

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.
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New Jersey Clean Air Council Meeting Record
PSEG's Energy and Environmental Resource Center (EERC)
244 Chestnut Street
Salem, NJ 08079

Wednesday, May 17, 2023

CALL TO ORDER	Allen Weston opened the meeting.
COUNCIL MEMBERS PRESENT	All Council members were present with the changes noted below.
ABSENT	
EXCUSED	Michael Egenton
REPRESENTED	Kim Scarborough representing the State Chamber
GENERAL PUBLIC ATTENDEES	Robert Laumbach Sharon Brown
NJ DEP Staff	Francis Steitz George Berdomas Kenneth Ratzman

Meeting Summary

- Allen Weston called to order and roll was taken.
- Francis Steitz presented the Administrative Report.
- Council went through the initial draft Hearing Report, and everyone made their recommendations to any changes/or adjustments needing to be made to the report.
- New Business/Old Business – None
- Motion to approve minutes by Leonard Bielory, seconded by Maria Connolly and third by Allen Weston at 11:30 a.m.
- Motion to adjourn first by Allen Weston, second by Leonard Bielory and third by Richard Opiekun at 11:30 a.m.

Administrative Report

Presented by Francis Steitz, Director of Air Quality

Air Quality Monitoring Update

1. **Summary of ALA's State of the Air 2023 Report:** The American Lung Association released the State of the Air Report 2023 which presents letter grades from A to F for every county in the United States based on concentrations of ozone and fine particulate (PM2.5) pollution. The grades are weighted such that higher pollution concentrations receive greater weight. The 2023 Report also provided estimates of the number of residents in each county belonging to 10 specific “at-risk groups” who are especially vulnerable to the effects of air pollution. The Report cautions that the progress in reducing air pollution is being undercut by heat, drought and wildfires caused by changing climate.
 1. All 15 counties in New Jersey that measured PM2.5 complied with the short term (24-hour) standard.
 - a. The report gives 6 A's and 8 Bs to New Jersey counties for the 24-hour PM2.5 standard. Six counties in NJ were listed as “cleanest counties for 24-hour PM2.5” because there were no days that reached the unhealthy range (page 45). There were fewer A grades in the 2023 Report compared to previous year due to the PM exceedances in 2021 caused by out-of-state wildfires. There were no county grades for PM2.5 lower than “B,” the same result as in the 2022 Report.
 - b. Nine (9) counties had Pass grades for the annual PM2.5 standard, and the remaining 6 had Incomplete grades. These Incomplete grades were caused by the inability to collect PM2.5 samples during the stay-at-home directive in 2020, and these sites did not have enough data to calculate a grade.
 - c. No New Jersey counties were in the 25 worst counties in the US for 24-hour PM2.5, annual PM2.5 or ozone.
 2. Two (2) of 15 counties in New Jersey that measure ozone received failing grades for the current ozone standard of 70 ppb.
 - a. The 2 counties having an “F” grade is a big improvement over the last 3 years as 6 counties received an “F” grade in the 2022 Report, and 8 counties had “F” grades in 2021.
 - b. The New York metropolitan area, which includes portions of New York, New Jersey, Connecticut and Pennsylvania, was ranked 12th of the 25 cities most polluted by ozone.

Comparison of the grades from the 2021-2023 Reports:

Pollutant	Grade	#of Counties in 2021 Report (2017-19 data)	# of counties in 2022 Report (2018-20 data)	# of counties in 2023 Report (2019-21 data)
ozone	A	0	1	2
	B	3	2	4
	C	3	4	5
	D	1	2	2
	F	8	6	2
PM2.5, 24-hour	A	12	12	6
	B	2	3	8
	C	1	0	0
	incomplete	0	0	1
PM2.5, annual	Pass	13	10	9
	Fail	0	0	0
	incomplete	2	5	6

2. **Trenton Air Quality and Health Study:** The Delaware Valley Regional Planning Commission published a [Trenton Air Quality and Health Study](#) that analyzes Trenton's existing health, air quality, and transportation data to quantify incidences of respiratory disease and identify sources of pollution that may be contributing to poor respiratory health outcomes. As part of the study, an air monitoring subcommittee was formed, monitoring locations were identified, and low-cost air quality sensors were deployed, with the goals of determining if air quality varies across the city and whether there are identifiable sources of pollution that may be impacting these neighborhoods. As of September 2022, NJDEP had installed seven Purple Air monitors in the city of Trenton that are uploading PM2.5 air quality readings to the Purple Air website.

Air Quality Regulation and Planning Update

3. **EPA Proposes Greenhouse Gas Standards and Guidelines for Fossil Fuel-Fired Power Plants Rule:** On May 11, 2023, the U.S. Environmental Protection Agency (EPA) announced proposed new carbon pollution standards for coal and gas-fired power plants that will protect public health, reduce harmful pollutants and deliver up to \$85 billion in climate and public health benefits over the next two decades. Consistent with EPA's traditional approach to establishing pollution standards under the Clean Air Act, the proposed limits and guidelines require ambitious reductions in carbon pollution based on proven and cost-effective control technologies that can be applied directly to power plants. They also provide owners and operators of power plants with ample lead time and substantial compliance flexibilities, allowing power companies and grid operators to make sound long-term planning and investment decisions, and supporting the power sector's ability to continue delivering reliable and affordable electricity. DAQ is analyzing the proposal for potential impacts to New Jersey and Electric Generating Facilities (EGU) facilities. A fact sheet developed by EPA can be found at <https://www.epa.gov/system/files/documents/2023-05/FS-OVERVIEW-GHG-for%20Power%20Plants%20FINAL%20CLEAN.pdf>
4. **DEP Celebrates Air Quality Awareness Week May 1st – 5th:** The Division of Air Quality coordinated another successful Air Quality Awareness Week (AQAW) for May 1 -5. Stella Oluwaseun-Apo coordinated with many programs to ensure the Daily Messages covered a wide range of topics that highlight the Department's many actions to improve the air quality and public health in New Jersey. In addition to Governor Murphy's AQAW Proclamation and New Jersey's Clean Air Council Resolution, there are daily public outreach

messages providing information related to overburdened communities, air monitoring, climate change and best transportation practices to support clean air, as well as a showcase of our Air Quality Flag Program partners. The website is at [NJDEP Air Quality Awareness Week 2023](#) and the public can follow AQAW on DAQ's Facebook page and Instagram posts.

5. **EGU Rule Stakeholder Meetings:** AEMS has hosted a series of stakeholder meetings this spring to receive public input on revising the NJPACT EGU rule to provide alternative compliance options. To date, staff have held 4 focused stakeholder meetings and have one more slated for May 18th.
 - March 13th with PJM
 - March 22nd with the General Public
 - April 13th with Independent Power Producers
 - May 8th with Environmental Advocates
 - May 18th with Utilities, Businesses, and Industry
6. **USEPA Publishes Final FIP of 2015 Ozone "Good Neighbor" SIP for NJ and others:** On March 15, 2023, USEPA finalized its Federal Implementation Plan (FIP), known as the "Transport Rule," for the 70 ppb 2015 Ozone National Ambient Air Quality Standard (NAAQS). The FIP addresses the interstate transport ("Good Neighbor" or "GN") obligation of 23 states including New Jersey that have disapproved GN State implementation Plans (SIPs) or which did not submit one. The FIP was proposed on April 6, 2022 (87 FR 20036), with a comment period extended to May 12, 2022. This final action's effective date will be 60 days after its publication in the Federal Register.

The final rule has two (2) phases:

- Fossil-fuel power plants in 22 states (including NJ, NY, PA, and MD), to control NO_x emissions in a revised and strengthened Group 3 Cross-State Air Pollution Rule (CSAPR) ozone season NO_x emissions trading program starting with the 2023 ozone season.
- Enforceable NO_x emissions control requirements for non-EGU, industrial-specific stationary sources in 20 states (including NJ, NY, PA, and MD), beginning in the 2026 ozone season.

Under the final Good Neighbor Plan, New Jersey's 2025 electricity generating unit (EGU) emission budget will be 16% lower than their adjusted 2021 emissions levels (adjusted to account for known retirements and new builds). New Jersey's 2027 EGU emission budget would be 16% lower than their adjusted 2021 emissions level.

The EPA has identified Glass Product Manufacturing and Solid Waste Combustors and Incinerators in New Jersey as non-EGU sources that will need to install controls beginning in 2026. The Division of Air Quality (DAQ) believes these sources have installed controls that are meeting the Transport Rule requirements. DAQ will assess these units to confirm.

Mobile Sources Update

7. **Low NO_x Omnibus/ Medium-Duty Inspection Rules Adopted:** The Department adopted in the May 15, 2023, New Jersey Register to regulate NO_x emissions from medium-and heavy-duty vehicles and close a loophole in the inspection requirements for in-use mobile source medium-duty during NJ's transition to 100% clean energy by 2050. The rule will also be submitted to EPA for inclusion in the New Jersey State Implementation Plan (SIP).
8. **Maryland adopting Advanced Clean Cars II rule this year:** Maryland announced yesterday that they will move to adopt the Advanced Clean Cars II rule this year. To adopt the rule as quickly as possible, the

Maryland Department of the Environment presented the proposed regulation to the state's Air Quality Control Advisory Council at its first meeting of the year this week. The council voted to recommend that the department move forward in proposing a regulation to enact the new standards. Maryland will follow the process for a proposed regulation, which includes a public hearing and opportunity for public comment, to allow for a regulation to take effect in September.

9. **Advanced Clean Truck fleet reporting preliminary results:** The Advanced Clean Truck rule, adopted in December 2021, included a one-time fleet reporting requirement. This report was due April 1, 2023 and applied to all public fleets in New Jersey with at least one vehicle over 8,500 pounds and private fleets with at least fifty vehicles over 8,500 pounds. Preliminary results show that 200 entities reported covering 1000 facilities and 41,000 vehicles. Once we start analyzing the data, we should be able to categorize by weight class, vocation, and usage along with related mileage and fueling patterns. This information will help inform public EV charging needs and predict grid impacts.
10. **NJDEP electric school bus grant program:** In August 2022, a law was passed establishing a three year, \$45 million, Electric School Bus grant program [86_.PDF \(state.nj.us\)](#) to determine the operational reliability and cost effectiveness of replacing diesel powered school buses with electric school buses for the daily transportation of students. NJDEP conducted a stakeholder session earlier this year to determine the optimal design for the program and developed a grant solicitation that incorporated some of the feedback received. The program is ready to launch as soon as funding is available. (Note that the law required the program to launch in February 2023.)
11. **Advanced Clean Fleet rule:** On April 28, 2023, CARB unanimously voted to adopt the Advanced Clean Fleets regulation which establishes fleet purchase requirements for drayage trucks, local and state government fleets, and high priority and federal fleets. The regulation also sets forth a 100% ZEV sales requirement for Class 2b-8 vehicles beginning in the 2036 model year. This rule follows the 2020 adoption of the Advanced Clean Trucks rule, which requires manufacturers to increase the sale of zero-emission trucks. <https://ww2.arb.ca.gov/news/california-approves-groundbreaking-regulation-accelerates-deployment-heavy-duty-zevs-protect>.
12. **EPA Issues Preemption Waivers for State Clean Truck Standards:** On March 31, USEPA granted California's requests for waivers of preemption under the Clean Air Act for several of the state's clean truck standards, including its Advanced Clean Trucks regulation which NJDEP adopted in 2021. This means NJDEP can effectively implement and enforce its rule beginning with model year 2025. EPA has yet to waive preemption for California's Heavy-Duty Omnibus Low NOx regulation, which sets nitrogen oxides and particulate matter emissions standards for new on-road diesel- and gas-powered trucks and buses. NJDEP adopted on May 15, 2023.
13. **NEVI competitive grants announced:** FHWA released a \$2.5 billion Notice of Funding Opportunity [for its Charging and Fueling Infrastructure \(CFI\) Discretionary Grant Program](#) (commonly referred to as the "NEVI Discretionary Program"). This program will award competitive grants in the following two categories, with applications due May 30. The Air Program intends to submit applications for both programs and is in the process of developing project ideas:
 - The Community Program will provide \$1.25 billion to strategically deploy publicly accessible EV charging infrastructure, and hydrogen, propane, or natural gas fueling infrastructure in communities. Infrastructure may be located on any public road or in other publicly accessible

locations such as parking facilities at public buildings, public schools, and public parks, or in publicly accessible parking facilities owned or managed by a private entity.

- The Corridor Program will provide \$1.25 billion to strategically deploy publicly accessible EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure along designated alternative fuel corridors (AFCs).

Climate Update

- 14. Climate Pollution Reduction Grants:** Under the Inflation Reduction Act, \$1 million Climate Pollution Reduction grants were offered to each of the 67 most populous Metropolitan Statistical Areas (MSAs) in the country to develop a climate action plan to reduce greenhouse gas emissions in their MSA. The Delaware Valley Regional Planning Commission applied as the lead entity for the Philadelphia-Camden-Wilmington MSA which is the sixth largest in the country. The NY City Economic Development Corporation applied as the lead entity for the NY-Newark-Jersey City MSA. By preparing a climate action plan for the MSA, entities within that MSA will be eligible to apply for the upcoming \$4.6 billion competitive implementation grants available nationally in early 2024. Air Energy & Materials Sustainability will coordinate development of its climate action plan with both the Delaware Valley Regional Planning Commission and the NY City Economic Development Corporation.
- 15. RGGI 1st^d quarter 2023 Auction:** RGGI's first auction of 2023 took place on March 8th, 2023, auctioning a total of 21,522,877 allowances at a clearing price of \$12.50. New Jersey sold 3,009,395 million allowances, generating proceeds in the amount of \$37,617,437.
- 16. Annual Refrigeration Reports for GHG Monitoring & Reporting Rule:** On April 1, 2023, annual refrigeration reports must be submitted to comply with requirements of the GHG Monitoring & Reporting rule. 896 refrigeration facilities have registered and will be submitting their first annual refrigeration report. 273 facilities have already completed and submitted their annual report. The annual report is submitted through NJDEPonline.com which collects refrigerant usage data and then calculates their GHG emissions. Two full years of data must be collected to accurately calculate the GHG emissions from these sources.
- 17. Natural Gas Pipeline Modernization Reports:** New Jersey's four natural gas distribution companies can now submit their Natural Gas Pipeline Modernization Reports as required by the GHG Monitoring and Reporting Rule (N.J.A.C. 7:27E-3) through www.NJDEPonline.com. The due date for report submission is June 15th. A Facility Submittal Service for accepting that report completed development, testing and deployment on Friday, April 28th. On Tuesday May 2nd, the four natural gas distribution companies were notified that this new service is available. To simplify the submittal process, the NJDEP worked with New Jersey's natural gas companies to develop the "NJDEP GHG Reporting for Gas Public Utilities" Excel spreadsheet. That spreadsheet contains all the fields that need to be reported, as required by the rule. Step-by-step instructions on how to submit the report was provided.

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.

July 19	7 th Floor Large Conference Room. Hybrid: 401 E. State Street, Trenton, NJ – present Hearing Report to the commissioner
August 16	No meeting. (Microsoft Teams Meeting, only if needed)
September 20	Hybrid: Microsoft Teams & In-person
October 18	Hybrid: Microsoft Teams & In-person
November 15	Hybrid: Microsoft Teams & In-person
December 20	IBEW – 299 Ward Street, East Windsor, NJ 08520