INDUSTRIAL STAKEHOLDER GROUP
June 3, 2022 MEETING HIGHLIGHTS

Preliminary Matters
This meeting is being held in a virtual format using the Department’s video conferencing software. All written presentations displayed during the meeting will be posted on the ISG website for reference. The meeting highlights are provided as a courtesy and are intended to reflect the discussion during the ISG meeting only. Should there be a perceived discrepancy between the discussion at the ISG meeting and the Department’s official position as set forth in rules, guidance, or policy, the Department’s written rules, guidance, or policy documents will govern.

Agenda Items (in order of presentation)

I. Air Quality Organization Charts: The Department shared organizational charts for the Bureau of Stationary Sources, Bureau of Evaluation and Planning, and Division of Air Enforcement to the supervisory level. A stakeholder asked if the Department could provide an organization chart for all personnel, such as the engineers and modelers. The Department indicated that it is still working on backfilling a number of positions; thus, those charts are not up-to-date. The Department will consider sharing a more descriptive chart in the future. NOTE: the slide deck shared at the meeting was incomplete; the version to be posted is complete with the Director’s office included.

II. General Permit/General Operating Permit (GP/GOP) Update: The Department provided an update on current changes being made to GP/GOP.
   • The GP-20 “General Permit Registration Form for Research and Development” was discontinued on May 16, 2022. The Department has drafted a Response to Comment document, which was posted on the Department’s website and distributed to those who commented.
   • The Department has begun meeting with stakeholders to discuss a GP-020A for R&D (to replace the discontinued version). A draft of this general permit is under development. In response to a question, the Department clarified that the draft GP-020A is expected to be shared publicly for comment soon, but has not been posted or distributed as of this date. It is expected to be released within the month.

III. Permit Applicability Determination: The Department has developed a form for permit applicants to use when they have questions about applicability. Historically, applicants with questions were referred to the Division of Air Enforcement for a permit applicability determination. With the development of this new form, the Bureau of Stationary Sources (BOSS) will now be responsible for responding to all queries concerning permit applicability. The form can be found on the BOSS website under “Permitting Guidance.” The form must be submitted to the email address specified therein (applicants should not submit the form to an individual DEP staff member). The form has two steps and should be simple for the applicant to
fill out. In response to a question, the Department clarified that the form may be used for applicants of major and minor source permits.

IV. Mike Adhanom Retirement: The Department announced the retirement of Mike Adhanom at the end of the month. Numerous stakeholders and staff expressed their appreciation for Mike’s dedication to his work over the years, as well as their best wishes for his retirement.

V. Setting Appropriate M&R with Emission Limits in Permits: The Department clarified its stance on the appropriate treatment of permit applications that include emission totals that push up against a regulatory limit. The Department indicated that when an emission limit is right on the edge of rising to the level that may trigger another set of rules, the Department will ask appropriate questions about the monitoring and reporting at that facility to ensure compliance with those emission limits. One stakeholder asked if the Department had a rule of thumb for a safe range that would not trigger added scrutiny. The Department indicated this was a case-by-case determination. Another stakeholder indicated that even though they understood the Department’s position, the added scrutiny seemed overly burdensome in light of the fact that many facilities are already putting in place many measures to ensure emissions are below the limit (e.g. a limit on operational hours). Another stakeholder expressed a similar sentiment, indicating that the Department should not be requiring additional assurances if the applicant has met the criteria for a minor permit. The Department indicated that it will continue to seek assurances when the emissions listed in a permit application are just below a triggering threshold.

VI. NJ Air Quality Flag Program: The Department provided information about the Department’s recently launched Air Quality Flag Program (https://dep.nj.gov/njaqflagprogram/) that uses brightly colored flags to communicate air quality in New Jersey communities. The Department will partner with public organizations, such as schools senior centers, summer camps, community centers, county and municipal governments, to educate each organization, and by extension the surrounding community, about air quality in New Jersey.

VII. Tanks Risk Assessment Workgroup: The Department provided an update on a workgroup that was formed to address consistency across emission calculations, modeling, and compliance plans for storage tanks. Kevin Greener and Tim Pagodin, on behalf of the Department, and Toby Hanna, on behalf of a large group of regulated facilities, are leading the work group. To date, the group has held four meetings and have more planned. The group reported that they have made substantial progress on the issue of consistency in emissions through a collaborative process and plan to tackle the modeling concerns once they have reached consensus on emissions.

VIII. Fumigation: The Department announced that the notice of adoption of the Fumigation rule was published in April. Though a challenge to the rules was filed, the requirements of the rules are operative. The Department will be moving forward with plans to:
• Form a workgroup to develop a GP and is looking for external participants. Anyone interested in participating should send their name and contact information to Mayra Reyes.
• Hold meetings to discuss technical issues with implementation of the rules only. Anyone interested in participating should email Heidi Jones. Please note that these meetings will not include legal counsel and are limited to technical discussions only in light of the pending legal challenge.

IX. Operating Permit Renewals: The Department advised that based on requests from stakeholders at previous ISG meetings, DEP staff did some research and spoke with EPA Region 2 regarding the appropriate date to be used for Title V renewal permits. As a result of this, the Department has determined that Renewals will be dated based on the date of issuance going forward. The Department indicated that it intends to release guidance on this subject.

*After the meeting, the Department issued guidance, which covers three main areas: (1) Renewal date; (2) One renewal application; (3) Five-year stack testing requirements. For details, please refer to Operating Permit Renewals – Expiration Dates under General Guidance at https://www.state.nj.us/dep/aqpp/permitguide.html.

To ensure that the guidance is comprehensive, the Department sought feedback from stakeholders on any other areas they felt should be covered with this change in policy. Several stakeholders requested clarification on the stack testing requirements going forward (e.g. timing of tests in relation to permitting issuance; early testing; applicable criteria if there is a pending renewal application). One stakeholder pointed out that a Compliance Advisory (https://www.state.nj.us/dep/enforcement/advisories/2022-01.pdf) that was recently issued by the Division of Air Enforcement, which addresses many of the questions that were asked about stack testing. This stakeholder recommended that the Department use the language from the Compliance Advisory on stack testing as part of the Guidance, or policy, or rule revisions being considered. The Department agreed that stack testing was a major concern and would carefully address this in draft guidance that would be shared for comment before being finalized. A few stakeholders asked for clarification of the new policy on one renewal application at a time (e.g. is this policy in effect immediately; permit shield language is included). The Department clarified that the policy is effective immediately. Thus, anyone with a pending renewal application, that is coming up on the timeframe in which they would previously have submitted a 2nd renewal application (5-year mark), should not submit the second application. The Department will only process one renewal application at a time; and with the change in policy on the use of the issuance date, there should be no need to submit a second renewal application. However, the Department did note that all pending renewal permit applications must be kept up-to-date and include any changes at the facility, such as permit modifications. Stakeholders asked whether this policy would apply to applications for permit modifications. The Department indicated this policy change was related to renewal applications only. One commenter asked if the change in the date of the renewal permit would apply if the Department issued it prior to the expiration of the initial five-year term. The Department indicated the change in policy would apply whether the permit is issued early or late.
X. SOTA Manuals Discussion: The Department announced that it would begin putting together workgroups to develop one new SOTA manual concerning Landfills and to update three existing SOTA manuals covering Boilers, Engines (RICE), and Turbines. For those interested in participating in a workgroup for any of the four SOTA manual topics listed, please send an email to Khawar Kalim (khawar.kalim@dep.nj.gov) and include your contact information and a short description of your relevant expertise as well as your interest in participating. Please also identify which of the workgroup(s) you wish to participate in.

XI. Open Discussion: The Department indicated at the outset of the open discussion that a courtesy copy of the newly proposed environmental justice rules was posted on the Department’s website this week and that the official notice of proposal should be published in the New Jersey Register next Monday. The Department indicated that it would try to answer questions stakeholders may have about the proposal, but the Department was limited in scope given the status of the proposal.

(A) One stakeholder asked whether pending permit applications would be subject to the Environmental Justice Administrative Order (AO 25). The Department clarified that pending applications will be subject to AO 25 requirements. The Department indicated that applicants with questions about the process should visit the Department’s Office of Environmental Justice webpage, which includes a detailed FAQ (https://nj.gov/dep/ej/docs/njdep-ao-2021-25-faqs.pdf) concerning the requirements of AO 25.

(B) One stakeholder shared information and a link to an industry webinar that will discuss the new Environmental Justice law in relation to permitting. https://njbia.org/events/

(C) One stakeholder asked the Department whether it could send a paper fee notice to a facility when the electronic mail notice bounces back to the Department because the email is no longer functional (e.g. change in personnel at the facility). The Department indicated that keeping contact information for a facility up to date is the sole responsibility of the permit holder. Another stakeholder indicated that contact updates were easy to do using the Department’s non-technical amendment form for minor permits and modification form for Title V permits.

(D) One stakeholder asked if the Department had any updates on the Outer Continental Shelf delegation. The Department indicated there were no updates.

(E) One stakeholder asked if there were any updates on the proposed rules concerning greenhouse gas reporting and monitoring. The Department indicated that the rules were close to publication. Another stakeholder asked if facilities would be notified of their obligation under the new rules once published. The Department indicated it would be sending notices to impacted facilities known to the Department, and that notice of the adoption would be sent on publication to the email notification list and those who commented on the rules.
(F) One stakeholder asked about the current lead time for approval of stack test protocols. The Department indicated that protocol lag to assignment is about three months at the present time. As long as protocols are submitted timely, the Department has not seen a problem for facility’s meeting the deadline. If a problem does arise for a facility, they are welcome to contact Mike Klein directly.

(G) One stakeholder noted that The NJPDES program is consistently behind issuing 5-year permit renewals and if the applicant submits an administratively complete application, the applicant gets a letter from NJPDES program that states the permit is still in effect until the new one is issued. Could the Division of Air Quality issue such a letter for Title V renewals? The Department indicated that when an application is administratively complete, the Division issues an application shield letter. If an applicant has not received such a letter after submitting an administratively complete renewal application, that applicant may reach out to Joel Leon directly for assistance.