

INDUSTRIAL STAKEHOLDER GROUP

February 7, 2020 MEETING HIGHLIGHTS

Preliminary Matters

Introduction of Attendees

Agenda Items (in order of presentation)

I. 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-003, GOP-004, and GP-009B have been finalized and have been available for use since January 21, 2020 (003 and -004) and February 3, 2020 (-009B), respectively. One stakeholder inquired about the 20-foot stack requirement, and the Department confirmed that a facility unable to meet the 20-foot stack requirement would not be eligible for the GP-009B and would be required to apply for a case-by-case PCP. The comment period on GOP-009 has concluded. The Department is reviewing the comments received, and hopes to release the response to comments along with the availability for use of the GOP in May of 2020. GP-019A (Temporary Equipment) is currently under construction and the Department anticipates a release for comment in March or April. One stakeholder asked if the Department was developing a corollary GOP for temporary equipment. The Department advised that a GOP for temporary equipment was under consideration, but no final decisions had been made. Finally, the Department released the Notice of discontinuation of the use of GP-021/GOP-005 (CHP Combustion Turbines) and GP-022/GOP-006 (CHP Spark Ignition Reciprocating Engines) and the comment period ended on January 15th. The Department hopes to have a response to comment document for release in March. The GPs and GOPs will be discontinued at the same time.

***Pre-NJEMS permit compliance:** In August 2018, the Department issued a Compliance Advisory to air-regulated facilities with equipment or sources permitted under pre-construction permits with activity numbers beginning with PCP96 or PCP97. Specifically, the Department identified approximately 5,000 permit holders, whose permits were issued pre-NJEMS. As a result of their issuance prior to NJEMS, the Department determined there was a high probability that the permits were missing key pieces of information. The Department asked facilities to initiate any necessary corrections for purposes of compliance. As a result of the compliance actions taken by DEP, the number of pre-NJEMS permits has been reduced by 28%. One stakeholder asked whether the Department had completed this effort, and the Department responded that the compliance effort was ongoing.

***Transparency project:** The Department continues to manually enter PDF approvals for Pre-NJEMS PCPs (PCP 96's and PCP 97's) and GPs registered before 2018 so that these documents will be available on DataMiner and Community Corner. The project is approximately 35% complete. When asked how much longer the Department anticipated this effort would take, the Department responded that it hoped to be finished within a year.

*** New GP function:** The Department's portal has been updated to prompt an owner or operator attempting to register a GP to confirm the name and address of the facility, as well as the contact information. If the information in the Masterfile is not correct, the owner or operator will be given the opportunity to complete a Non-Tech Amendment paper form and submit to the Department. A stakeholder asked whether the fee for the Non-Tech Amendment would be waived. The Department responded that the policy on the fee for a Non-Tech Amendment had not changed.

II. Turning Off 2nd and 3rd Invoices: The Department determined that the vast majority of overpayments occurred as a result of permit renewal fees being paid twice. Specifically, institutions were making payments on 2nd and 3rd invoices because they mistook the 2nd and 3rd invoices (which were assigned different invoice numbers than the 1st invoice) as separate bills. The Department has addressed this issue by eliminating the issuance of the 2nd and 3rd invoices for permit renewals. Going forward, emails will be sent when no payment has been received at 30-, 60- and 90-day intervals. The emails will be automatically generated and stored in NJEMS.

III. Rulemaking Updates: The Department advised that there are five current rulemaking efforts underway. The development of the fumigation/air toxics rules is progressing and the Department hopes to publish a proposal in the Spring of 2020. The comment period on the Outer Continental Shelf (OCS) rules has closed, and the Department hopes to publish an adoption in the Spring of 2020. The Department held a stakeholder meeting for the Consumer Products/Architectural and Industrial Maintenance Coatings/ Aftermarket Catalytic Converter Rules in September 2019 and continues to work on the proposal document. On January 27, 2020, the Department announced a targeted regulatory reform effort known as New Jersey Protecting Against Climate Threat (NJ PACT). As a result of this reform, efforts to propose two air rules are underway. There will be stakeholder meetings on February 21, 2020 for the statewide greenhouse gas monitoring and reporting rules and February 25, 2020 for the CO₂ emissions reduction rules.

IV. RGGI Permitting Status: The Department has received an application from each of the facilities regulated by RGGI that must add a CO₂ budget source to their permit(s). The Department is processing those applications as part of other permit actions such as renewals and sig mods.

V. Website Update: The Department is in the process of revamping its website. Not only will the website be in a different format (to achieve greater flexibility when revising content), but the website will be streamlined with the goal of making it more user-friendly. The Department believes that many ISG members use the website regularly; therefore, the Department will ask ISG members for feedback on the changes. For example, the Department intends to have a “preliminary” website available for testing at a future ISG meeting. Stakeholders indicated they were eager to provide feedback, and that the biggest concern was that they not lose access to any of the existing content on the website.

VIII. Open Discussion:

(1) One stakeholder indicated that he would be interested in having a presentation by employees working on the DEP hotline. Specifically, he believes it would be helpful to know general information about the procedures they follow when they receive calls and any information DEP hotline employees would like callers to have available when they make contact.

(2) Toby Hanna (the point-person for a Stakeholder sub-group organized during the last ISG meeting) reported that a subgroup of ISG members had met a few times to discuss the potential burdens to industry as a result of the Department’s current risk screening process. The subgroup concluded that they would have three areas of focus: (a) research into the feasibility of additional input parameters; (b) feedback (guidance) from the Department concerning procedures followed by staff when a facility fails a risk assessment; and (c) feedback (guidance) from the Department concerning the possibility of a secondary screening worksheet to be used prior to a refined modeling. The subgroup had one meeting with staff from the Department prior to this ISG meeting and believes that continued meetings will be productive.

(3) One stakeholder asked whether DEP can share any further information about the upcoming Stakeholder meetings. The Department shared information about the NJ PACT website (<https://www.nj.gov/dep/njpact/>), and referred stakeholders to the Fact Sheet and Administrative Order for further information.

(4) One stakeholder asked whether the Department's requirements for minor modifications to an existing source had changed, since he noticed that he was being prompted for information pertaining to a complete emissions inventory, rather than more specific questions pertaining to the emissions resulting from the modification. The Department responded that pre-1990 sources are being required to provide greater detail on their entire emissions inventory, because those permits are more likely to contain erroneous or out-of-date information. Stakeholders were advised to choose the "bill me later" option when processing pre-1990 modification applications.

(5) One stakeholder asked why New Jersey issues permit renewals for five years from the date the initial permit (or renewal) expired, rather than 5 years from the date the permit renewal was issued. The stakeholder indicated that she did not believe that other states operated in this fashion. The Department indicated that this was a regulatory provision, but asked the stakeholder to provide more information so that the Department could address the issue with the EPA.

The following provides the Department's response regarding permit renewals for five years: Consistent with the Operating Permits rule, the Department issues an operating permit with a five-year term (N.J.A.C. 7:27-22.3(i)). In addition, the rule requires that each operating permit shall specify an expiration date no later than five years from the date of issue (N.J.A.C. 7:27-16(s)). Based on this, the Department issues a renewed operating permit effective immediately after the current permit expires, i.e. without any gap between the expiration date and the renewal date. This continuity provides an application shield, consistent with N.J.A.C. 7:27-22-7, allowing a facility to operate without penalties for operating without an operating permit.

(6) One stakeholder asked how the Department was progressing with the modeling review delays/deficiencies. The Department indicated that there were not widespread delays. But to the extent the stakeholder had specific modeling reviews of concern, the stakeholder was asked to reach out to the Assistant Director.

All written presentations were posted on the ISG Meeting webpage.
<http://www.state.nj.us/dep/agpp/isg.html>