

## 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  
Richard M. Lynch, Ph.D.  
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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Draft Approved: 1/14/09

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

November 12, 2008, 9:30 a.m.

Atlantic County Utilities Authority (ACUA)  
1801 Absecon Boulevard  
Control Room, 1<sup>st</sup> Floor  
Atlantic City, NJ

CALL TO ORDER: Dr. Bielory 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, Richard Lynch, Joyce Paul, Ken Thoman, Jim Zhang

SPEAKERS: Bill O’Sullivan, Director, Division of Air Quality; Christopher Harris,  
Director of Wastewater Operations, ACUA

PUBLIC: Kelly Moretta, Schering-Plough Corp.; Dan Cunningham, PSE&G

### **Meeting Record**

Roll call was taken. Chairman called for motion to approve the October minutes. Irwin Zonis made the motion to approve October minutes with edits. John Maxwell seconded the motion. The October minutes were approved by a unanimous vote.

### **Administrative Report**

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

1. Consumer Products, et al Rules—On October 30, 2008, the NJDEP adopted rules that:
  - a. Add emission limits for a number of new consumer product categories, impose a more restrictive limit for other categories.
  - b. Expand the prohibition of certain toxics to other automotive and consumer product categories.
  - c. Require that portable fuel containers (gas cans) comply with new specifications.
  - d. Regulate VOCs from adhesives and sealants.

- e. Amend definition of VOCs to incorporate by reference the definition of that term by the USEPA.
  - f. Amend definition of VOC to exempt TBAC, a marginally reactive VOC, from all but emission reporting requirements.
  - g. require the reporting of TBAC (ter-butyl acetate) emissions.
2. CAIR/NOx Budget Program Rule—Proposal would repeal the expiration of the NOx Budget Program. The Clean Air Interstate Rules (CAIR) was to replace the NOx Budget Program on January 1, 2009. The Federal CAIR program, as established in the Federal rules, was vacated by the U.S. Court of Appeals. Accordingly, the Department proposes to repeal the December 31, 2008 expiration of the NOx Budget Program, in order that the NOx Budget Program remains applicable during the 2009 ozone season, which begins on May 1, 2009.
  3. CO<sub>2</sub> Budget Trading Program Rule—New proposed rules and amendments would establish the New Jersey CO<sub>2</sub> Budget Trading Program, New Jersey's component of a broader regional cap-and-trade program (RGGI) to reduce carbon dioxide (CO<sub>2</sub>) emissions from large fossil fuel-fired electric generating units in the region. This regional effort will be comprised of consistent companion rules in nine other states, all of which are based on a Model Rule. This adoption was published in the New Jersey Register on November 17, 2008.
  4. Green House Gas (GHG) Inventory Rule—Proposal is expected in December to require additional reporting of GHG emissions in 2009, focusing on reporting at the fuel distribution level.
  5. Global Warming Solutions Fund Guidelines and Priority Ranking System—Proposal expected in December of January.
  6. RACT Plus Rule—Covers 14 source categories of NOx and VOC. The comment period closed October 3. Adoption is expected early next year.
  7. Air Monitoring Stations—The Air Monitoring Program data transmission system has been converted from leased lines to wireless data transmission. As a result of this changeover, the NJDEP has discontinued leasing seven dedicated phone circuits with a savings of over \$150,000/year.
  8. Lead National Ambient Air Quality Standard (NAAQS)—On October 15, 2008, the USEPA announced that it will lower the NAAQS for lead to 0.15 micrograms per cubic meter (ug/m<sup>3</sup>). The new standard is 10 times lower than the previous standard of 1.5 ug/m<sup>3</sup>. While New Jersey has no lead monitoring at this time, past monitoring indicated compliance with the new NAAQS. NJ does need to address federal monitoring requirements.
  9. Regional Haze State Implementation Plans (SIPs)—The public hearing on the proposed New Jersey Regional Haze SIP was held on October 27. The comment period closed on November 28. The SIP will be ready to submit by early January. The Department worked with the other states and tribes in the region, through the MANE-VU effort (MidAtlantic Northeast - Visibility Union) to develop the plan. New Jersey is home to one of the federally protected visibility areas, the Brigantine Wilderness area.
  10. CAIR—On October 23, 2008, the D.C. Circuit Court requested petitioners to file briefs asking if the annulment of the CAIR should be stayed. The New Jersey Attorney General's office joined in filing an amicus brief supporting a stay. The CAIR established a cap and trade program to reduce the emissions of oxides of nitrogen (NO<sub>x</sub>) and sulfur dioxide (SO<sub>2</sub>) from electric generating units (EGUs). The State's 8-hour Ozone, Annual PM<sub>2.5</sub> and Regional Haze SIPs incorporate the benefits provided by the CAIR. Without

these emission reductions from the upwind electric generating units either through the CAIR or some other mechanism, these plans will not achieve their clean air and health benefit objectives.

11. Infrastructure SIPs—On October 22, 2008, the USEPA published a finding concerning whether or not each state has submitted a complete SIP that provides the basic program elements of the Clean Air Act (CAA) for fine particulates. In the Federal Register, the USEPA has identified New Jersey's SIP submittal as not addressing PSD (prevention of significant deterioration) permit program, (New Jersey has an USEPA delegated PSD program) and contingency plans for air pollution emergencies (USEPA has not adopted an emergency action level). There are no sanctions associated with these findings. NJDEP continues to address these issues with USEPA.

12. Mercury—New England States and New York have petitioned USEPA regarding mercury under the Clean Water Act identifying states outside New England which contribute to poor mercury water quality. The states identified include: Pennsylvania, New Jersey, Maryland, Ohio, Michigan, Indiana, Kentucky, and Virginia. New Jersey plans to showcase its mercury control programs at the future Conference of States that will result from this petition.

13. LS Power Combined Cycle Facility—On November 3, 2008 LS Power Development submitted a revised revised their March 17, 2008 application for a combined Federal PSD Permit and Operating Permit for West Deptford Energy Station (WDES) on November 3, 2008. The revised application is proposes to install two dual fuel fired combined cycle combustion turbines with Heat Recovery Steam Generator (HRSG) and steam turbine generators, instead of four as originally requested in their initial application, reducing submitted on March 17, 2008. The facility has reduced the electric generating capacity from 1500 MW to 750 MW. The facility is has also proposed taking restrictions on the hours of operation of the two turbines when burning natural gas and fuel oil, to limit fine particulate emissions to about 97 tons per year (TPY). Companies are having a difficult time finding offsets of fine particulates for new and modified EGU's. Limiting the size of new facilities, as is being done here, or shutting down old existing units for collocated new units, are two ways of addressing the offset requirement.

14. New Source Review—In part because a federal court recently overturned CAIR, two Senate Democrats are asking EPA not to issue a permit rule that would avoid emissions controls on power plants when they are rebuilt. (In December, USEPA decided to drop its attempts to undermine the NSR regulations.)

15. Outdoor Wood Boilers—Smoke has been subject of citizen complaints. Air enforcement is citing smoking units for violation of air rules which do not allow visible smoke, except for 3 minutes out of 30 minutes.

### **Innovative Energy Options**

*Presented by Christopher Harris, Director of Wastewater Operations, ACUA:*

#### **Current Projects:**

- Mission; 7.5 megawatt wind farm (5 turbines installed and operated by private investment, which pays ACUA in a rental fee, and delivers power—currently 55% of total generation—to ACUA at a rate favorable to ACUA, and sells the balance to the Grid.)
- 500 kilowatt solar generation facility
- 5.4 megawatt landfill gas to electric facility (CAC asked what percent of captured landfill gas is turned into electricity?)
- Biodiesel- B5 blend powers the ACUA diesel fleet

- Hybrid vehicles
- Geothermal heating and cooling
- Energy conservation
- Energy curtailment
- Joining the Chicago Climate Exchange

Future Projects:

- Offshore wind potential
- Plug in hybrids
- All electric vehicles
- Vehicle to grid concept
- Hydrogen Vehicles
- Compressed Natural Gas Vehicles
- Hydrogen transportation
- Solar communities
- Conservation credits
- Sustainable communities

Council members were given a tour of the control room, and a close-up inspection of one of the 260-foot high wind-turbine towers.

**NEW BUSINESS/OLD BUSINESS**

- Hearing brochure edited. Review to be completed at December 10 meeting.
- Schedule presentation on Liberty Corridor.
- Possible future meeting at Anheuser-Bush; J&J site visit.
- November 21 Air & Waste Management meeting in New Brunswick on NJ Energy Master Plan.
- January 14 meeting will begin at 11:30 a.m.
- Chairman called for motion to adjourn the meeting. John Maxwell made the motion to adjourn, seconded by Michael Egenton. The meeting was adjourned at 12:20 p.m.

**ARTICLES OF INTEREST**

- News Clips

**NEXT MEETING**

December 10, 2008, 9:30 a.m., PJM Interconnection, Service Center Conference Room, 975 Jefferson Avenue, Valley Forge Corporate Center, Norristown, PA