

INDUSTRIAL STAKEHOLDER GROUP

October 1, 2021 MEETING HIGHLIGHTS

Preliminary Matters

Due to the restrictions placed on indoor gatherings as a result of COVID-19, the Department determined that it would be appropriate to hold a virtual meeting.

Agenda Items (in order of presentation)

I. General Permit/General Operating Permit (GP/GOP) Update: The Department provided an update on issues concerning and current changes being made to GP/GOP.

A Public Notice published on July 19, 2021 proposed the discontinuation of GP-20 “General Permit Registration Form for Research and Development.” The public comment period ended on September 17, 2021. The comments received will be responded to, and the formal Response to Comment document will be posted on the Air Quality Permitting Program website and sent to each commenter. A request was made for the Department to work with impacted facilities to develop permitting guidelines so that the necessary Research and Development activities can continue uninterrupted. The Department responded that it will be able to meet with impacted facilities after the decision has been made as to whether or not to remove GP-20. The Department suggested these facilities meet with each other to develop a proposal for the Department’s review.

The “Registration Form for Used Oil Space Heaters – R-001” will be able to be submitted on-line by February, 2022. Currently, this Registration Form has to be printed out and sent to the Department.

Municipal and other facilities are able to apply for and obtain resiliency grant funds for the installation of emergency generators. These facilities must demonstrate that they have the necessary approvals before the funds could be authorized. These facilities can obtain the necessary air pollution control permits by filing, as applicable, General Permit for Emergency Generator(s) Burning Distillate Fuels/Gaseous Fuels (GP-005A/GP-005B) or General Operating Permit for Emergency Generator/Emergency Generator Burning Gaseous Fuels (GOP-0003/GOP-004). These GP/GOP require that generator data, such as manufacturer, model, and maximum capacity, be listed. The Department acknowledges that often acquisition involves a public bidding process and that the generator specifications may have to be changed. If this occurs, a revised GP/GOP would have to be submitted with all updated information.

In several cases, facilities have obtained an Emergency Generator GP/GOP and then filed a permit modification for operation beyond that allowed by the GP/GOP. The Department advised that this permit modification may not be approvable and encouraged facilities to begin the permitting process as soon as possible if the facility plans to operate the generator during non-emergency situations.

II. State of State - Air Monitoring Summary: An analysis was done to determine the Covid-19 lock down's immediate and long-term impact on ambient air levels of nitrogen oxides (NO_x), benzene, and PM_{2.5}. During April/May, 2020, ambient levels of NO_x decreased by approximately 40%, ambient levels of PM_{2.5} decreased by approximately 30%, and ambient levels of benzene decreased by approximately 20%. All three air contaminants demonstrated decreased average ambient concentrations from 2010 to 2019. In 2021, NO_x ambient actual levels are less than projected ambient levels and it can be concluded that this decrease is a lasting impact from the Covid lockdowns. However, conclusions concerning Covid's impact on PM_{2.5} ambient levels cannot be made since Canadian and other forest fires skewed these levels upward. Also, conclusions concerning Covid's impact on benzene ambient levels cannot be made because of statistically low concentrations recorded in 2019.

A question was raised on whether ambient monitors readings accurately represented contaminant concentration levels in nearby areas. This generally depended on the topography at the monitor's location. The Department's Elizabeth Laboratory monitor was sited to be representative of the contaminant concentrations within a several mile radius. Ozone and particulate ambient levels tend to be uniform over wide areas. However, carbon monoxide ambient levels are closely correlated to the location of the source of the CO emissions.

Another question raised concerned whether there were sufficient monitoring stations in the state. The Department responded that there are 30 monitoring locations throughout the state and advised that Annual Monitoring Reports can be accessed on the Department's website.

The Department stated that since methane diffuses so quickly, it does not anticipate monitoring for ambient methane levels and that it is more beneficial to gather information on sources that generate methane.

II. Rules Update – The status of several rule proposals was given. The 60-day public comment period for the Greenhouse Gas Monitoring and Reporting Rule closed on August 20, 2021. 46 comments were received, which have been sorted into 26 categories. It is anticipated that the Rule will be adopted before the 1-year deadline from rule proposal. The proposed rule requires blowdown reporting by utilities from distribution systems for blowdowns releasing 50 standard cubic feet or greater of natural gas. The proposed rule does not require ambient methane monitoring, but rather focuses on the types of facilities that generate methane, such as landfills, wastewater treatment plants, and natural gas transmission and distribution lines, and includes methane as a contaminant that must be reported on Emission Statements, pursuant to proposed amendments to N.J.A.C. 7:27-21.

The Department stated although many facilities' air contaminant emissions are not monitored continuously, they are still regulated by other means such as fuel usage monitoring and emission calculations using other process parameters.

The stationary source Greenhouse Gas rule is still being developed for formal proposal. It is anticipated to have GHG limits based on kilowatts produced and address the installation electric boilers.

The public comment period for the proposed Permit and Reporting Requirements for Fumigants and Other Hazardous Air Pollutants rule closed on April 30, 2021. Stakeholders who submitted comments were offered the opportunity to clarify their positions during Listening Sessions that were held on September 22, 2021. Stakeholders stated that they did not know the objective of the Listening Sessions, that many did not have any planned comments when they called on to speak, and that they would like to have further discussions. All comments received during the public comment period are still being evaluated.

The proposal for the Consumer Product and Architectural Coating Rule is still being developed.

iV. EPA's CAERS Emission Reporting System: The USEPA is implementing the Combined Air Emissions Reporting (CAER) project, whose goal is to streamline multiple emission reporting processes by combining all of these processes under a common reporting system. The Department is not participating in the testing of CAER since CAER is incompatible with the state's computer systems. The Department requested input from any stakeholders who may have used CAER outside of New Jersey.

An inquiry was raised as to why the issuance of the National Air Toxics Assessment (NATA) is always delayed. The Department responded that the emissions data that is process by NATA generally is submitted on time, and that the delay results from the evaluation and processing of the data.

V. Averaging CEMS Data – UPDATE (Compliance Advisory issued on August, 26, 2021)

The Department discussed an August 25, 2021 Compliance Advisory, "Do You Have an Air Permit With a 3-Hour Rolling Average Based on 1-hour Blocks? You May Not be Reporting Exceedances Correctly." Facilities which operate Continuous Emission Monitors (CEM) which have compliance based on a 3-Hour Rolling Average Based on 1-hour Block should review the Compliance Advisory and the Department webpages listed in the Advisory to determine if the correct averaging procedure is being implemented. In the Compliance Advisory, the Department provided a grace period until March 31, 2022 to review and, if need be, re-program existing Data Acquisition System (DAS) software to accurately submit data in their Excess Emissions Monitoring and Performance report.

VI. USEPA Enforcement Alert – Violations at Metal Recycling Facilities Cause Excess Emissions in Nearby Communities (Publication no. EPA 310-F-21-003): The Department stated that the USEPA had found violations at three metal shredding operations (Oakland, CA; Johnston, RI; and Everett, MA) and test data showed that typical shredding operations emit volatile organic

compound at rates between 20 and 200 pounds per hour. The Enforcement Alert outlines Air Pollution Control Strategies as well as Recommended Actions.

With regard to Compliance & Enforcement re-organization, the Department stated that the entire Division of Air Enforcement will be moved to Air Quality, Energy, and Sustainability, under Assistant Commissioner Paul Baldauf. It was suggested that the Department consider having permit reviewers also be the air compliance inspectors on equipment that they permit. The Department concurred that it is always beneficial for permit writers to visit facilities for a better understanding of the equipment and processes being regulated. The Department plans to arrange plant visits on a regular basis once all Covid restrictions are lifted.

VII. EJ Administrative Order: The Department opened a discussion on Administrative Order Number 2021-25 (AO), which was issued by Commissioner LaTourette on September 20, 2021. This concerned implementation of the State's Environmental Justice Law, codified at N.J.S.A. 13:1d-157, et seq. Stakeholders were told that any questions on the AO's implementation will be forwarded to Department management. Inquiries made concerned the following: what facilities and permit actions would be subject to AO, applicability to permit applications currently under review, how is the term "expansions" being interpreted, the standard for achieving "meaningful community engagement," the need for an EJ impact statement, consequences if regulations are promulgated and require different mandates than those in the AO, what type of community stressors need to be evaluated, what was the impetus for issuing the AO, and what will constitute a "public hearing." Ken Ratzman committed to following up with the group on a further training/explanation session for EJ related matters. Some participants felt it would be appropriate to be an "Air" only session, while other suggested it should cover all media.

VII. OPEN DISCUSSION: The Department was requested to expand community ambient air monitoring, and focus on the overall benefits, and less on the financial costs.

Stakeholders asked the Department for greater specificity and guidance as to what is expected of them for the implementation of the AO.

The Department stated it will evaluate scheduling a follow-up ISG meeting in early November which will focus solely on the implementation of the AO.