

# INDUSTRIAL STAKEHOLDER GROUP

## June 1, 2018 MEETING HIGHLIGHTS

### Preliminary Matters

Introduction of Attendees

### Agenda Items (in order of presentation)

**I. Ozone Final Designations:** The Bureau of Evaluation and Planning provided an air quality planning update that included information concerning New Jersey's status pursuant to the NAAQS, current ozone design values for sites throughout the State, and the most recent SIP revision actions. The presentation will be posted on the ISG website.

**II. 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 presentation that will be posted on the ISG website. Of particular note: Several GPs and GOPs are expected to be available by the Summer of 2018: (1) GOP-002 for manufacturing and materials handling (online design being completed); (2) GP-013A non-HAP dry-cleaning equipment (public comment period almost closed); and (3) GP-015A for plating operations.

**III. Permit Approvals prior to 1998:** The Department considers permits issued prior to 1998 "pre-RADIUS." These paper permits were scanned and imported into the Department's database, but are missing key pieces of information because they contain no compliance plans. As a result, when renewal invoices are sent, they are based on incomplete (and sometimes incorrect) information (i.e. accurate equipment lists). The Department believes that approximately 5,000 of these pre-RADIUS permits exist. The Department is planning to take internal action to address the deficient records. And, at the suggestion of stakeholders, the Department will send a Compliance Advisory to inform stakeholders of the Department's planned action. Nevertheless, the Department encouraged facilities to update this information on their own. The Department suggests that much of the equipment covered under the pre-RADIUS permits may qualify for a GP, which may save the facility money. Moreover, if facilities do not act to become compliant on their own or after notice from the Department, the deficiencies may be referred to Enforcement for appropriate Enforcement Action(s).

**IV. Emissions Fees:** The CPI percentage adjustment to the air contaminant emission fees was published in the New Jersey Register on March 19, 2018 at 50 N.J.R. 1050(a). The adjustment was an increase of 1.99 percent from the amount charged last fiscal year; hence, the air contaminant emission fee this fiscal year is \$119.56 per ton.

**V. Technical Manuals 1002 & 1003:** The draft manuals were shared in mid-April 2018 and were available for public comment for 30 days. The Department received five sets of comments. The Department's goal is to share its document responding to comments in the summer of 2018 (along with the response to comments on the risk screening sheet). The Department does not anticipate significant changes to the Manuals based upon the comments received.

**VI. Regional Greenhouse Gas Initiative (RGGI):** RGGI is a multi-state cap and trade program designed to reduce CO<sub>2</sub> emissions from the electric generating sector. New Jersey was an original member and participant. However, in 2011, New Jersey's participation was terminated and the existing regulations were either repealed or allowed to expire. On January 29, 2018, Governor Murphy issued Executive Order No. 7 directing the Department to rejoin RGGI and to begin the rulemaking process. A letter was sent from Governor Murphy to RGGI on February 16, 2018 indicating New Jersey's intent to rejoin RGGI. Currently, two parallel rulemaking processes have begun. The first is the mechanics rule, which will detail New Jersey's participation in the auction. The second is the funding rule, which will determine how the proceeds from the auction will be disbursed. Both rules are being drafted and will be proposed simultaneously. However, neither rule can be proposed before there has been a successful negotiation of the allowance allocation with the other RGGI states. In May 2018, the BPU approved funds to contract for the modeling used by RGGI to verify the allocation caps. It is anticipated that the contract will be awarded at the Board meeting scheduled for June 22, 2018. A public information session was held on March 29, 2018 to address both rule proposals. The summary notes from that Public Information Session have been posted on the State's RGGI website at: <http://www.state.nj.us/dep/aqes/rggi.html> as the rulemaking progresses.

**VII. Confidentiality Request Process:** The Department receives many requests to keep information that is submitted by facilities confidential. But the Department cannot honor those requests that arrive in a form that is inconsistent with the requirements of N.J.A.C. 7:27-1. The Department encourages stakeholders to review the procedures in N.J.A.C. 7:27-1. Though the presentation of this material will be posted on the ISG website, of particular note are the following items: (1) Any information submitted and received via the portal will not be treated as confidential; and (2) placing a confidentiality stamp on the records is not sufficient to meet the requirements of N.J.A.C. 7:27-1.

**VIII. Monitoring Sufficiency Overview:** The Department has received many inquiries regarding its authority to impose monitoring requirements in permits. Accordingly, the Department's presentation, which will be posted on the ISG website, sets forth the Department's authority, interpretation of that authority, as well as other information the Department considers as part of its monitoring sufficiency determinations. Stakeholders were reminded that a number of guidance documents are available on the Department's website at <http://www.state.nj.us/dep/aqpp/permitguide.html>.

**IX. Case-by-case Determinations:** The Department announced a newly created form, which is currently available on the website for case-by-case determinations. NJ02 allows facilities to create a summary for the Department's review for all SOTA/RACT/BACT/LAER case-by-case submissions. The Department went through a demonstration using the new form.

**X. Closing:**

(1) ISG members were advised that the Department continues to review changes in federal policy and procedures, including interpretation of "once in always in" and "back-to-basics" memoranda. Furthermore, the Department advised that states are beginning to review the new federal policies at a regional level and states are hopeful they will receive further guidance from the EPA during regional meetings scheduled this summer.

(2) Stakeholders asked whether the Department would consider including a disclaimer somewhere in the general permit format that would communicate the responsibility of permit-holders to comply with new statutory and/or regulatory requirements, even if not listed in the permit. The Department indicated it would review the suggestion.

(3) Stakeholders requested that DAQ update the guidance web page to reflect the date that guidance was finalized and, if possible, update guidance.

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