

NEW JERSEY CLEAN AIR COUNCIL

Clean Air Council Members

James Blando, Ph.D., Chairman
Leonard Bielory, M.D., Vice Chairman
Ferdows Ali, Ph.D.
Jorge H. Berkowitz, Ph.D.
Joseph Constance
Michael Egenton
John Elston
Elease Evans
Manuel Fuentes-Cotto
Toby Hanna, P.E.
Richard M. Lynch, Ph.D.
John Maxwell
Pam Mount

Draft Approved: 6/13/07

Clean Air Council Members

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

Clean Air Council Liaison

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CAC Web Site

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

NJ CLEAN AIR COUNCIL MEETING RECORD

May 9, 2007, 9:30 a.m.
NJ State Chamber of Commerce
1st Floor Main Conference Room
216 West State Street
Trenton, NJ 08608

CALL TO ORDER: James Blando 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
ABSENT: Elease Evans, Richard Lynch
SPEAKER: Chris Salmi, Assistant Director, Air Quality Management

PUBLIC: Kelly Moretta, Schering-Plough Corp., Joann Held; Edward Kalinowski, AFL-CIO, Local 825

Meeting Record

Roll call was taken. Chairman called for motion to approve the March minutes and April Pre-Meeting minutes. Irwin Zonis made the motion to approve both minutes as submitted. John Maxwell seconded the motion. The minutes were approved by a unanimous vote.

Administrative Report

Presented by Chris Salmi, Assistant Director, Air Quality Management:

Recent US Supreme Court Actions:

- The USEPA has the authority to regulate greenhouse gases from new motor vehicles.

- In *Environmental Defense v. Duke Energy*, the Court ruled that the Prevention of Significant Deterioration (PSD) regulations define major modifications in terms of actual annual emissions, rather than hourly emissions. USEPA is continuing to propose rules to change its New Source Review (NSR) rules so an increase in hourly emissions will be a requirement for NSR to be triggered.
- The USEPA rule to exempt replacement projects of up to 20% of the capital cost of the process unit from NSR requirements was vacated last year by the D.C. Circuit Court of Appeals. In May, 2007, the US Supreme Court refused to review the decision of the Appeals Court.
- The USEPA petitioned for a rehearing of issues related to the vacating of the Phase I 8-hour Ozone Implementation Rule by the D.C. Circuit Court of Appeals for the District of Columbia. Three of the issues are:
 - The overturn of USEPA's rationale for certain classifications of nonattainment areas; the conclusion that 1-hour conformity applies to all federal activities, rather than simply retaining the 1-hour motor vehicle emissions budgets; and vacating the entire rule even though many provisions of the rule were not challenged or were upheld by the Court.
- The D.C. Circuit Court of Appeals for the District of Columbia vacated USEPA's 2003 National Emissions Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing and Clay Ceramic Kilns, stating that the USEPA set less restrictive standards than those required by the Clean Air Act.
- On March 29, 2007, the USEPA issued the final rule for fine particulate matter, or PM_{2.5}. This rule describes how states with nonattainment areas must evaluate PM_{2.5} precursors, reasonably available control technology (RACT), reasonable available control measures (RACM), reasonable further progress, new source review (NSR), transportation conformity, general conformity and regional haze in their State Implementation Plans (SIP) that must be submitted to USEPA by April 2008.
- The USEPA has published a proposal in the Federal Register to approve NJDEP's December 2005 submittal concerning Subchapter 19 control of nitrogen oxide.
- The USEPA published its proposed approval of New Jersey's Low Emission Vehicle Program (Clean Cars Program) SIP in the March 21, 2007 Federal Register. NJDEP sent comments supporting the Zero Emission Vehicle (ZEV) Program.
- NJDEP Rules under Development:
 - Lower sulfur content in No. 2 fuel oil.
 - Tighten standards for Diesel Inspection and Maintenance (I/M) program.
 - Control and prohibition of perchloroethylene (dry cleaners). (Discussion).
 - Portable fuel containers, adhesives and sealants (similar to California's)
 - Amend definition of volatile organic chemicals (VOC) for t-butyl acetate (TBAC) (Discussion).
 - Update RACT technology (future outlook)
 - Codified electric generating unit limits
 - Mandatory diesel retrofit rule
 - Federal Clean Air Interstate Rule (CAIR)
 - Commissioner Jackson signed the rule to remove exemptions to current idling standard for publication in the NJ Register in June
- The Department of Treasury issued a Request for Proposal (RFP) for emission control retrofit devices for diesel-powered vehicles and off-road equipment. The RFP is on Treasury's website at <http://www.state.nj.us/treasury/purchase/bid/summary/08x39424.shtml>.

Private entities wishing reimbursement from the Diesel Retrofit fund must bid and be listed as an approved vendor.

- On March 30, 2007, the last of 121 diesel garbage trucks were retrofitted with diesel oxidation catalysts, as part of the partnership among Conoco-Phillips, Waste Management, and Donaldson, Inc. This project was originally developed by the Conoco-Phillips Bayway Refinery as a permit condition in response to their expansion of refinery operations to accommodate the production of ultra-low-sulfur diesel fuel.
- The NJDEP Air Program appreciates that the Clean Air Council issued a resolution supporting Air Quality Awareness Week, April 30 – May 4.

State Implementation Plan (SIP) Update

Presented by Chris Salmi, Assistant Director, Air Quality Management:

Overview of Elements:

- Introduction and Background
- Conceptual model—ozone formation and transport
- Air Quality Trends
- Definition of the control measures
- Attainment demonstration for June 15, 2010, essentially, the 2009 ozone season. Based on photochemical air quality, simulates modeling with a consideration at transport.
- Reasonable further progress
- Reasonably Available Control Measures (RACM)
 - >advance attainment date one year
- Contingency measures
 - >reasonable further progress
 - >attainment
- Transport
- Conformity (Transportation and General)
- 1-hour Ozone successes
- New 8-hour ozone standard
- Summary of Commitments
- Conclusion

The 8-hour ozone attainment SIP is due by June 15, 2010. Attainment demonstration will show if attainment can be met in the summer of 2009. Simulation models consider meteorology, chemistry, and emissions, using meteorological data from 2002 with future emission data. The modeling results are used in a relative sense. The plausible demonstration of attainment will also include a consideration of transport not adequately captured and will discuss the uncertainties and methods to reduce the uncertainty of the demonstration. Failure to attain the standard by 2010 will cause the nonattainment areas to bump-up to serious from moderate and extend the attainment date to 2013.

Other SIPs under development include: Clean Air Interstate Rule (CAIR) which will be submitted shortly; the 8-hour ozone RACT will be submitted shortly; 8-hour ozone attainment demonstration due June 15, 2007; Regional Haze is due December 2007; Fine Particulate Matter (PM_{2.5}) in 2008, including PM_{2.5} RACT.

NEW BUSINESS/OLD BUSINESS

- Chairman made a motion to send a letter to the NJ Society of Engineers supporting Toby Hanna reappointment to the CAC representing the Society of Engineers. Jorge Berkowitz seconded the motion. The motion was carried unanimously. Chairman will send the letter.
- Members were invited to attend the New Jersey State Chamber of Commerce Annual Open House on June 21, 5:00 – 8:00 p.m.
- Chairman called for motion to adjourn the meeting. John Elston made the motion, seconded by John Maxwell. The meeting was adjourned at 12:24 p.m.

ARTICLES OF INTEREST

- News Clips

NEXT MEETING

June 13, 2007, 9:30 a.m., UMDNJ School of Public Health, Piscataway/New Brunswick Campus Administrative Office, 683 Hoes Lane West, 3rd Floor, Room 306, Piscataway, NJ 08854