

**INDUSTRIAL STAKEHOLDERS GROUP (ISG)
MEETING MINUTES – December 2, 2011**

The following issues were discussed at the 12/2/11 ISG meeting.
Follow-up items are **bolded**.

1. A synopsis of the September 16, 2011 meeting minutes was given along with updates.

Construction, Repair, and Maintenance

Several questions were raised concerning the “Permit Applicability for Equipment and Source Operations Operated During Construction, Repair, and Maintenance Events” memorandum issued on August 4, 2011. A specific applicability example discussed concerned the equipment used for the construction of a new landfill cell at an existing landfill. It was concluded that equipment used for this purpose may fall under the guidelines of the 8/4/11 memorandum since the construction was a one time, short term project.

A Compliance Advisory Update was issued in November, for the 8/4/11 Permit Applicability memorandum to provide additional background for its implementation. This Update was distributed through the Air Quality Permitting Program’s Listserv system.

A question was raised on how the Department would regulate Operating Permits which had placeholders for temporary equipment with language requiring temporary equipment which operated at the site have a preconstruction permit. The Department stated that the 8/4/11 memorandum would supersede the placeholder requirement and that the placeholder could be removed by filing an amendment. However, facilities were advised that the placeholder should be maintained for any temporary equipment which did not meet the provisions of the 8/4/11 memorandum.

The Department stated that the air contaminant emissions from equipment which fell under the provisions of the 8/4/11 memorandum generally had to be included when preparing emission statements. As indicated in the minutes of the 9/16/11 ISG meeting, the types of equipment that need to be included in Emission Statements can be found in “Guidance Document 2010 Emission Statement Report of Actual Emissions” which can be accessed at <http://www.state.nj.us/dep/aqm/es/guide10.pdf>. In the Guidance Document, specific instructions on what equipment is exempt from Emission Statements can be found on pages 14-15.

Emergency Generators

The Department stated that it was developing General Permits and General Operating Permits for Emergency Generators (EG). The Department had been including a 500 hour per year (hr/yr) operating limitation in the Operating Permits it issued, with the acknowledgement that the EG may have to be operated for longer periods of time. This was the case when several EG had to be operated beyond 500 hour level as a result of the damage caused by Hurricane Irene. The 500 hr/yr level was based on USEPA guidance and a 1992 Federal White Paper. However, the Department's subsequent review of the White Paper found that the White Paper directed the 500 hr/yr level only be used to determine applicability, since EG typically operated far less than continuously, and that the 500 hr/yr level not be adopted as a permit limitation. The Department cited the White Paper as calling any operating permit limitation, beyond predetermined testing and maintenance, as "unnecessary and burdensome." However, the Department noted that limits in addition to "testing and maintenance" could be incorporated into an air pollution control permit to make the facility exempt from Title V or 40 CFR Part 63 (MACT) if such operating limits could be substantiated based on operating history.

The Department stated that is was waiting for feedback from the USEPA on its conclusion concerning permitted operating hours for EG. Once received, a draft EG GP/GOP should be issued for public comment. The anticipated publication date is March, 2012.

A question was raised whether the EG policy could be expanded to boilers used for emergency purposes, which operate pursuant to N.J.A.C. 7:27-19.25 "Exemption for emergency use of fuel oil." The Department stated that it would examine this inquiry, but initially believed that a regulation change would be necessary.

The Department stated that to have the exemption allowed under N.J.A.C. 7:27-19.25, the provisions of the rule would have to be incorporated into the APC Permit for the boiler. Permittees without the provisions of N.J.A.C. 7:27-19.25 in their permits were advised to file an amendment to obtain the exemption.

FOLLOW-UP: The Department will determine what steps need to be made to apply the EG policy to boilers used only during emergencies.

RADIUS Compatibility

The Department stated that RADIUS has been tested and will work with all versions of Microsoft Windows, including all 32 and 64 bit operating systems. This was outlined in a 12/1/11 Department Listserv message.

Conflict in Minimizing Both CO and NO_x

The Department clarified how facilities should address any conflicting regulations and guidance concerning minimizing both carbon monoxide (CO) and nitrogen oxide(s) (NO_x) during boiler tune-ups. Facilities should follow manufacturer's specifications when conducting tune-ups so as to maximize combustion efficiency and minimize both CO and NO_x emissions to the extent possible. A request was made to formalize this clarification.

FOLLOWUP: The Department will post the USEPA's response to this question as raised during the USEPA's proposal of 40 CFR Part 63, Subpart JJJJJ, "National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources."

Listserv Notice for Bad Air Quality Days

The Department stated that it still would like to issue Listserv announcements on bad air quality days, and that it would evaluate implementing this after other Information Technology (IT) projects and initiatives have been completed.

2. A transformation update was provided. The Department stated that it was drafting two standard procedures which would aid in streamlining the APC Permit review process. The development of the procedures will result in a more efficient, streamlined permit review process. These are listed as follows:

Technical Review Checklist

The Technical Review Checklist will aid both the applicant and permit evaluator by outlining all information and data necessary for a technical review to be completed. Several specific checklists will be developed for common types of source operations, such as boilers, engines, and storage tanks. The Checklist will not be used to verify completeness as specified in N.J.A.C. 7:27-22.10. The Checklist will not be integrated with RADIUS when initially issued, but may be integrated at a later date.

Netting Analysis Tool

The Netting Analysis Tool will be based on the equation in 7:27-18.7 "Determination of a net emission increase or a significant net emission increase." The Netting Tool will create a standard format that will outline all pertinent data that must be included. The Netting Tool will also eliminate calculation errors and provide an updated total of the facility's

changes in emissions. A concern was raised that although the Checklist and Netting Tool may be beneficial to the Department, they may become a burden to the regulated community. A request was made to allow stakeholders to comment on the documents before they are finalized.

FOLLOW-UP: The Department will post on its website the draft Checklist and Netting Tool prior to the next ISG meeting. Also, the Department will ask that stakeholders comment on the documents in order to maximize their usefulness to both the Department and the regulated community.

The Department will determine how the date of construction and risk assessments will be incorporated into the documents.

3. The Department outlined its new web page “Permitting Guidance” which lists policies dealing with interpretation of regulations, rule applicability, and testing and monitoring.

A question was raised concerning the Department’s use of testing and monitoring presumptive norms. The Department stated that an alternate monitoring program could be proposed for the Department’s review and approval, but that the USEPA will not comment on an Operating Permit’s monitoring requirements if the presumptive norms are in the compliance plan. The Department also emphasized that a more stringent monitoring program could be required: 1) If the facility is in an area which is already overburdened with emission sources; 2) If it is necessary to verify whether a source operation is causing a public health concern; and 3) In order to verify that sources permitted with emission limits close to threshold levels would not be triggering regulations which were not included in their compliance plans.

A statement was made that applying requirements that are more stringent than Federal rules results in inconsistent compliance plans.

FOLLOW-UP: The Department stated that it would conduct a Stakeholder breakout session on the issue in February.

4. The Department stated that it will begin to scan pre-1996 APC permits into its data base. Each permit will be in a PDF format and only active permits will be scanned.
5. The Department gave an update regarding its implementation of the USEPA's Electronic Reporting Tool (ERT) for stack test and continuous emission monitors (CEMS) submittals. ERT has been modified under a Department Workplan to improve and simplify the program. Additional improvements have been made to the ERT based on comments received during an October training session for

Department staff. It was announced that on December 12, 2011, an ERT webinar would be held for companies which conduct stack emissions tests. After that, the use of ERT in New Jersey for submittals of stack tests and CEMS reports will be phased in, eventually becoming a requirement. It was noted that the USEPA will be proposing a requirement that only ERT be used to submit stack emissions test data to the USEPA.

The ERT will be used by the USEPA to arrive at emission factors. Immediate benefits of Department's ERT is that all data necessary to review stack tests will be available upon submission, all results and readings can be posted in a standard format, and calculations will be automated.

6. The Department stated that it was developing a system which would allow permit applications to be electronically submitted through its web portal. Currently, applications can only be accepted on a disk. The design of the web portal is scheduled to be completed by 2/12. Testing will occur in late spring/early summer, and the portal should be ready for use by late summer. In addition, it was stated that facilities will be able to submit Emission Statements through the Department's web portal.

A question was raised concerning confidentiality for electronic submittals. The Department stated that no information in RADIUS was confidential and that any confidential information would still have to be submitted consistent with N.J.A.C. 7:27-1 "General Provisions."

FOLLOW-UP: The Department will investigate whether attachments to the RADIUS file will be able to be pulled through the web portal.

7. A question was raised concerning whether incorporation by reference (IBR) of Federal rules can be implemented. It was stated that National Association of Clean Air Agencies supported its use and that the USEPA was still evaluating its acceptance. An alternative being discussed is only including key portions and requirements of a Federal rule.
8. A request was made for clarification on the MACT for boilers at an area source. The Department advised that the September, 2011, "Compliance Advisory Update National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers Area Sources (40 CFR Part 63, Subpart JJJJJ or 6J)" should be reviewed since that document answers most questions and provides contacts for any follow-up concerns.
9. The following question was raised concerning the semi-annual compliance reports which are submitted on the Window 7 Microsoft system: A question was raised concerning which report was being sent given the submission type.

FOLLOW-UP: The Department will examine this issue and provide feedback.

10. A request was made for the Department to re-evaluate the issue of common control at landfills and other facilities. The Department stated that it was continuing to work with the USEPA on this issue and would notify the regulated community on any new guidelines and policies.
11. The Department advised that an Environmental Improvement Pilot Test application can be submitted for those seeking to determine if a thermal oxidizer can meet all required emission rates while operating at a temperature lower than required in the current APC Permit.
12. The Department has requested clean data determination from the USEPA for the daily PM-2.5 national ambient air quality standard both the northern and southern regions of the State. The Department is also in the process of conducting the technical work to submit to the USEPA request for a PM-2.5 redesignation. The request will most likely be submitted in the second half of 2012.

FOLLOW-UP: The Department stated that it would issue guidance on PM-2.5.