

**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 align="right"><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 align="right"><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**

Sewaren 7 Generating Station  
 751 Cliff Road, 3<sup>rd</sup> floor conference room  
 Sewaren, NJ 07077

Wednesday, October 10, 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<br>Maria Connolly<br>Joseph Constance<br>Marc DeBlasio<br>Sandra Howland |
| ABSENT                  | John Spinello  |
| REPRESENTED             | Michael Egenton by Kimberly Scarborough PSEG, representing NJ State Chamber of Commerce  |
| PUBLIC                  | Chris Whitehead, Trinity Consultants   |
| NJ DEP Staff            | Frank Steitz   |

## Meeting Record

- Richard Opiekun made the motion to approve the September minutes as submitted; Allen Weston seconded the motion. Minutes were approved a unanimous vote.
- Public hearing topics for 2019 were discussed; possible hearing topics are being circulated to members and should be decided upon at the November meeting.
- Leonard Bielory made a motion to adjourn; Richard Opiekun seconded the motion. Meeting was adjourned at 11:15am.

## Administrative Report

*Presented by Frank Steitz, Director, Air Quality*

### **1. New Jersey Draft Beneficiary Mitigation Plan Available**

New Jersey's draft Beneficiary Mitigation Plan for the Volkswagen settlement is now available for public comment.

Interested parties are invited to submit comments on the draft plan until November 7, 2018. Comments can be submitted via electronic form on website or attending of the following outreach sessions:

**Webinars.** Webinars will be held on October 12, 2018 at 10:00 a.m. and October 17, 2018 at 6:30 p.m.

To register, please use the following links:

October 12, 2018 at 10:00

a.m. <https://attendee.gotowebinar.com/register/5720473519971823619>

October 17, 2018 at 6:30 p.m. <https://attendee.gotowebinar.com/register/4380520689433819907>

**Public outreach sessions.** NJDEP will also hold outreach sessions as follows. To register, please send an email with the subject line "Registration" to [vwcomments@dep.nj.gov](mailto:vwcomments@dep.nj.gov) with your name and the date/time of the session you would like to attend.

1. October 17, 2018 from 2:00 p.m. - 4:00 p.m. at NJDEP Headquarters in Trenton, NJ.
2. October 22, 2018 from 2:00 p.m. - 4:00 p.m. at the North Jersey Transportation Planning Authority in Newark, NJ.
3. October 22, 2018 from 6:30 p.m. - 8:30 p.m. at the North Jersey Transportation Planning Authority in Newark, NJ.
4. October 30, 2018 from 2:00 p.m. – 4:00 p.m. at the Camden County Municipal Utilities Authority in Camden, NJ.
5. October 30, 2018 from 6:30 p.m. – 8:30 p.m. at the Camden County Municipal Utilities Authority in Camden, NJ

Copies of the draft plan and instructions on how to submit comments and attend an outreach session are available at <https://www.state.nj.us/dep/vw/bmp.html>

### **2. Inspection of sulfuryl fluoride fumigation facility**

On September 19, 2018, MAFCO, a minor air facility located at 300 Jefferson Ave. in Camden, was inspected by Department staff (permitting, enforcement and the pesticide programs) prior to the

commencement of a one-time fumigation event for foreign grain beetle in licorice roots. An inspection of the facility was carried out to ensure that the conditions of the permit requiring sealing of the building and restrictions on limited venting would be met. Stack heights for the warehouse were extended using non-rigid plastic tubing in order to meet the permitted 50-foot stack height requirement.

Upon completion of the fumigation event, MAFCO will submit a report to the Department detailing the amount of sulfur dioxide used. Any subsequent will require a new air permit.

### **3. EPA finalizes denial of 126(b) petitions filed by Delaware and Maryland**

In 2016, Delaware filed four petitions arguing that emissions from sources in Pennsylvania or West Virginia significantly contributed to DE's nonattainment of the 2015 8-hour ozone NAAQS. EPA denied Delaware's four petitions based on a finding that Delaware had not demonstrated that the named sources were in violation of the good neighbor provision of the CAA.

A 2016 petition filed by Maryland argued that a total of 36 EGUs in IN, KY, OH, PA, and WV were significantly contributing to ozone levels in Maryland that exceeded the 2008 8-hr ozone NAAQS. This petition was also denied.

EPA found that the emissions from the sources named in the petitions of Delaware and Maryland were not currently violating and were not expected to violate the good neighbor provisions of the CAA based on EPA's independent analysis. Further, the EPA found that the emissions from the sources were adequately addressed by CSAPR.

The Notice in the October 5, 2018 Federal Register is a final action by the EPA. Any appeal of the decision of the Administrator must be filed within 60 days.

### **4. Greenhouse Gas/Corporate Average Fuel Economy rulemaking**

On September 28, the California Air Resources Board held a hearing on its proposal to ensure that Model Year 2021 through 2025 passenger cars and light trucks continue to comply with the existing emission standards. CARB's proposal is in response to the US Environmental Protection Agency and the National Highway Traffic Safety Administration (NHTSA) issued a notice of proposed rulemaking that would freeze federal vehicle greenhouse gas (GHG) standards at 2020 levels through 2026.

CARB is amending its regulation to clarify that if EPA changes federal vehicle emission standards, automobile manufacturers that wish to sell cars in California after MY 2020 would be required to comply with California's standards. Because New Jersey and numerous other northeast states adopted CARB's standards, a weakening of that standard would have widespread implications. Written comments in support of CARB Amendments were submitted on September 24, 2018 and Deputy Commissioner Debbie Mans attended the hearing in Sacramento on September 28, 2018.

### **5. USEPA aftermarket catalytic converter policy**

USEPA announced that it will be updating its existing (1986) policy on aftermarket catalytic converters to reflect today's technology. This announcement comes after nearly ten years of pressure and negotiation by the Ozone Transport Commission (OTC) and OTC member states. OTC has been working with the states and trade associations over the years to develop a stronger, consistent standard akin to California's standard. USEPA has indicated that the policy will require aftermarket devices to have the same emissions control effectiveness as an original part and for as long of a period of time as the original part

USEPA's 1986 enforcement policy stated that USEPA would not consider a vehicle to be tampered if an aftermarket catalytic converter is installed that meets performance criteria listed within the policy. However, because technology has evolved, and the policy was not updated, aftermarket converters are being sold today that don't produce the environmental benefits that are technologically possible and environmentally necessary.

DAQ staff is reviewing a three page preview this week, and will participate in calls between EPA, OTC, and other stakeholders during November. EPA expects to finalize the policy by the end of the year. Preliminary analysis shows potential NOx benefits to the region are significant.

## **6. Developing comments for EPA's Affordable Clean Energy (ACE) proposal**

EPA's proposed Affordable Clean Energy (ACE) rule was published in the Federal Register on August 31, 2018. Comments are due on October 30, 2018. The primary purposes of the proposal are to replace the Clean Power Plant rule with CO2 Emission Guidelines for boiler serving electric generating units only (No Turbines) and create New Source Review exemptions.

Air Quality, Energy, & Sustainability staff is drafting an outline of issues in the proposal to share with the Deputy Attorney Generals' office and the BPU.

## **7. Miscellaneous**

- a. **PSE&G** filed a proposal on 9/27/18 for a \$4 billion package of energy programs that includes a \$261 million investment in electric vehicle infrastructure, with rebates for 37,000 Level 2 chargers at residences and incentives for 450 fast chargers along travel corridors. The filing also includes \$45 million to replace about 100 public school buses with electric buses, with preference for lower-income districts.
- b. **US Climate Alliance** announcements at Global Climate Action Summit:
  1. On Sept 13, released a Joint Statement on Leadership committing to taking the following new actions: protect and sequester carbon in our lands; reduce short lived climate pollutants, transform transportation; increase access to clean affordable energy; and implement improved appliance efficiency standards.
  2. Joined with Canada and Mexico to release a Joint Statement on North American Climate Leadership which included a commitment to cooperate on electric fleets, zero carbon power generation, short lived climate pollutants, carbon sequestration, coastal resilience, and market-based strategies for carbon.
  3. Announced the Short-Lived Climate Pollutant Challenge to Action Roadmap and Maryland Environment Secretary Ben Grumbles announced the state's intent to regulate HFCs.
  4. Released 2018 Annual Report with one-page fact sheets for each state. NJ's fact sheet highlights re-entry into RGGI, signing Multi-State Zero Emission Vehicle Memorandum of Understanding, BPU's energy efficiency program, the Executive Order on offshore wind, and coastal resilience efforts.

**NEXT MEETING**

November 14	Atlantic County Utilities Authority, 1801 Absecon Blvd. (Route 30), Atlantic City
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