

## NEW JERSEY CLEAN AIR COUNCIL

### Clean Air Council Members

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

### 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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### **NJ CLEAN AIR COUNCIL MEETING RECORD**

June 10, 2009, 9:30 a.m.  
IBEW, Local 94  
219 Franklin St.  
Hightstown, NJ 08520

CALL TO ORDER: Toby Hanna opened the meeting.

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

EXCUSED: Leonard Bielory, James Blando, Michael Egenton, Joyce Paul, Jim Zhang

SPEAKERS: John Preczewski, Assistant Director, Air Quality Permitting

VISITORS: Kelly Moretta, Schering-Plough Corp; Christine Schell, Jorge Reyes,  
Olivia Corkdale, NJDEP

### Meeting Record

Roll call was taken. Vice-Chairman called for motion to approve the May minutes. Irwin Zonis made the motion to approve May minutes as submitted. Ferdows Ali made the motion. The May minutes were approved by a unanimous vote.

### Administrative Report

*Presented by John Preczewski, Assistant Director, Air Quality Permitting:*

1. Reorganization—Air Permitting unit has undergone a reorganization. The Bureau of Preconstruction Permits (BPP), whose manager Lou Mikolajczyk is retiring July 1<sup>st</sup>, has been merged with the Bureau of Operating Permits forming the Bureau of Air Permits. Frank Steitz will manage the newly formed Bureau. Joel Leon and Michael Klein, currently section chiefs in the Bureau of Technical Services (BTS) will temporarily replace BTS manger John Jenks until the promotional freeze is lifted. (See **Attachment 2, Organizational Chart distributed at meeting.**)

2. Dry Cleaners—A general permit (GP) for dry cleaners utilizing non-perc solvents is to be proposed for comment by the Department this month. The GP specifically excludes use of the permit by cleaners located in residential buildings or buildings that house day-care or certain other activities. Such co-residential cleaners may still apply for a permit and the Department will provide a case by case review to assess whether health risks are not a factor precluding permit issuance.

3. Diesel Particulates—The Bureau of Technical Services is reviewing the basis for the diesel particulate risk factor it utilizes in determining risk for diesel engines.

4. RACT Rule—A meeting is being scheduled with Tony Russo of the Chemistry Council of New Jersey and a coalition of storage tank owners to discuss the implementation of New Jersey's latest RACT rules concerning tanks.

5. USEPA Audit—The Department has drafted a response to an USEPA audit of New Jersey's Title V Operating Permit program. While the audit found no major problems, it did specify a number of program changes USEPA Region 2 felt should be implemented. Considering the manpower shortages in the permitting units, New Jersey is appealing to USEPA Region 2 to refrain from commenting on minor program flaws that are manpower intensive to adjust and provide little or no additional environmental benefit.

6. Landfill Energy Recovery—USEPA has issued a decision in a specific case concerning common control at a landfill, that links the landfill to the associated gas-energy recovery facility through the Title V process. USEPA Region 2 has indicated that the decision, which took years of legal review by USEPA, should be applied presumptively to all landfill/energy recovery combinations in New Jersey. That decision may not serve the interests of achieving energy recovery at landfills and is under review. Council members thought it might be a good idea that municipalities be alerted to this issue.

7. Electric Generation—Two new electric generating facilities are planned for northern New Jersey. The Department is about to issue a public notice for eight 64-Megawatt (MW), State of the Art controlled, simple cycle turbines in Bayonne. The department has also met with a firm, represented in part by former Commissioner Brad Campbell, to hear a proposal for a 500 MW combined coal gasification/carbon sequestered facility in Linden. The sequestered CO<sub>2</sub> would be stored at the edge of the continental shelf, beneath deep ocean sediments.

8. Electronic Permits—Air is already issuing electronic permits in its Title V Operating Permit program. As of July 1<sup>st</sup> preconstruction permits will also be issued in electronic format, eliminating the need to produce paper copies for USEPA, Enforcement and facilities. These permits can now be posted on the web for public review or transmitted electronically for public requests of copies.

9. National Ambient Air Quality Standards (NAAQS)—The Department has learned that USEPA Administrator Lisa Jackson had reinstated reliance upon her staff and scientists for establishing NAAQS.

10. Inspection &/Maintenance (I/M)—Within the vehicle I/M program, there has been concern expressed by the Private Inspection Facilities (PIFs) about the costs associated with purchasing and maintaining equipment to provide both on-board diagnostic testing for vehicles built after 1995 and gas analysis for vehicles built before that date. The Department is exploring ways to address these concerns.

#### Discussion:

- John Maxwell raised the question of when the low sulfur in fuel rule will be finalized. John Preczewski advised him that he understood the rule to be slated for public comment this month. Mr. Maxwell asked if the compliance date for home heating oil

was known. Mr. Preczewski stated he was not personally aware of the compliance dates. Mr. Maxwell related that the refining industry needed at least four years after **adoption** to comply. Mr. Preczewski advised him to be sure to comment on the proposal.

- Mr. Maxwell also asked about the status of the petroleum refinery RACT rule. Mr. Preczewski indicated that the rule was not yet ready for proposal and that other priorities have for the moment halted progress on that rule.
- Irwin Zonis extracted the following from a Star Ledger article entitled “Comment period ends for electrical plant plan” (**See Attachment 3**). “The public debate will continue over plans by a Canadian company (Riverbank Power of Ontario) to build a \$2 billion electrical transfer plant in a Sparta quarry, although the official comment period ended Monday, a federal energy official said last week.... If built, the Riverbank Sparta Energy Center would create power during the day - when demand is at its peak and it’s most expensive - by sending water down a 2,000-foot cavern to feed electricity-producing turbines. The power would then be sold to a regional grid. During low-demand periods at night, the process is reversed and cheaper power is used to pump the water back up in a closed-loop, or recycling system, according to Riverbank. ...”

#### **NEW BUSINESS/OLD BUSINESS**

- 2009 Public Hearing discussion: The report was reviewed and edited. Olivia Corkdale volunteered to shorten the summaries of the presentation. Final report is due July 1.
- Members asked Sonia to explore options for presenting the hearing report to Commissioner Mauriello at an appropriate event.
- Members asked Sonia if the hearing report can be embargoed to the press 24 hours prior to July 8.
- Sonia will survey members about scheduling a fall meeting and tour at the new PSEG Energy in South Jersey.
- Vice-Chairman nominated Irwin Zonis, Joseph Spatola, and John Elston to serve as the Nominating Committee for Election of Officers at September 9 meeting. All three of the nominees accepted the assignment.
- After forty years of service to the CAC, Irwin Zonis announced his resignation effective July 1, 2009. If the governor does not appoint a replacement by the September 9 meeting, Irwin would serve until the close of the September 9.
- Vice-Chairman called for motion to adjourn the meeting. Irwin Zonis made the motion to adjourn, seconded by Ferdows Ali. The meeting was adjourned at 12:26 p.m.

#### **ARTICLES OF INTEREST**

- News Clips

#### **NEXT MEETING**

July 8, 2009, NJDEP, 401 E. State St., 5<sup>th</sup> Floor Large Conference Room, Trenton