Anticipated Regulatory Changes to N.J.A.C. 7:27 “Air Pollution Control”

Joel Leon
Bureau of Technical Services
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Anticipated Regulatory Changes

- Two major rule changes that are being developed
  - Modifications to list of Hazardous Air Pollutants (HAP) including their Reporting Thresholds
  - Modifications to incorporate USEPA Control Techniques Guidelines (CTG)

- Department has been generating background data on both modifications
Anticipated Regulatory Changes - HAP

• Create one master list of HAP reporting thresholds
  – Two different lists currently
    • One in N.J.A.C. 7:27-8 for minor facilities and one in N.J.A.C. 7:27-22 for major facilities
    • Lists do have different reporting thresholds for some HAP
    • One list for all facilities in N.J.A.C. 7:27-17 “Control and Prohibition of Air Pollution by Toxic Substances”
Anticipated Regulatory Changes - HAP

- Update current reporting thresholds
  - Originally developed in early 1990s
  - Are not based on the most current scientific data
  - Since HAP emissions below reporting thresholds do not have to be listed in permit applications, accurate risk evaluations cannot be conducted
  - May result in significant health risks to surrounding community and sensitive receptors
Anticipated Regulatory Changes - HAP

• Add new HAP to list, as per NJ statute
  - One being considered is diesel particulate emissions
  - None added to initial list
  - To be based on:
    • Degree of use in NJ
    • Regulation by other agencies
    • Recent toxicity data
  - Input from Science Advisory Board
Anticipated Regulatory Changes - CTG

• Under the Clean Air Act (CAA), states with nonattainment areas must revise their State Implementation Plans (SIP) to include reasonably available control technology (RACT).

• In addition to RACT, the CAA specifically requires states with moderate and above ozone nonattainment areas implement ozone related CTG, which address VOC emissions.
  – Minimum VOC control efficiencies
  – Maximum VOC content levels
  – Thresholds to exempt lower emitting facilities

• The USEPA issues CTGs to provide states with guidance regarding controls that constitute RACT.
Anticipated Regulatory Changes - CTG

- Fiberglass Boat Manufacturing Materials CTG
- Paper, Film, and Foil Coatings CTG
- Miscellaneous Metal and Plastic Part Coatings CTG
- Industrial Cleaning Solvent CTG
Anticipated Regulatory Changes - CTG

• Evaluating how many facilities will be subject
• Evaluating how many already comply
• Determining if N.J.A.C. 7:27-16 is equivalent to or more stringent than CTG
  – If so, no changes are necessary
  – “Negative declaration” will be filed with the USEPA
• Determining the best way to incorporate CTG into N.J.A.C. 7:27-16
  – Modify existing sections
  – Add entirely new sections