NJDEP Air Quality Permitting Transformation

BREAKOUT GROUP # 2 PERMIT STRUCTURE AND PROCESS IMPLEMENTATION PRIORITY LIST

READ THIS FIRST

New Jersey Department of Environmental Protection (the Department) has developed this priority list after carefully reviewing all the suggestions received during the stakeholder process undertaken with the Permit Structure and Process breakout group. Some of the suggestions are assigned a higher priority (Table 1) based on the ease of implementation (ready to go), wider impact, and a quick roll-out schedule. Other suggestions that were considered to be resource intensive (major effort and low yield) and requiring involvement of elements outside the permitting program are listed in Table 2. Table 3 includes all the remaining suggestions/comments. These items are either supporting the first and second priority lists or were not considered for implementation.

The following terms are used in the Implementation Status column:

- On-going: The Department already has practices/procedures in place to address the stakeholder comment; AQPP is looking to improve based on comments received.
- Being implemented: The Department is implementing a new practice/procedure as a result of the stakeholder comment

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TABLE 1 - FIRST PRIORITY

Topic - Item #	Issue / Suggestion	Implementation Plan	Implementation Status
2(a)-3	A new numbering methodology should be considered when applicable requirements in a facility's compliance plan are modified. Using an alternate numbering scheme would clearly identify any applicable requirements that were updated/changed and should make the compliance plans easy to navigate.	The Department agrees with the concept and a project is currently underway to develop a report that will clearly show the differences between approved and modified versions of a permit, including any changes in applicable requirements. Once developed, AQPP staff will be able to provide a marked-up copy of pre-draft permits to applicants.	Being Implemented
2(a)-4	The Department should make additional permit review documents available on its website. These documents include compliance plan templates, presumptive norms, and guidance memos used by permitting staff.	The Department agrees with the recommendation and has started to post documents related to permitting, general guidance, and testing & monitoring guidance on the AQPP website: http://www.state.nj.us/dep/aqpp/permitguide.html. Additional documents will be made available periodically.	Being Implemented

2(a)-5	It was noted that compared to other States, New Jersey provides many more and several different types of on-line general permits (GPs) that helps the smaller facilities to a great extent. However, when adding a new piece of equipment (a new boiler) to an existing GP (containing similar boilers), facilities have to enter data not only for the new equipment but also re-enter data for the equipment already included in the approved GP. The on-line GP system should be modified so that the data entry is required only for the new equipment.	As noted by stakeholders, the current GP/GOP on-line portal does not have the capability to copy data from approved permits. The Department will evaluate the availability of this feature in its on-line application portal.	On-going
2(a)-9	It was noted that in some situations permitting staff have not considered flexibility when alternate monitoring and recordkeeping options were proposed by certain facilities. Particularly, when alternate options were different than the approved presumptive norms or Department's guidance memos. It was suggested that the Department should instruct staff that such requests should be elevated to supervisors or section chiefs for consideration. Amy Goldsmith, State Director for the New Jersey Environmental Federation (NJEF), noted that such a practice should not result in going up the chain till you get the "desired" answer. She added that no alternate monitoring and recordkeeping options, proposed by the facilities, should be approved if there is any compromise of the environment.	The Department's AQPP has taken several steps to enhance its technical review procedures, including staff training, guidance for reviewing alternate testing and monitoring proposed by applicants, and guidelines for supervisor/section chief reviews. The Department encourages applicants to carefully review the proposed monitoring and recordkeeping options and suggest alternates if necessary. The Department's on-going practice is to consider an equivalent/alternate testing and monitoring plan when proposed by an applicant during the permit development process. However, any alternate plan must provide sufficient justification for the alternate testing and monitoring as an equivalent, or superior, to the existing guidance, and consistent with Amy Goldsmith's comment, must not compromise the environment.	On-going
2(b)-1	The concept of streamlining may be used to consolidate several applicable requirements (with multiple standards) into one, as long as the permit contains the most stringent of the overlapping requirements	The Department agrees that streamlining multiple applicable requirements as proposed by the applicant is appropriate, but only if the compliance plan addresses the following four items:	On-going

	(subsumed requirements) and the resulting composite requirement ensures compliance with all subsumed requirements.	1. The emission limit contained in the permit must assure compliance with any subsumed applicable requirements. Under this concept, the conditions of overlapping applicable requirements can be synthesized into a single new permit condition, provided the new permit condition will assure compliance with all requirements. Note that this approach may result in a more stringent emission limit. 2. The permit must contain the "most assuring" monitoring. This may not always be the monitoring associated with the most stringent standard selected for inclusion in the permit. 3. The recordkeeping and reporting methods placed in the permit must be the ones that were associated with the chosen monitoring. 4. As a part of the public record, the statement of basis must contain a side-by-side comparison of the various requirements that demonstrates which is most stringent. Applicants must note that the purpose of streamlining is to eliminate redundancy of overlapping requirements, not to pick and choose which requirements are really "important" for a source to follow.	
2(c)-1	The Department's current policy allows for no periodic stack testing when Continuous Emission Monitors (CEMs) can monitor and record units similar to stack	The Department agrees that it is reasonable to not include periodic stack testing if a pollutant is continuously monitored with a CEM and the CEM can	Being Implemented

	testing (e.g. stack testing requires 2.5 lb/hr of VOC and CEM also monitors VOC in lb/hr continuously). It was suggested that the Department should consider extending this policy to situations where the units are not similar (e.g. stack testing requires 2.5 lb/hr of VOC and CEM monitors VOC in ppm). Amy Goldsmith noted that stack testing should be continued even when CEMs are installed. This approach will maintain a continuous diligence on facility's part and help ensure the quality control by periodically ascertaining that the CEMs are working properly.	monitor and record units substantially similar to stack testing. In some cases a stack testing requirement can be satisfied by the appropriate CEM data (where CEMs do not monitor and record units similar to stack testing). However, such exceptions can only be granted by the Bureau of Technical Services under their protocol review procedures. The Department also requires periodic Relative Accuracy Test Audits (RATA) to ensure accuracy and continuous performance of CEMs.	
2(c)-2	It was suggested that the parametric limits, provided as a part of the application, should only be included in the approved permits when either required by a rule or when necessary to demonstrate compliance. It was further suggested that any monitoring not specified in rules should not be specified in the permit. Additionally, no parametric limits should be included in the permit (for the subject equipment) when CEMs are installed. Including unnecessary parametric limits generates redundant applicable requirements and additional monitoring that results in violations and fines when such parameters are unintentionally exceeded. Amy Goldsmith commented that monitoring may be the only way to know if the equipment is being operated as permitted and possibility of fines/penalties either due to violations or lack of monitoring are important from an environmental perspective.	The Department disagrees that any monitoring not specified in rules should not be specified in the permit. The Clean Air Act (Title V) includes provisions requiring that permits include monitoring and reporting requirements "to assure compliance" with permit terms and conditions and provides authority to "prescribe procedures and methods for determining compliance and for monitoring" by rule. Additionally, where an applicable requirement does not require "periodic monitoring," the rules require specification of periodic monitoring. In some cases, additional parametric monitoring may be required to ensure proper functioning of control devices and to ascertain continued compliance even when CEMS are installed (e.g. pressure drop for bag houses or temperature indicator for oxidizers). In other situations, parametric monitoring may be required when the CEM is monitoring only one out of several pollutants emitted by a source.	No further consideration

		The Department's permitting procedures require including only the parametric limits (provided by the applicants in the supplemental detail forms) that are necessary to assure compliance. Such limits are evaluated by permitting staff during the technical review and shared with applicants during the pre-draft process. The Department encourages applicants to carefully review the proposed limits and suggest alternates when necessary.	
2(c)-3	It was suggested that the permitting program should consult the Department's Bureau of Technical Services (BTS) before including any stack testing for a given pollutant. BTS should recommend the viability of an appropriate test method before stack testing is included in the permit.	The Department agrees and will reinforce its existing practices through staff guidance and enhanced procedures. AQPP staff will continue to consult with BTS before including stack testing requirements in permits. In addition, AQPP will also consults BTS before including stack testing requirements for a new pollutant that has not required testing routinely (e.g. Ammonia, Hydrogen Cyanide, Acrolein, etc.) to make sure that approved test methods exist for the subject pollutants and the detection limits are within the range specified in the permit. For pollutants that are tested routinely (e.g. VOC, NOx, PM, etc.), permitting staff utilize approved templates (for stack testing language) that have been reviewed and approved by BTS. This collaborative approach has resulted in consistent testing and monitoring requirements for the same type of equipment across regulated entities.	On-going
2(c)-6	The Department should include only the necessary and relevant supplemental details for equipment and control devices in approved permits. The supplemental details forms, submitted as a part of permit	See item 2(c)-2.	Being Implemented

	applications, contain various parameters that may not have a direct relation to the emission limits. Including unnecessary equipment and control device details increases the size of the permits and results in more permit modifications when minor changes are made to equipment.		
2(c)-7	It was suggested that the permit requirements should not go beyond the established presumptive norms.	The Department disagrees with the suggestion. When deemed necessary, the Department may enhance the adequacy of testing and monitoring plans in light of: protection of public health, protection of the environment, in response to public and/or EPA comments, compliance history, and proximity of a facility to overburdened communities and at-risk populations. In order to implement the statutory and regulatory obligations of the Clean Air Act (Title V) and New Jersey's air permitting regulations (N.J.A.C. 7:27-8 and 22), the Department uses Testing and Monitoring Guidance (previously referred to as a presumptive norm) to include sufficient testing and monitoring for the applicable requirements. Testing and Monitoring Guidance is primarily used by the permitting staff as a starting point for developing appropriate testing and monitoring conditions in permits. This approach helps provide consistency as similar testing and monitoring requirements for similar types of equipment are developed. The Department also considers an alternate testing and monitoring plan submitted by an applicant as long as it is sufficient to assure compliance with the applicable requirements.	No further consideration

2(c)-9	It was suggested that compliance plans should not include specific dates for submitting stack testing protocol or completing the tests, instead schedules should be set based on compliance demonstration requirements. For example, requiring protocol submittal 30 months prior to the expiration of a permit, or 60 days from the date of the approved permit, etc.	The Department disagrees with the suggestion. All approved operating permits contain stack testing schedules consistent with the Operating Permit rule N.J.A.C. 7:27-22.18, including the requirement to submit the protocol 30 months prior to the expiration of a permit or 60 days from the date of the approved permit. Also, the Department does not issue air permits containing specific dates for stack testing, unless required by a specific State or Federal rule.	No further consideration
2(c)-13	Major facilities are obligated to submit several reports, required by their Title V permits, which are duplicative and redundant. The Department should consider consolidating such reports and require them to be submitted less frequently.	Title V permits for major facilities include requirements to submit periodic reports only when specified in the operating permit rule (N.J.A.C. 7:27 22.19) or when other rules require specific reports (e.g. NSPS or MACT). The Department will consider a request from facilities to consolidate any duplicative reports and reduce the submittal frequency when such changes are consistent with the applicable rules.	Being Implemented
2(c)-14	The Department should allow bigger buffers when setting permitted emission limits based on the stack testing. The Department's current policy allows no more than 10% over the maximum or 15% over the average emission rates tested at maximum equipment capacity. It was suggested that when setting the emission limits, the following should be taken into account: (1) not all the units can be "dialed-in", (2) performance degradation of the equipment over the years, (3) operational variability, and (4) the reliability of the test method.	The Department will continue to evaluate any appropriate compliance margins proposed by applicants on a case-by-case basis. It is the applicant's responsibility to propose an emission limit that accurately demonstrates the potential to emit (PTE) for the equipment in the permit application, and comply with the emission limit once the application has been approved. During the technical review of permit applications, AQPP's staff evaluate proposed emission limits to determine whether they are reasonably accurate and below any applicable rule limits.	On-going

2(c)-15	In addition to the above, averaging of three 1-hour stack tests should be allowed to demonstrate compliance.	The Department agrees that averaging of stack tests is appropriate in some cases. The Department's September 2008 memo regarding averaging periods for stack testing clarifies guidance on the selection of appropriate averaging times for stack emissions tests to verify compliance with emission limits for new and/or modified sources. The memo is posted on the AQPP's website at: http://www.state.nj.us/dep/aqpp/permitguide.html. Check Stack Testing Averaging Periods.	On-going
2(d)-1	One stakeholder proposed that Department consider instituting an internal process to grade facilities based on their compliance history and provide incentives to facilities with fully engaged environmental programs by offering a reduced administrative permitting burden. Several participants in the stakeholder meetings noted that programs in the past, e.g. Gold and Silver Track, were in fact burdensome and did not provide any permitting relief for the facilities. Some participants noted that the Environmental Stewardship program, currently offered by the Department, works better and should be expanded to reduce the monitoring and recordkeeping requirements for the participating facilities. It was also noted that grading facilities based on compliance history may result in a subjective treatment of some facilities with record of violations.	Based on the lack of general agreement among the stakeholders on this issue and other feedback received during the stakeholder process, the Department will not evaluate this issue any further for implementation.	No further consideration
2(e)-1	The Department should consider incorporating Federal rules by reference (IBR) at a "reasonable" level. The reasonable level should exclude both (1) the one line item approach that only refers to the rule, and (2)	The Department agrees that incorporation by reference in permits may be appropriate and useful under some circumstances. Appropriate use of limited incorporation by reference in permits includes	On-going

	including the entire rule in the compliance plan with all the options that do or do not apply to a piece of equipment.	referencing of test method procedures, inspection and maintenance plans, and calculation methods for determining compliance. One of the key objectives in creating Title V was to issue comprehensive permits that clarify how sources must comply with applicable requirements. The Department is obligated to balance the streamlining benefits achieved through use of limited incorporation by reference with the need to issue comprehensive, unambiguous permits useful to all affected parties, including industry, public, and those engaged in field inspections. Incorporations by reference must be detailed enough that the manner in which any referenced material applies to a facility is clear and is not reasonably subject to misinterpretation. Where only a portion of the referenced document applies, applications and permits must specify the relevant section of the document. This approach provides for efficiencies in permit development and minimizes confusion without sacrificing enforceability since there is sufficient information to determine applicable requirements.	
2(f)-	Permit application supplemental information, not directly related to emissions, should not become permit requirements.	See item 2(c)-2.	No further consideration
2(h)-1	The breakout group noted that pre-application meetings are beneficial to both the permitting staff and the regulated facilities, and the Department should continue to provide this option to applicants.	The Department agrees with the recommendation and will continue to offer pre-application meetings to applicants. During these meetings, the Department will provide administrative and technical information to applicants, specific to the type of application, before the application is submitted. Also see 2(k)-1.	Being Implemented

2(j)-	Develop General Operating Permits (GOPs) for Title V Major Facilities. Otherwise make equipment that is currently eligible for general permits, insignificant Title V sources (also see 2(g)), and eligible for a Minor facility General Permits.	New Jersey's permitting programs for minor and major facilities (Title I and V) do not allow insignificant sources at a major facility to obtain minor facility permits (GPs). The Department prefers the approach to have GOPs for Title V facilities, where appropriate. As described in item 2(a)-5, several new GOPs have been approved or are being developed.	On-going
2(k)-1	Shorten the processing time for permit approval. The Department has reviewed the permitting process and determined that a combination of pre-application meetings and technical review documents available to Applicants will shorten the review process. This initiative will be relying on full applicant cooperation.	The Department is continuously streamlining its permitting procedures to improve the permit review process and shorten the application review turnaround time. As a part of the Transformation Initiative, the AQPP conducted a series of stakeholder meetings and went through the LEAN process mapping for permit modifications. The LEAN process showed us that while most applications received were Administratively Complete and quickly proceeded to Technical Review (TR), delays started to occur during TR due to lack of technical information required (waiting for information from applicants). Based on these findings, AQPP has developed an Application Checklist for Air Permits that is intended to help applicants prepare a complete application without major deficiencies. The checklist consolidates all information required by the Department for TR and informs applicants of these requirements early in the process. The Department also plans to provide and discuss this	Being Implemented

		checklist during all pre-application meetings. The checklist is available at Department's website: http://www.nj.gov/dep/aqpp/applying.html.	
2(k)-2	The NJEMS database should be upgraded for better interface to populate forms and upload applications. (For example, use of newer Excel based interface to populate forms and upload/submit an application.)	The Department disagrees with the suggestion. Upgrading the current NJEMS/RADIUS program to incorporate data from facility's own computer files will require programing that may be specific to each facility's needs. However, any files that are deemed relevant by the applicant can be submitted as attachments to RADIUS applications. The Department is developing an on-line web portal that will allow applicants to submit/upload attachments, including Excel files, with their permit applications.	No further consideration
2(m)-	Several participants emphasized the need to minimize the number of permit appeals. It was noted that a considerable number of permit appeals result from the need to "preserve" the applicant's right to appeal within 20 days of Department's decision. It was suggested that a track-changes function that clearly shows edits/changes in applicable requirements will reduce the number of appeals.	The Department believes that close cooperation between the Applicant and the permit writer will result in few or no outstanding issues once the permit is finalized and therefore few permit appeals, if any. This frequent interaction with applicants during the review process and when developing compliance plans provides an opportunity to resolve any pending issue before the public comment process, thus eliminating any outstanding issues and subsequent appeals by the applicants. As mentioned in 2(a)-3 above, the Department is developing a report that will clearly show the differences between approved and modified versions of a permit, including any changes in applicable requirements. AQPP staff will be able to provide a marked-up copy of the pre-draft, draft, and final permits, allowing a quicker review of modified permits by the applicant.	Being Implemented On-going

TABLE 2 - SECOND PRIORITY (GOOD TO HAVE)

Topic - Item #	Issue / Suggestion	Implementation Plan	Implementation Status
2(c)-12	It was suggested that the Department should review its policy of handling Stay requests. In many instances, the Department has not responded to Stay requests pertaining to an appealed permit condition. This item is also discussed in topic 2(m) below.	After referring this issue to its legal staff for evaluation and recommendations, the Department has decided to not consider this suggestion any further.	No further consideration
2(g)-1	The Department should consider expanding the list of insignificant sources in the Air permit rules (N.J.A.C. 7:27-8 and 22). The thresholds in the expanded list should be based on both, the equipment size and the potential emissions of low emitting sources. Amy Goldsmith commented that expanding the list of insignificant sources should take the cumulative health impacts into account. She noted that several small insignificant sources, combined together, may add up to a major source threshold and any resulting health impacts should be looked at in totality and for their synergistic effect.	Insignificant sources are defined in the air permitting rules and hence changing/expanding the list must be done through appropriate rule revisions. The Department will evaluate this suggestion during any future rule revisions.	Under consideration during next 2 years

TABLE 3 - OTHER COMMENTS/SUGGESTIONS (supporting the first and second priority lists or were not considered for implementation)

2(a) Look at other states' permit format for improvements to NJDEP's and make the permits more user friendly and easy to understand by public, industry and enforcement.

1. It was suggested that new Potential to Emit (PTE) tables be included for each emission unit and their corresponding operating scenarios in a facility's permit. Essentially, the pounds per hour and tons per year emission data currently included in the compliance plan be removed and added to these tables. Jim Connolly has provided examples of the concept for discussion in the subsequent meetings and for evaluation by the Department.

2. Steve Oliver noted that while researching permit formats from other states, New Jersey's four-column format stands out and works better than most other states' permit (continuous/portrait) formats. The main disadvantage of the continuous format was that applicable requirements were lumped together in the beginning while the corresponding monitoring and recordkeeping requirements were listed several pages down.

6. The Department should consider "like-kind" (similar/identical) equipment replacement through the procedure of seven-day notice changes. It was noted that a rule change will be required to add this provision as like-kind is currently not allowed under the existing permitting rules. This item is also discussed in topic 2(l).

7. The Department should consider simplifying emission reporting requirement for small pharmaceutical manufacturing, research and development (R&D), and pilot plant operations. Currently, emission data is reported in two different formats and at two different times (on April 1 under Technical Manual 1302 requirements and on May 15 under the Emission Statement requirements). It was suggested to consolidate emission data reporting into one report, submitted once for both requirements.

8. For small pharmaceutical and/or R&D/Pilot plants, a more simplified and flexible way to change or add new equipment should be available without having to go through a lengthy permit modification process. Several participants pointed out that the Pilot Plant and Dual Plants Technical Manual (1302) already provides such flexibility.

2(b) Consider streamlining permits by only including the most stringent requirements where there are two or more related requirements.

2. It was noted that for streamlining to work, the emission limit contained in the permit must assure compliance with any subsumed applicable requirements, the permit must contain the most stringent monitoring, even if the monitoring is associated with a

subsumed requirement, and the recordkeeping and reporting methods must be the one that were associated with the chosen monitoring.

3. It was emphasized that the purpose of streamlining is to eliminate redundancy of overlapping requirements, not pick and choose which requirements are really important for a source to follow. Thus, streamlining cannot be used to "explain away" requirements.

4. An example applying streamlining to opacity requirements was presented in the meeting. Doug Lafayette and Steve Oliver offered to bring additional examples, particularly for Subchapters 4 and 7, to future meetings for discussion.

2(c) Monitoring and recordkeeping requirements should be simplified. Duplicative or redundant monitoring should be eliminated. While revisiting permit requirements for minor sources, include critical requirements for environmental quality without overburdening the recordkeeping and monitoring requirements.

4. The Department should consider revising the current record retention rules allowing New Jersey facilities to retain environmental records for less than five years.

Amy Goldsmith objected to any such rule revisions stating that environmental records and data should be maintained in public domain for no less than five years. She added that it's particularly important for some of the old facilities in New Jersey to maintain the "institutional memory".

5. The Department should include only the applicable portions and the relevant options (as applicable to a piece of equipment) of the complex Federal rules such as NSPS and MACT. This item is also discussed in topic 2(e), Incorporation by Reference.

8. The Department should refrain from "re-writing" permits at renewal. Some permits had to be appealed because they contained many changed and/or added requirements.

10. It was suggested by an industry representative that the Department should eliminate the practice of adding requirements that go beyond what is in the regulation and requirements that are not even in the regulation.

11. A "track-changes" function should be considered when applicable requirements in facility's compliance plan are modified. Also see item 3, topic 2(a) above.

2(d) Level of monitoring should be proportioned to history of enforcement compliance. Identify facilities in good standing. Provide incentives to facilities with a good compliance history by offering a reduced permitting burden.

2. It was noted that such programs in the past, e.g. Gold and Silver Track, were in fact burdensome and did not provide any permitting relief for the facilities. Some participants noted that the Environmental Stewardship program, currently offered by the Department, works better and should be expanded to reduce the monitoring and recordkeeping requirements for the participating facilities.

3. It was also noted that grading facilities based on compliance history may also result in a subjective treatment of some facilities with record of violations.

2(e) Incorporate Federal rules by reference.

2. The reasonable level needs to be established based on stakeholder's input, Department's recommendations, and EPA's approval. Examples of IBR were submitted by Toby Hanna on April 19, 2011 for evaluation by the Department.

3. It was noted that merely a rule citation for a complex Federal rule does not provide a clear understanding of the applicable requirements and the associated monitoring and recordkeeping methods needed for assuring continued compliance. This inherent ambiguity may lead to an inconsistent implementation of compliance obligations hampering the efforts of the regulated facility, an unpredictable interpretation of the rules by the enforcement staff, and a lack of clarity for the public.

2(f) Permit application supplemental information, not directly related to emissions, should not become permit requirements.

This issue is covered by item 6, topic 2(c) above.

2(g) Redefine insignificant source in New Jersey's Major facility Title V program.

2. Considering the cancer and asthma deaths in New Jersey, she opposed providing "more relief" to major or minor facilities. She

commented that there has to be a way to hold facilities accountable. No standard and no regulation are not more transparent, this is no information at all. She added that the Department should be backfilling positions to address any resources constraints. Due to the scarcity of resources the discussion regarding cumulative impact is lacking and there is no policy to deal with cumulative health impacts.

3. Suggestions regarding changing the list of insignificant sources have been submitted to Bachir Bouzid for evaluation by the Department.

2(h) Hold on-site pre/post application meetings.

2. The Department should also consider site visits for major and minor facilities, particularly when dealing with permitting expansion projects, new plants applications, or projects involving complex issues.

3. The Department's permitting and enforcement staff should visit all major facilities at least once every five years. These site visits can provide a better understanding of facility's setup and operations, resulting in better permits and enhanced enforceability.

2(i) Offer Plant-wide Applicability Limits (PAL).

1. Plantwide Applicability Limits (PAL) is a source-wide and pollutant specific emission cap that is established by adding significant emission rate to the baseline emissions under the PSD rules. With approved PAL, facilities can perform modifications without permit review or undergoing netting provided the emission cap is not violated.

2. PAL option is currently available to New Jersey's PSD facilities (which are also Title V facilities) under the PSD rules. PAL can be offered to additional Title V facilities by revising N.J.A.C. 7:27-18, 8 and 22. However, it was recognized that this would require a major effort in terms of rule changes, etc.

3. PAL provides increased operational flexibility, regulatory certainty, and fewer administrative burdens. However, requirements to comply with New Jersey's SOTA provisions, in addition to PAL requirements, make it less attractive option. It was suggested that for PAL to be a viable option, SOTA should not be applicable to any major facilities approved for PAL.

4. Amy Goldsmith commented that if New Jersey decides to offer PAL, the approval should be limited to five years (not 10 years) and PAL should require facilities to reduce their cap after five years (similar to New York's rules). This approach is intended to prevent operation of less efficient equipment without updating their pollution control technology.

5. Only one New Jersey facility (DSM) is currently interested in PAL. The breakout group participants observed that due to limited resources and limited interest, revising New Jersey rules to offer PAL is not worthwhile.

2(j) Develop General Operating Permits (GOPs) for Title V Major Facilities. Otherwise make equipment that is currently eligible for general permits, insignificant Title V sources (see 2(g) above), and eligible for a Minor facility General Permits.

1. The Department is developing GOPs for Operating Permit facilities for common source categories that require a significant modification. This approach would allow facilities to obtain their operating permit modification without delays, inherent in a case-by-base review, with no change of permit quality.

2. The approach is modeled after General Permits (GPs) for minor facilities. Currently 20 different types of general permits, that include standardized permit conditions, are available for common source categories. GPs allow facilities to obtain instant approval. To date over 21,000 general permits have been issued, eliminating the need for case-by-case reviews.

3. All draft GOPs will initially go through the public comment and the EPA review process. Facilities applying for GOPs will get the approval instantly. Approved GOPs for a facility will then be incorporated in the Title V Operating Permit the first time the permit is opened for a modification or at renewal, whichever occurs first. The permit modification and renewal will also be subject to public comment and EPA review process.

4. The Department has recently completed the public comment process for a Combined Heat and Power GOP. Another GOP for emergency generators subject to NSPS Subpart IIII is under development.

5. Amy Goldsmith commented that some general permits may be acceptable for equipment like emergency generators, based on the fact that such equipment operates only in an emergency. However, boilers and other equipment that operate continuously may not be suitable for general permits. She questioned the process for ensuring that the equipment is actually complying with the applicable requirements in the general permit and added that environmental groups oppose the increasing use of general permits by the Department.

2(k) Shorten the processing time for permit approval. Also, the NJEMS database should be upgraded for better interface to populate forms and upload applications. (For example, use of newer Excel based interface to populate forms and upload/submit an application.)

1. The Department's Air Quality Permitting Program has undertaken several efforts to improve the permit processing time. It was noted that a joint effort is needed between NJDEP and applicants to improve the quality of incoming applications. Some of the items being considered include development of checklists for completeness and technical reviews to improve the quality of applications being submitted to the Department. These checklists can be made available in RADIUS and posted on Department's website.

2. Several participants noted that frequent interactions with applicants during the technical review process and when developing compliance plans combined with the practice of issuing pre-draft permits provides an opportunity to resolve any pending issue before the public comment process resulting in improved permit processing times.

3. It was suggested that the Department should continue to give higher priority to permit modifications related to capital projects.

4. The Department should consider standardizing the practice of calling the applicants within three days of receiving applications.

2(l) Classify more significant modifications as minor modifications. Develop procedures to modify permits for like-kind replacement of equipment when there is no increase in emissions.

1. The Department's current regulations pertaining to operating permit modifications are consistent with the Federal rules. However, the application of rule by the permitting staff when determining modification type (minor or significant) has been inconsistent. The Department should consider developing screening procedures to streamline the process, reduce ambiguity, and improve predictability.

2. The Department should consider facilities need to replace existing units with equipment that is virtually identical, or at least equivalent in all respects relevant to air emissions. These proposed "like-kind" replacements pose an opportunity for enhanced efficiency in the review and response to permit applications.

3. Another issue implicated by like-kind replacements of emission sources is the applicability of SOTA requirements. On certain occasions, Department permitting staff have taken the position that the installation of a like-kind replacement triggers evaluation of

SOTA applicability. In such case, the facility operator may determine not to install the more efficient replacement unit because it will be subject to substantially more expensive/stringent requirements. The Department should consider not applying SOTA requirements to like-kind replacements.

2(m) Minimize the number of appeals.

1. It was noted that a considerable number of permit appeals result from the need to "preserve" the applicant's right to appeal within 20 days of Department's decision. Another significant portion result from appeals filed for multiple modifications to the operating permit or when each step of the modification process (draft, proposed, final) is appealed. Currently, the procedures do not allow consolidating multiple appeals into one. One suggestion was to use a "short form" when subsequent appeals are filed for the same modification and not require the information that has already been submitted with the first appeal.

2. Several participants noted that a track-changes function that clearly shows edits/changes in applicable requirements will reduce the number of appeals. Such a function will allow a quicker review of modified permits, thus minimizing the applicant's need to appeal just to preserve the right. Note: the track-changes function is also recommended in item 3, topic 2(a) and item 11, topic 2(c) above.

3. It was suggested that the Department should consider changes to the current rules to:

(a) allow permit approvals with a stay of the disputed conditions,
(b) delay the effective date of the contested conditions, and
(c) remove the 20 days limit to file a permit appeal.

4. It was suggested that the Department should respond to all stay request, even when the request for a stay is not granted.

5. The Department's current policy provides for a resolution of permit appeals through permit modifications. During recent years, several appeals have been addressed through technical discussions with permitting staff and by filing subsequent permit modifications. Some participants suggested that a modification application may not be required for situations where a permit condition is disputed and the technical discussions are underway to reach a resolution.