of Diesel legislation.

- Chairman requested that the 2005 hearing report be sent to: Governor Codey, gubernatorial candidates Corzine and Forrester, list of legislators (to be provided).
- Chairman asked Bill O’Sullivan to clarify review process for projects submitted for use of mitigation funds (SEP).
- Review July Minutes.
- Election of Officers.
- Select and vote on 2006 Annual Hearing topic.
- Chairman called for motion to adjourn the meeting. Dr. Bielory made the motion, seconded by James Blando. The meeting was adjourned at 11:40.

ARTICLES OF INTEREST

- Press advisory that CAC will make its recommendations to DEP & DHSS on July 13. **(See Attachment 2)**
- Article by Gene Feyl **(See Attachment 3—Distributed at meeting by Michael Egenton)**
- New Clips

NEXT MEETING

September 14, 2005, 9:30 a.m., Cooper’s Ferry Development Association, 1 Port Center, 2 Riverside Dr, Suite 501, 11th Floor Board Room, Camden, NJ 08103