

NEW JERSEY CLEAN AIR COUNCIL

<u>Clean Air Council Members</u> John Valeri Jr., Esq., Chair Allen Weston, Vice-Chair Leonard Bielory, M.D. Robert Campbell Maria Connolly, PP, AICP Joseph Constance	<u>Clean Air Council Members</u> Michael Egenton Toby Hanna, P.E. Sandra Howland Andrew McNally Richard Opiekun, Ph.D. Scott Ross
<u>Clean Air Council Liaison</u> Heidi Jones, 609-777-0598 Heidi.Jones@dep.nj.gov	<u>NJ Clean Air Council Website:</u> http://www.state.nj.us/dep/cleanair

New Jersey Clean Air Council Meeting Record

Meeting via Microsoft Teams

Wednesday, May 13, 2020

CALL TO ORDER	John Valeri opened the meeting.
COUNCIL MEMBERS PRESENT	All Council members were present with the changes noted below.
EXCUSED	Robert Campbell Andrew McNally Joseph Constance
PUBLIC	Kimberly Scarborough, PSEG
NJ DEP Staff	Peg Hanna Luis Lim Frank Steitz Heidi Jones Christine Schell Susan Vitucci

Meeting Record

- Richard Opiekun made the motion to approve the March minutes as submitted; Allen Weston seconded the motion. Minutes were approved with a unanimous vote.
- Public hearing postponed to Thursday, July 30, 2020. More information to come.
- Presentations given by Peg Hanna, Luis Lim, and Susan Vitucci. Information will be posted on the Clean Air Council website when available.
- Leonard Bielory made a motion to adjourn; Allen Weston seconded the motion. Meeting was adjourned at 11:35am.

Administrative Report

Presented by Francis Steitz, Director of Air Quality

1. Final Regional Haze State Implementation Plan (SIP) Submittal -- On March 26, 2020, New Jersey submitted its final SIP revision for Regional Haze to the USEPA for review and approval. The purpose of the SIP revision is to protect and improve visibility levels at the Brigantine Wilderness Area of the Edwin B. Forsythe National Wildlife Refuge, a federally designated Class I area. This SIP revision establishes the reasonable progress goal for the second planning period (2018 – 2028) for the Brigantine Wilderness Area. The reasonable progress goal (RPG) is established to determine progress towards attaining natural background visibility levels at Brigantine by the year 2064. New Jersey is on target with meeting the second planning period RPG set for 2028. The SIP revision also identifies the states that contribute to visibility impairment at Brigantine Wilderness Area and identifies control measures, or “Asks”, deemed necessary to reduce anthropogenic emissions and improve visibility. New Jersey coordinated with the Mid-Atlantic Northeast Visibility Union (MANE-VU) to develop the “Asks,” which are considered reasonable since most are already met by the states in the MANE-VU region. All the Asks have been implemented in New Jersey.
2. Fuel Economy Rollback -- On March 31, 2020, the National Highway Traffic and Safety Administration adopted rule amendments that rollback the 2021 through 2026 fuel economy standards, resulting in improvements of only 1.5% per year instead of the 5% per year expected on the previous rule. This reduction in improvements is expected to result in lost benefits of approximately 6.5 million metric tons (MMT) of carbon dioxide equivalent (CO₂e) in NJ by 2050, making it more difficult for the State to meet its Global Warming Response Act goal of 24.1 MMT CO₂e by 2050. This adoption follows actions by USEPA and the Transportation Department last fall to prevent California from setting stricter emissions limits than the federal government. That regulation is already subject to challenges in the courts.
3. Updated General Permit for Temporary Equipment Use – On April 6, 2020, a notification will appear in the New Jersey Register announcing the availability of a new general permit, GP-019A. This general permit was proposed in the September 16, 2019 issue of the NJ Register and Division of Air Quality received no comments. The GP-019A changes are consistent with the 2018 revisions to New Jersey’s Air Rules. This new general permit, now available on the Division of Air Quality’s website, is only valid for one year and cannot be renewed.
4. Discontinuation of Two General Permits/General Operating Permits – On April 6, 2020, a Notice of Administrative Change, including justification, will appear in the New Jersey Register announcing the discontinuation of the following general permits/general operating permits: GP-021/GOP-005 for Combined Heat and Power (CHP) Combustion Turbine(s) and GP-022/GOP-006 for CHP Spark Ignition Reciprocating Engine(s). While these general permits will no longer be approved or renewed after April

6, 2020, they could continue to be available through the Division of Air Quality's online Regulatory Service Portal until DOIT can delete them from the list of sources at N.J.A.C. 7:27-8.8(c) and N.J.A.C. 7:27-22.14(c). Current permit holders may continue to operate the source(s) under these general permits until either they submit a replacement or modification request for the source(s) covered by these general permits, or their current general permit expires. Before the occurrence of either of these events, the permit holder must apply for a standard Pre-Construction Permit (PCP) to continue operating covered source(s).

5. Annual State of the Air Report -- On April 21, 2020, the American Lung Association released its annual State of the Air Report based on 2016-2018 quality-assured air monitoring data. Overall, New Jersey's ratings improved from last year's report, with most counties receiving A ratings for fine particulate matter (PM_{2.5}), and 12 counties listed as "cleanest counties for the 24-hour PM_{2.5} standard because there were no days that reached the unhealthful range. For ozone, one fewer New Jersey county received an F rating than last year (9 instead of 10), although the report makes clear the State continues to struggle to attain the 70 part per billion ozone health standard. Climate and clean energy mitigation efforts and investments to electrify the transportation sector, which accounts for most New Jersey's oxides of nitrogen emissions (an ozone precursor), will also continue to improve New Jersey's air quality. The NJDEP will also launch a pilot Air Quality Flag Program this summer to educate students and other residents on air quality in their communities.
6. First Virtual Public Air Permit Hearing -- On April 22, 2020, Division of Air Quality held its first ever virtual public hearing on a draft permit to allow the Delaware River Partners' Gibbstown facility to add liquid petroleum gas (LPG) (butane and/or propane) marine loading operations to its existing permitted on-site LPG storage. Twelve individuals participated in the virtual hearing, with 4 providing oral testimony. In addition to technical comments, participants requested:
 - Either a 30-day extension to the comment period or for the hearing and comment period to be delayed until after COVID was resolved;
 - Response to OPRA request that was incorrectly submitted referencing a different facility name; and
 - A live hearing, since virtual technologies can limit low-income attendee access.
7. Federal Vehicle Emissions Defeat Device Resolution -- On April 30, 2020, the USEPA announced its resolution of 3 cases brought against companies and individuals who manufactured and sold hardware and software specifically designed to defeat required emissions controls on vehicles. Settlement penalties total over \$11 million. The resolution is part of a National compliance initiative announced by USEPA in June 2019 entitled *Stopping Aftermarket Defeat Devices for Vehicles and Engines* <https://www.epa.gov/enforcement/national-compliance-initiative-stopping-aftermarket-defeat-devices-vehicles-and-engines>.
8. Outer Continental Shelf -- A rule to incorporate by reference the relevant provisions of 40 CFR Part 55 in New Jersey's Administrative Code, which allows New Jersey to seek delegation of the authority to issue and enforce air permits on the outer continental shelf. The rule adoption was published in the May 4, 2020, New Jersey Register.
9. Hand Sanitizer Manufacturing Permit -- On May 5, 2020, Division of Air Quality expedited a permit approval to BASF to produce hand sanitizer in response to the COVID-19 pandemic. The permit complies with all State and Federal requirements and did not require a risk assessment since there were no hazardous air pollutants reported in the permit application.

10. Administrative Order Extending Permit Comment Periods – On May 8, 2020, Commissioner McCabe signed Administrative Order No 2020-06 extending time periods provided by the applicable regulations. Comment periods for Air Quality Permits are extended as follows:
- The time to provide public comment on applications for preconstruction permits under the Air Pollution Control Rules identified in N.J.A.C. 7:27-8.10(a)1 through 3, which does not otherwise define a minimum comment period, shall be sixty (60) days.
 - The time to provide public comment on draft operating permits under the Air Pollution Control Rules at N.J.A.C. 7:27-22.11 shall be extended from thirty (30) days to sixty (60) days.
 - The extensions set forth in the AO shall not apply to any application where the public comment period was expired as of May 8, 2020.
 - Notwithstanding the provisions of the AO, the Department may determine not to extend the time to provide public comment where an earlier decision is necessary:
 - To satisfy its obligations of state implementation of a Federal program pursuant to Federal law; or
 - For the protection of public health, safety and the environment or otherwise related to the Federal or State response to the COVID-19 pandemic.
 - Nothing in the AO is intended to limit in any way the Department's authority to, on a case-by-case basis, further extend time to provide public comment in a manner consistent with the applicable Department rules.

A copy of the AO 2020-06 maybe found at <https://www.nj.gov/dep/covid19regulatorycompliance/docs/ao2020-06.pdf>

2020 MEETING DATES & LOCATIONS (tentative)

January 8	ERM, 200 Princeton South Corporate Centre, Suite 160, Ewing
February 12	STEM building at Kean University, 1075 Morris Ave, Union, NJ 07083
March 11	NJ DEP, 401 East State Street, 6 th Floor, Trenton
April 1 *	Public Hearing Postponed.
May 13	Microsoft Teams Meeting.
June 10	Microsoft Teams Meeting.
July 8	Microsoft Teams Meeting.
Thurs. July 30 **	PUBLIC HEARING – 401 East State Street and/or via MS Teams
August	No meeting.
September 9	NJ DEP, 401 East State Street, 2 nd Floor, Trenton
October 14	NJ BIA, 10 West Lafayette Street, Trenton, NJ
November 18 **	NJ DEP, 401 East State Street, 6 th Floor, Trenton – possible Atlantic City
December 9	IBEW, Local 94, 219 Franklin St., Hightstown, NJ
* 1 st Wednesday	
** 4 th Thursday	