

## 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  
George Currier, P.E.  
Elease Evans  
Gene Feyl  
Marcelino Iglesias  
Richard M. Lynch, Ph.D.  
Raymond M. Manganelli, Ph.D.  
John Maxwell

Approved: 11-10-04

### Clean Air Council Members

Stephen J. Papenberg  
Gilberto Soto  
Kenneth Thoman  
Irwin Zonis

### Clean Air Council Liaison

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CAC Web Site

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

DEP Public Participation Calendar 609-777-3373

## NJ CLEAN AIR COUNCIL MEETING RECORD

October 13, 2004, 9:30 a.m.

NJDEP

**501 E. State St.**

**5 Station Plaza**

3rd Fl. Large Conference Room

Trenton, NJ 08625 609-292-8206

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: Elease Evans, Gene Feyl, Marcelino Iglesias Raymond Manganelli, Irwin Zonis

NJDEP: Peg Hanna, Manager, DEP Diesel Risk Reduction Team; Ray Papalski and Tonalee Key, Bureau of Air Quality Planning

SPEAKERS: Bill O’Sullivan, Director, Division of Air Quality; Jim Marinucci, Director’s Office, Division of Air Quality; Christine Schell, Bureau of Air Quality Planning; Sandy Krietzman, Chief, Bureau of Air Quality Planning

PUBLIC: Kelly Moretta, Schering-Plough; Katie Watson, Watson Consulting; Tony Russo, Chemical Council of NJ; Hansel Asmar, Mercer County Health Department/CEHA

### Meeting Record

Roll call was taken. Chairman tabled review of September Minutes until November meeting.

### Administrative Report

*Presented by Bill O’Sullivan, Director, Division of Air Quality: (See Attachments 2,3,4)*

- Anti-Idling Campaign—DEP is urging school districts and school bus operators to voluntarily eliminate school bus idling while waiting to load and unload students.
- Carbon Dioxide--DEP proposed new rules that redefine carbon dioxide as an air

contaminant. The revision lays the groundwork for regional initiatives to reduce carbon dioxide.

- Prevention of Significant Deterioration (PSD) Increment Consumption--DEP air staff and the Mid-Atlantic Regional Air Management Association (MARAMA) are conducting a pilot to evaluate the air quality effects of major sources on the Brigantine Wilderness Area consistent with the Federal PSD rules. The initial results predicted exceedances of the Class I PSD sulfur dioxide increment and significant regional haze impacts. Additional modeling with better meteorological data, and updated emissions inventory and a more refined atmospheric chemistry algorithm will be done.
- Mid-Course Review--An informal public process will occur in November, prior to submitting the mid-course review for the 1-hour ozone standard due to the USEPA December 31, 2004. This will focus on NJ's commitments to reduce ozone to date.
- CO<sub>2</sub> from Cars--The California Air Resources Board approved legislation to amend the Low Emission Vehicle (LEV) Program to include CO<sub>2</sub> emissions' standards for passenger cars, SUVs and light-trucks sold in California beginning in model year 2009. NJ, as a California LEV State, would automatically include these provisions into its program beginning with model year 2010.
- General Permits--Three new Air General Permits (AGP) are available to the public as of October 4, 2004. The AGPs allow the following types of equipment to register online: storage and transfer of service station fuels using only Stage I vapor recovery, non-HAP dry-cleaning equipment, batch vapor cleaning machines or in-line vapor cleaning machines, using only Methylene chloride or 1,1,1, Trichloroethane solvents.
- Inspection/Maintenance (I/M)--New Jersey's Onboard Diagnostics (OBD), part of the I/M is performing better than other well established programs. This result is based on a comprehensive comparison of test data, which shows NJ's retest pass rate, an indicator of the effectiveness of the emissions-related repair, is higher than other states.
- Air Toxics Risk Assessment—The Air Program is expanding risk assessment from specific sources to entire facilities. After a number of case by case evaluations, standard operating procedures will be developed.

#### **Small Emitter General Air Permit (SEGAP)**

*Presented by Jim Marinucci, Director's Office, Division of Air Quality: (See Attachment 5)*

- SEGAP is a general permit for stationary sources that emit de minimis levels of air contaminants. De minimis is defined as emissions that are below reporting thresholds as defined in N.J.A.C. 7:27, Subchapter 8.
- DEP intends to make SEGAP available to facilities in both the preconstruction permit and Title V operating permit programs
- Sources eligible for SEGAP are manufacturing and materials handling equipment using at least 50 lbs. of raw material in one hour (excluding air, water, etc.) A separate general permit will be developed for non-VOC storage tanks.
- Types of potentially eligible equipment include: blenders, conveyors, extruders, mixers, and reactors
- SEGAP – Phase-In: Phase I—De minimis emissions before control; Phase II-- De minimis emissions after particulate control; Phase III—De minimis emissions after control.

- The Phase I Proposal was published in the October 4 New Jersey Register. The Comment period ends November 3.

### **PM2.5 Letter/Analysis**

*Presented by Christine Schell, Bureau of Air Quality Planning: (See Attachments 6,7)*

- In February of this year, New Jersey made recommendations for nonattainment areas associated with the annual PM<sub>2.5</sub> standard of 15 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ). All of New Jersey currently meets the 24-hour PM<sub>2.5</sub> standard of 65  $\mu\text{g}/\text{m}^3$  and as such, the entire State was recommended as attainment for that standard.
- With respect to the annual standard, New Jersey recommended a 10-county area in northern New Jersey. Two of those counties (Union and Hudson) have monitors that are currently exceeding, or have exceeded in the recent past, the annual standard. The State determined that the remaining 8 counties (Bergen, Essex, Mercer, Middlesex, Monmouth, Morris, Passaic and Somerset) are contributing to those violations, and therefore, in accordance with the Clean Air Act definition of a nonattainment, must be included within the nonattainment area.
- New Jersey made no recommendations for a nonattainment area in southern New Jersey but intends to implement all reasonable control measures Statewide. In June of this year, the USEPA responded to the State's nonattainment area recommendations. While they accepted the State's recommendation for a 10-county nonattainment area in the northern part of the State, they also felt that a 3-county area in southern New Jersey should be designated as nonattainment for the annual PM<sub>2.5</sub> standard because of its contributions to exceedances of that standard in Philadelphia. These three counties were Burlington, Camden and Gloucester counties.
- New Jersey has many concerns with the USEPA's contention that southern New Jersey contributes to violations of the annual PM<sub>2.5</sub> standard in Philadelphia. In addition to the fact that the USEPA relied, in part, on factors that it had not disclosed to the states or the public until after states have made their recommendations, the USEPA never announced or explained the priority in which they considered each of the factors used in making their determinations. Nor did the USEPA establish any tangible cutoff for most of the factors used in determining their proposed nonattainment boundaries.
- With respect to the factors that USEPA did rely on, the USEPA failed to establish clear relations between VMT and population, and the monitored PM<sub>2.5</sub> design values, making the use of those factors is questionable.
- In addition, the USEPA appears to have all but ignored meteorology in making its determination, a fact that is significant when determining where the pollution generated by southern New Jersey ultimately ends up.
- Finally, analyses show that the southern New Jersey counties have lower emissions than the other states in the proposed nonattainment area and that these emissions have a significant regional component (NO<sub>x</sub> and SO<sub>2</sub>). For the purposes of determining local nonattainment area boundaries, it is more reasonable to consider only the local component (directly emitted) of the PM<sub>2.5</sub> problem. The Department intends to post its documentation regarding the southern New Jersey counties on the web shortly. It will be located with the other PM<sub>2.5</sub> materials at <http://www.state.nj.us/dep/baqp/pmdesignations.html>.

## **State Implementation Plan (SIP)—Long and Short-term Milestones and Dates**

*Presented by Sandy Krietzman, Chief, Bureau of Air Quality Planning: (See Attachments 8,9)*

- A table developed by STAPPA/ALAPCO (State and Territorial Air Pollution Administrators Association of Local Air Pollution Control Officials) was distributed to discuss the EPA timeframes for the development of the PM<sub>2.5</sub>, Regional Haze and Ozone SIPs. Key dates were highlighted and discussed.
- The Department's Bureau of Air Quality Planning (BAQP) will be preparing the three SIPs. The BAQP plans to combine the PM<sub>2.5</sub> and Regional Haze SIPs because the precursors that need to be evaluated are nearly the same.
- In addition to the Ozone SIP (Rate of Progress and Reasonably Available Control Technology (ROP/RACT)) that is due in June 2006, the PM 2.5 ROP/RACT SIP is due in February 2007 (pending adoption of PM<sub>2.5</sub>, nonattainment designations), and the Regional Haze SIP is due three years after PM<sub>2.5</sub> nonattainment designation or approximately February 2008.
- The BAQP has been planning to complete the PM<sub>2.5</sub> SIP by June 2006, but is reconsidering this completion date. The Federal regulations allow more time for completion of this SIP, and the BAQP may need the extra time.
- A SIP Revision will also need to be prepared for the Clean Air Interstate Rule (CAIR) which is due approximately December 2006 (pending the adoption of CAIR).
- The Clean Air Council will be kept apprised of SIP progress.

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

- Chairman introduced new Vice-Chair, James Blando.
- Chairman encouraged active participation and attendance, noting that representatives are welcomed to attend when members are unable to be present.
- Invite Joann Held to future meeting to present on air toxics risk reduction.
- Invite Gerald Nicholls' staff to future meeting to present on DEP's TPCA.
- Invite Sandy Krietzman back to present on Mid-Course Review.
- Invite Jim Marinucci to future meeting to present updated report on SEGAP
- Chair requested that John Maxwell draft a letter to USEPA, with a copy to DEP Commissioner and Governor of NJ regarding PM 2.5. Mr. Maxwell agreed to draft the letter.
- Gilberto Soto asked CAC support of A-1483, idling at Port Authority of NY/NJ, when the legislation is before the Assembly Transportation Committee. The legislation is not yet scheduled to be heard in Committee.
- Chairman requested that Bill O'Sullivan provide suggested agenda items for November 10,2004 joint meeting of CAC and Clean Water Council.
- Invite staff from the Division of Water Quality to future meeting to present on MTBE.
- Steve Papenberg congratulated Jorge Berkowitz for being the 2004 recipient of the Frank J. Osborne Award for Meritorious Achievement in Public Health, the highest award given by the NJ Health Officers' Association. (see news clips)
- Dr. Bielory was acknowledged for his asthma report on 101.5 news radio.
- Chairman encouraged members to bring noteworthy efforts, achievements, awards, etc. of council members to the attention of the CAC.
- 2005 Annual Public Hearing Update:

The following topics were discussed as options for the hearing: Indoor Air Quality, CO2, Environmental Justice, and Health Care Costs associated with Air Pollution. The members favored “Public Health Costs of Air Pollution” as the topic for the hearing. Chairman called for a motion to approve the favored topic. Gilberto Soto made the motion, Richard Lynch seconded the motion. The CAC voted unanimously to use “Public Health Costs of Air Pollution “ as the topic of its 2005 Annual Public Hearing.

Dr. Bielory will co-chair the Hearing SubCommittee with Mayor Feyl. Steve Papenberg will serve on the Hearing SubCommittee.

- Chairman called for motion to adjourn the meeting. Leonard Bielory made the motion, seconded by Ali Ferdows. The meeting was adjourned at 12:12 p.m.

### **ARTICLES OF INTEREST**

- Items of Interest  
News Clips

### **NEXT MEETING**

November 10, 2004, 9:30 a.m., NJ Infrastructure Trust, 3131 Princeton Pike, Building 6, 2<sup>nd</sup> Floor, Suite 201, Lawrenceville, NJ 08648