

# INDUSTRIAL STAKEHOLDER GROUP

## October 4, 2019 MEETING HIGHLIGHTS

### Preliminary Matters

Introduction of Attendees

### Agenda Items (in order of presentation)

**I. RGGI Update:** Since the last ISG meeting, the adoption of the CO<sub>2</sub> Budget Trading Rules (also referred to as the RGGI mechanics rules) were published in the New Jersey Register. Shortly thereafter, the Department launched a RGGI website that provides information relevant to regulated entities, such as a form to add a budget source to a permit and a compliance certification. In addition to these items, the Department hopes to post another package of forms in November that will assist regulated entities in submitting their accounting and compliance requirements for the one-year control period. The Department is aware that much of the information required for RGGI compliance is also submitted to EPA. Thus, the Department is doing its best to eliminate any redundant paperwork for regulated entities. For facilities who were issued an operating permit prior to June 11, 2019, applications to incorporate the RGGI requirements are due on January 1, 2020. For all others review N.J.A.C. 7:27-22.28 for applicable deadlines.

**II. Risk Assessment Minor Facilities:** The Department presented a flow chart explaining the process the Department follows, pursuant to the technical manual, when evaluating risk in a pre-construction permit. Several stakeholders voiced concerns that: (a) the Department's requirements make the process less certain for entities; (b) the process was not publicly vetted; (c) it will take even longer to process permit applications; and (d) the process will add expense that small facilities cannot afford. The Department acknowledged the feedback, some of which had been voiced previously when the lower thresholds were adopted and the updated Risk Screening Worksheet was shared. The Department restated its positions that: (a) the presentation was about process; (b) the majority of applicants will not require a facility-wide risk assessment; (c) risk screening is intended to be protective of public health; and (d) delays are not expected given that the risk management team is now fully staffed. Nonetheless, the Department agreed with the initiation of a subgroup (with Toby Hanna as the point-person for industry stakeholders) to meet and discuss potential burdens to industry (time and money), including, but not limited to, the possibility of a secondary screening worksheet to be used prior to a refined modeling.

**III. Risk Assessment Major Facilities:** The Department gave a presentation intended as an overview/refresher concerning risk assessment for Title V facilities, which included the process followed for issuance of initial operating permits, renewals, and modifications. Several stakeholders voiced concerns that a secondary risk screening tool is even more important for Title V facilities because there is more uncertainty and financial investment involved and that risk assessments are already backlogged, which creates undue delay in the permitting process. The Department acknowledged the feedback and advised that the new sub-group can take up the issue of a secondary risk screening and that the backlog is expected to be addressed now that the Department's risk management team is fully staffed. A stakeholder asked for an update on the release of the risk screening worksheet. The Department advised that the worksheet was still under review, but hoped that it would be released soon.

**IV. Update on General Permits and General Operating Permits:** The Department provided an update on general permits and general operating permits. The status of specific GPs/GOPs can be found in the full presentation that will be posted on the ISG website. GOP-005A and GP-005B were finalized and have been available since September 16, 2019. Additionally, the GOP-003, GOP-004, and GP-009B went out for public comment in September and all three are expected to be released on January 6, 2019. GP-019A (Temporary Equipment) and GP-008A (Site Remediation Activities) are currently under construction. Finally, the Department is contemplating discontinuing the use of GP-021/GOP-005 (CHP Combustion Turbines) and GP-022/GOP-006 (CHP Spark Ignition Reciprocating Engines) and will provide justification for the elimination and a public comment period that is expected to begin in mid-November.

**V. Air Program Fee Changes:** The Department anticipates a November 4, 2019 publication in the New Jersey Register of the administrative fee changes that will be effective January 1, 2020. The changes will impact fees for annual emissions, permits, and the threshold dollar amount for reconstruction. One stakeholder inquired about the level of funding for the program. The Department advised that the Title V permitting program is not fully funded based upon the fees it collects.

**VI. PDF Approval Generation For PCPs and GPs:** Some GPs registered before 2018 and all early NJEMS (and Pre-NJEMS) PCPs do not have PDF approvals. These approvals are useful, since they allow access to information in the permit. The Department is continuing the effort to manually create all of these PDF approvals so they may be made publicly available. As part of this effort, the Department may contact the impacted facilities to get updated information.

**VII. Emission Statement:**

- In response to a question concerning the due date of emission statement submittals, the Department reviewed existing rules at N.J.A.C. 7:27-21 and clarified that the 2019 emission statements will be due May 15, 2020. The rules allow for an extension until June 15<sup>th</sup> with a written request to the Department by May 1<sup>st</sup>.
- In response to questions about “reasonableness letters” sent with regard to the 2018 emission statements, the Department advised that these letters are being sent in order to collect data that is required by both New Jersey and Federal regulations. Stakeholders advised that some of the measurements being sought for sources are difficult to get or simply do not fit in the RADIUS system. Stakeholders asked the Department to issue guidance. The Department has already started drafting guidance and will share with interested members of the ISG; the Department will take comments/suggestions for two weeks, before the guidance is finalized and published.
- The Department has changed its webpage to be more user-friendly by making announcements on the Public Notices webpage to be ordered chronologically with the newest notices at the top.
- The Department is planning to make a change to the NJPortal that will allow users to upload 50 MB files. Plans are to have this change effective sometime in 2020.
- The Department, in collaboration with Rutgers University, will be offering hands-on RADIUS training next year. Plans are to have the class in the Spring of 2020.

### **VIII. Open Discussion:**

(1) One stakeholder asked about a recent news story that Pennsylvania was shutting down coal units. The Department advised that they had no information on specific coal unit shutdowns. However, the Ozone Transport Commission, with New Jersey's support, has filed a 184(c) petition in response to Pennsylvania plants that are not running their controls during ozone season.

(2) One stakeholder asked about the Department's plans with respect to the attainment SIP. The Department advised that there were no specific plans for rulemaking other than new rules concerning architectural and industrial coatings, consumer products, and aftermarket catalytic converters for light-duty vehicles. Stakeholder meetings for this rulemaking was completed in September. Though nothing specific is on the horizon, the Department did note that it has a RACT/RACM analysis underway.

(3) One stakeholder asked for an update on fumigation. The Department advised that two permits had been issued and other permits were under review. The fumigation rule proposal draft was under review and making its way through the final stages before publication.

(4) One stakeholder inquired about the OCS delegation. The Department advised that the proposal to incorporate the Federal rules by reference was due to be published in the November 4, 2019 New Jersey Register.

(5) One stakeholder inquired about the 185 fees. The Department advised that the decision was being held up by EPA due to litigation.

(6) Several stakeholders voiced their concern about the stopping and starting of the timeclock for permit review. The Department advised that when an applicant suspects undue delay in restarting the clock, the applicant should contact the permit reviewer's direct supervisor first, before going to higher level management.

(7) The Department asked that when requesting a meeting with DEP that an agenda be supplied at least one week prior to the meeting. As explained, the agenda would ensure the right decision makers and technical staff are available. In addition, if counsel is to attend the meeting, the Department should be notified in advance.

All written presentations were posted on the ISG Meeting webpage.

<http://www.state.nj.us/dep/aqpp/isg.html>