

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: 3/9/05

Clean Air Council Members

Stephen J. Papenberg
Kenneth Thoman
Irwin Zonis

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CAC Web Site

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

NJ CLEAN AIR COUNCIL MEETING RECORD

February 9, 2005, 9:30 a.m.

IBEW, Local 94

219 Franklin St.

Hightstown, NJ 08520

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: Jorge Berkowitz, Joseph Constance, Marcelino Iglesias, Raymond Manganelli, Irwin Zonis

REPRESENTATIVE: Toby Hanna for Jorge Berkowitz and George Currier

ABSENT: Elease Evans

NJDEP/SPEAKERS: Bill O'Sullivan, Director, Division of Air Quality; Jeanne Herb, Assistant Commissioner for Policy, Planning & Science; Christopher Sherry, Research Scientist, Division of Science, Research & Technology

PUBLIC: Kelly Moretta, Schering-Plough Corp., Tony Russo, Chemical Council of NJ; James Hough, PSE&G; Josie DiRienzo, PSE&G, External Affairs

Meeting Record

Roll call was taken. January minutes were tabled until March meeting

Administrative Report

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

- Good feedback on legislative hearing. Dr. Bielory and Paul Lioy's testimony was helpful.
- DEP appreciates the CAC's letter to Governor Codey about PM 2.5.

- DAQ received a \$500,000 grant from EPA for Urban Community Air Toxic Monitoring in Paterson. The Division of Science, Research and Technology will head up the project for DEP, with air program input.
- Within the next few months, Joann Held will provide a presentation on the Camden Community Risk Assessment Report and recommendations. Feedback from the CAC will be appreciated.
- Joann Held received the prestigious S. Smith Griswold Outstanding Air Pollution Control Official Award from the Air and Waste Management Association. The award will be presented at the 98th Annual Conference & Exhibition in June 2005, at the Minneapolis Convention Center in Minneapolis, Minnesota.
- Camden exceeded the PM-10 ambient air quality standard. This is unusual and may be a localized problem. Further evaluation of the sample is ongoing.
- Mercury—Municipal solid waste incinerators (MSWI) tests in 2004 showed the lowest mercury emissions for the last ten years. There has been a 97% reduction since the early 1990's due to carbon injection resulting from compliance with the Mercury Rule. The Wildlife Federation recognized New Jersey with a "B" grade for overall mercury reduction efforts and an "A" for air pollution control rules.
- Motor Vehicle Inspection lanes are working well this winter, even in the very cold weather.
- NOx Rule Revision Status—Over 100 comments from 30 commentors are under evaluation. DEP will make appropriate changes to the rule and adopt in mid-2005. This is the last of the Ozone Transport (OTC) developed rules.

Carbon Dioxide Initiatives

Presented by Jeanne Herb, Assistant Commissioner for Policy, Planning & Science:

- The DEP is proposing to classify carbon dioxide (CO₂) as an air contaminant. The proposal includes two main components. First, the proposal would remove carbon dioxide from the list of chemical species defined as "distillates of air" at multiple subchapters of N.J.A.C. 7:27, thereby classifying CO₂ as an air contaminant. Second, the proposal also includes a formal determination and justification by the DEP that regulating CO₂ is in the best interest of human health, welfare, and the environment.
- The intent of the proposal is to allow DEP to move forward with the consideration of a model rule produced through the Regional Greenhouse Gas Initiative (RGGI). It is expected that a RGGI model rule will be agreed to sometime during spring 2005.
- RGGI was initiated in April 2003, when Governor Pataki of New York asked the 10 other states in the Northeast and Mid-Atlantic to participate in the development of a regional cap-and-trade program addressing CO₂ emissions from power plants. Eight states decided to join the effort. Currently, the initiative includes the New England states and New Jersey, New York, and Delaware. Pennsylvania, Maryland, and D.C. are participating as observers.
- There has been some anxiety about the intent behind the proposal, so a couple of key issues should be clarified. The intent of the proposal is not to expand the universe of regulated sources based solely on CO₂ emissions, and the DEP is not considering issuing emission fees for CO₂. The issue has also been raised that the proposal, as drafted, would trigger permitting and SOTA requirements for small sources and Title V facilities. The DEP is reviewing comments on the proposal and working to address these concerns. After a review by staff, it is believed that these issues can be dealt with through minor changes on adoption.

Carbon Dioxide Rule

Presented by Christopher Sherry, Research Scientist, Division of Science, Research & Technology: (See Attachment 2—distributed at meeting)

NEW BUSINESS/OLD BUSINESS

- Chairman announced that George Currier has stepped down as a member of the CAC. Toby Hanna will be the interim representative for the NJ Society of Professional Engineers until the Governor's Office appoints a member.
- Michael Egenton and James Blando attended the February 7 Senate Environment Committee meeting. Dr. Bielory testified on societal and health implications of fine particulate matter. (See Attachment 3)
- Invite Joann Held to a meeting within the next few months to provide overview of the Camden Community Risk Assessment Report and recommendations.
- Michael Egenton will invite Bill O'Sullivan to attend a meeting with the New Jersey Business and Industry Association (NJBIA) when the organization revisits its discussion of the NJBIA's International Division trade mission to China.
- Dr. Bielory was invited to give the CAC (and public) an update on health effects of fine particulate matter.
- Invite Jeanne Herb and Chris Sherry to May meeting. Jeanne will extend an invitation to Lance Miller, Chief of Staff, Board of Public Utilities (BPU) and Nusha Wyner, Director, Division of Energy, BPU to attend the May meeting.
- Michael Egenton and Richard Lynch will track movement of the S-1992, Toxic Mold Commission Bill.
- Invite a toxic mold expert to a future meeting.
- Annual Public Hearing Update –continue to submit information for speakers to Sonia Evans. The members agreed to invite an EPA representative to speak on the National Ambient Air Quality Standards. Members were reminded to block the entire day for the hearing.
- Chairman called for a motion to adjourn the meeting. James Blando made the motion, seconded by Ferdows Ali. The meeting was adjourned at 12:07 p.m.

ARTICLES OF INTEREST

- Copy of Dr. Bielory's slides (See Attachment 3)
- New Clips

NEXT MEETING

March 9, 2005, 9:30 a.m., Schering-Plough, Summit Site, 2nd Floor Conference Room S-12-2A, 556 Morris Avenue, Summit, New Jersey 07901, (908) 473-7947