

NEW JERSEY CLEAN AIR COUNCIL

<u>Clean Air Council Members</u> Allen Weston, Chair Maria Connolly, PP, AICP, Vice-Chair Leonard Bielory, M.D. Michael Egenton Timothy Fekete	<u>Clean Air Council Members</u> Toby Hanna, P.E. Stephen Milgrom Richard Opiekun, Ph.D. John Valeri Jr., Esq.
<u>Clean Air Council Liaison</u> George Berdomas, 609-984-1483 George.Berdomas@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, October 19, 2022

CALL TO ORDER

Allen Weston opened the meeting.

COUNCIL MEMBERS PRESENT

All Council members were present with the changes noted below.

ABSENT

EXCUSED

Leonard Bielory, M.D.

REPRESENTED

Kimberly Scarborough, PSEG
Sharon Brown
Gayle Brill Mittler
Robert Laumbach, M.D.

GENERAL PUBLIC ATTENDEES

Adam Neuman, IBEW

NJ DEP Staff

Francis Steitz
George Berdomas

Meeting Summary

Minutes

- Public participants introduced themselves to the Clean Air Council.
- Administrative Report was presented by Francis Steitz.
 - o **Questions/comments from the council regarding the CAC Admin Report:**
 - o John Valeri – Are the stressors in the draft EJ rule the same for the AO? Yes
 - o Kimberly Scarborough – Will the Section 185 fee rule apply to the 75 ppb standard? Yes.
 - o Robert Laumbach – In the South Jersey area, is it meeting the 75 ppb standard? Yes
 - o Richard Opiekun – Does motor vehicle inspection and maintenance program pertain to medium duty vehicles? No, only light duty vehicles and heavy duty trucks.
- Nomination Committee renominated Allen Weston for Chair for the council and Maria Connolly as the Vice-Chair for the council.
 - o Motion to approve the nominations made by John Valeri and seconded by Richard Opiekun. Motion was approved unanimously.
- Hearing Topics/ Hearing Chair
 - o General discussion of potential topics.
 - o Potential Topics:
 - o Building Electrification
 - o Retrospective from 2000 hearing on Air Toxics
 - o Director Steitz – How would the council focus the topic to make recommendations?
 - o Richard Opiekun – Suggested reevaluation the most important Air Toxics effecting in NJ.
 - Changes in regulation, monitoring and to expand it from there.
 - Focus on contaminants of the most concern.
 - Looking back right now is appropriate at this time for the Air Toxic evaluation.
 - o John Valeri – New recommendations with the report updates
 - Discussion for emerging contaminants
 - New regulatory and policy
 - Snapshot of where we can potentially go
 - o Michael Egenton – Reach out to the speakers who were on the Clean Air Council before.
 - o Robert Laumbach, M.D. – Positive reports on Air Toxics with the research in his group.
 - o Mayor Gayle Brill-Mittler Comments-
 - Cannot separate Air Toxics from EJ concerns.
 - Lifestyles and industry in NJ have changed a lot since the last report in 2000 and what are the current impacts?

- Motion to approve minutes made Michael Egerton with seconds from John Valeri and Richard Opiekun.
- Old Business/New Business
 - o Confirmed the locations for future CAC appointment dates.
 - o Follow up with parking recommendations for South Jersey Gas for November meeting.
 - o In person attendees should notify George Berdomas their plans to travel to South Jersey Gas by 10/31/2022.
- Meeting adjourned at 10:43 a.m.

Administrative Report

Presented by Francis Steitz, Director of Air Quality

1. Federal Transportation MOU signed:

A MOU was executed among USDOT, USDOE, USEPA & HUD to accelerate the nation's affordable and equitable clean transportation future. The MOU "commits the agencies to release—within 90 days of the MOU signing—a comprehensive blueprint for decarbonizing the transportation sector that will help guide future policy decisions, as well as research, development, demonstration, and deployment in the public and private sectors. The blueprint will ensure a coordinated whole-of-government approach...." High level goals include decarbonizing the transportation sector; reducing air pollution; increasing affordability of energy efficient transportation options; securing domestic supply chains; ensuring an equitable transition; supporting good paying domestic jobs; and leading global decarbonization efforts. The MOU also directs the agencies to coordinate with the Joint Office of Energy and Transportation which was formed under the Bipartisan Infrastructure Law.

<https://content.govdelivery.com/accounts/USEERE/bulletins/32d57a3?reqfrom=share/>

2. FY2023 CPI Adjustments of Annual Emission Fees and Threshold Dollar Amount for Reconstruction:

NJ Air Pollution Control Act requires major air facilities to pay an annual emissions fee. This emission fee is adjusted each fiscal year for CPI changes. For FY 2023, the per ton fee is \$140.41, 7.7% greater than in FY 2022, and a total revenue of about \$3 million is anticipated in FY 2023 from emission fees. Approximately 30% of the Department's major facilities air program's funding comes from annual emission fees. The Department is also required to publish the threshold dollar amount for reconstruction each November in the same NJ Register notice in which it publishes the annual emission fee. Applying the CPI adjustment since 1995 to the base amount of \$80,000 results in the threshold dollar amount of \$151,368 for FY 2023. A facility must use this dollar amount when calculating reconstruction thresholds relative to fixed capital cost. The notice was published in the October 17, 2022, NJ Register and the Air Program will mail emission fee invoices by December 31, 2022, as facilities are obligated by rule to pay emission fees by January 31, 2023.

3. Toolkit for EV Installation at Multi-unit Dwellings:

The Air Program has developed a toolkit to aid in the installation of EV charging at multi-unit dwellings (MUD) throughout the state. The MUD toolkit aims to promote EV installation in existing multifamily communities and inform industry stakeholders of new requirements for new MUD construction, as established by the mandatory Model Statewide Electric Vehicle (EV) Ordinance. Due to the many different types of MUDs, no one-size-fits-all solution exists for charging projects. This toolkit is a guide to encourage

and support the installation of EV charging in all multifamily communities. You can find the toolkit on the Department's Drive Green [website](#).

4. TCPA Rules:

EPA proposed rule amendments to the Risk Management Plan rules, 40 CFR 68, in the 8/31/22 Federal Register. The 60-day comment period closes 10/30/22. TCPA rules incorporate 40 CFR 68 by reference. The TCPA program is preparing draft comments for management review by 10/12/22.

5. EPA Proposed Reconsideration of Fugitive Emissions Permitting Rule:

On October 7, 2022, the USEPA proposed revisions to the New Source Review (NSR) regulations related to how "fugitive emissions" are treated when determining whether a physical or operational change at an industrial facility is a "major modification." A major modification would require the facility to obtain a major NSR permit before moving forward with construction. That permit would include required emission control measures to ensure that changes at the facility would not degrade air quality.

A 2008 rule required owners/operators of facilities only in specific industrial source categories listed in the regulations to include fugitive emissions when determining whether a change was a major modification, including petroleum refineries, large fossil fuel-fired steam electric plants, and Portland cement plants. Facilities in all other industrial source categories were not required to count fugitive emissions towards the major modification thresholds. USEPA is proposing to reconsider, and to repeal, the 2008 rule.

The proposed rule would require all existing major stationary sources to count fugitive emissions toward the emissions total used to determine whether a change at the source constitutes a "major modification" and would be subject to major NSR permitting requirements.

USEPA will accept comment on this proposal for 60 days after the notice is published in the Federal Register. DAQ staff will be reviewing the rule along with participating in discussions in regional organizations (NESCAUM, NACAA, etc.) on commenting on the proposal.

6. Significant Modification for LNG Plant Station 240:

On October 9, 2022, Williams Gas Pipeline Company (Transco) submitted a significant modification application for its LNG Plant Station 240 Title V air permit, located in Carlstadt, Bergen County (EJ area). The project is to replace four existing natural gas fired heaters used to evaporate liquefied natural gas with four new natural gas fired heaters. The new heaters will meet State-of-the-Art (SOTA) performance levels and Reasonably Available Control Technology (RACT) standards, which will allow for the termination of the Alternative Emissions Limit (AEL) for the existing heaters. Based on the application, this project would reduce NOx emissions by 88% and CO emissions by 45% and will not increase the capacity of the facility. The GHG emissions will remain the same. This modification application will not be subject to the AO-25 requirements because there is no increase in environmental and public health stressors.

7. USEPA Finalizes Reclassification of New Jersey's Ozone Nonattainment Areas to More Protective Levels with New State Implementation Plan (SIP) Requirements:

On Friday, October 7, 2022, USEPA finalized two separate but related actions regarding the 2008 and 2015 National Ambient Air Quality Standards (NAAQS) for ground-level ozone, effective November 7, 2022.

For the **2008 75 parts per billion (ppb)** ozone NAAQS determinations, USEPA is determining that five National nonattainment areas (NAAs) classified as "Serious" - including the northern NJ multi-state area (NJ, NY, CT) - have not met the standard by the attainment deadline of July 20, 2021, and these areas will be

reclassified to “Severe” with a new attainment deadline of July 20, 2027. All the NJ and NY monitors in the NAA are measuring below the 75 ppb standard in 2020, 2021 and preliminary 2022 data, but several monitors on the CT coastline of the Long Island Sound are significantly above the standard for these time periods. The reclassified areas are required to submit an attainment demonstration (AD) SIP revision including a control measure (RACM and RACT) analysis, a major source penalty fee program (CAA Section 185), and a vehicle miles traveled analysis. All the AD SIP components are due May 7, 2024, except the 185 Fee SIP which is due November 7, 2025.

For the **2015 70 ppb** ozone NAAQS determinations, USEPA is determining that 22 NAAs classified as “Marginal” – including the southern NJ multi-state (NJ, PA, DE, MD) NAA - have not met the standard by the attainment deadline of August 3, 2021, and these areas will be reclassified to “Moderate” with a new attainment deadline of August 3, 2024. All of the NJ, DE and MD monitors in the southern NAA are measuring below the 70 ppb standard in 2020, 2021 and preliminary 2022, however, there were three monitors in PA that were above the standard in 2020, two in 2021 and one in the preliminary 2022 data. The reclassified areas are required to submit an AD SIP revision including a control measure (RACM and RACT) analysis, and vehicle inspection and maintenance program assessments. The SIP revision is due by January 1, 2023.

8. New Fossil Fuel Project in Paulsboro, Gloucester County:

Division of Air Quality (DAQ) staff held a pre-application meeting with SquareOne Energy on a new fossil fuel project that will be sharing the same site as CIP Operations (formerly Citgo Asphalt Refinery) in Paulsboro (EJ area). The project is to convert “a wide array of used oils and other waste hydrocarbon streams into clean transportation fuel products, primarily ultra-low sulfur diesel (“ULSD”).” See <https://finance.yahoo.com/news/squareone-energy-announces-advanced-development-130000477.html>. The initial issues that need to be resolved are common control and whether the facility is major (Title V) or minor (PCP). Once an air permit application is submitted, then DAQ staff will determine what regulatory requirements would need to be addressed as part of the permit review.

Clean Air Council FY22/23 Meeting Locations

MEETING DATES & LOCATIONS (tentative)

Meeting will be 9:30am – 12pm, every 3rd Wednesday of the month, unless otherwise noted.

November 16, 2022	South Jersey Gas – Atlantic City Headquarters
December 21, 2022	IBEW – 299 Ward Street, East Windsor, NJ
January 19	ERM Location - 200 Charles Ewing Blvd. Conference Center Ewing, NJ
February 16	Kean University at the NJ Center Science, Tech and Math - Stem 512 Conference Room
March 16	Hybrid: 401 E. State Street, Trenton, NJ
April 19	Public Hearing Room - Microsoft Teams Meeting and in-person (hybrid). – 401 E. State Street, Trenton, NJ
May 18	PSEG's Energy & Environmental Resource Center (EERC). 244 Chestnut St., Salem, NJ.
June 15	Hybrid: 401 E. State Street, Trenton, NJ
July 20	7 th Floor Large Conference Room. Hybrid: 401 E. State Street, Trenton, NJ – present to the commissioner
August 17	No meeting. (Microsoft Teams Meeting, only if needed)
September 21	Hybrid: Microsoft Teams & In-person
October 19	Hybrid: Microsoft Teams & In-person
November 16	Hybrid: Microsoft Teams & In-person
December 21	Hybrid: Microsoft Teams & In-person