

INDUSTRIAL STAKEHOLDER GROUP

June 4, 2021 MEETING HIGHLIGHTS

Preliminary Matters

Due to the restrictions placed on indoor gatherings as a result of COVID-19, the Department determined that it would be appropriate to hold a virtual meeting.

Agenda Items (in order of presentation)

I. Meeting Protocol: The Department provided a brief explanation for the change in meeting format. Instead of engaging in the traditional “roll call” allowing participants to introduce themselves, the Department provided instruction for participation by attendees via the Teams App as well as individuals calling into the meeting by telephone.

II. Steps for Second Level Risk Assessment: The Department provided an overview of the process for a second level risk assessment for minor source. The full presentation will be posted on the ISG website for reference. At the conclusion of the presentation, one stakeholder asked the Department to clarify which compounds need to be assessed and for which emission units. The Department noted that the presentation was specific to minor sources. As a general rule, an assessment is done for a single source being permitted/modified. Another stakeholder asked whether the Department had considered modifying the level 1 risk screening tool so that fewer facilities would be required to do a level 2 screening, particularly when, in the stakeholder’s experience, facilities almost always pass the level 2 screening which is an expensive undertaking. The Department indicated that it is open to ideas on potential revisions to the level 1 screening tool. Another stakeholder asked why the Department had recently added HAPs to reporting requirements during startup/shutdown. The Department was not able to pinpoint the inception of the requirement, but indicated that it supports including HAPs in emission reporting for startup/shutdown periods. Another stakeholder asked about the role of the professional engineer (PE) in the certification process and whether the PE must be certified in NJ. The Department referred the stakeholder to title 13 of the New Jersey administrative code, chapter 40, entitled State Board of Professional Engineers and Land Surveyors, which requires certain documents related professional engineering to bear the signature and seal of the professional engineer. The Department was unsure of whether the seal of a professional engineer licensed in another State was acceptable, since that issue might be addressed elsewhere in the New Jersey administrative code. Finally, the Department recommended that when undertaking a risk screening or assessment, it is to the benefit of the permit applicant to follow the procedures and speak to the permit evaluator at each stage. Delays in the review/approval process will occur if a facility has gone through a risk screening/analysis without completing the proper steps.

III. Additional Guidance for Preconstruction Permit Minor Sources with Cancer Risk >1 in million, but <10 in million: The Department’s full presentation on this topic will be posted on the ISG website for reference. At the conclusion of the presentation one stakeholder asked whether the 10 in a million facility-wide risk level is an appropriate measure when modeling a

HAP from a single source and no other sources at the facility are emitting that same HAP? The Department advised that the risk level may be appropriate depending on the circumstances. For instance, the level of risk may be acceptable, as determined by the risk management committee, if the applicant has demonstrated that there are no other means to lower the risk. Another stakeholder asked whether a risk assessment will have to be put on hold if a permit modification is initiated to increase stack height. The Department indicated that in some cases, the Department may move forward with the risk assessment, but that will depend on the timing of the modifications to increase the stack height.

IV. Rule Update: The Department provided updates on its rulemaking efforts. First, the Department indicated that the fumigation/air toxics rules proposal was published in the New Jersey Register and that the comment period had closed a couple of days prior to the June ISG meeting. The Department received significant comments on a wide variety of topics and will begin working on its response. Second, the Department indicated that the greenhouse gas monitoring and reporting rule proposal should be released soon, but it could not provide a definitive date. Third, the Department provided an update on the status of the climate pollution reduction or CPR rules. Specifically, the Advanced Clean Trucks Program and Fleet Reporting Requirements (ACT) rules proposal was published and the comment period is scheduled to close on June 18, 2021. The stationary source rules have not yet been proposed. At the conclusion of the Department's update one stakeholder asked whether the Department was still anticipating publication of the stationary source rule in the first July 2021 New Jersey Register. The Department indicated that the Department was unlikely to meet the first July 2021 publication of the New Jersey Register. The same stakeholder commented that the Department's future stakeholder efforts should be improved, specifically as to the issue of providing better information about the contents of rules the Department intends to propose. The Department indicated that its goal is always to have a robust stakeholdering process. Another stakeholder asked about the status of the OCS delegation. The Department indicated that it continues to work with the EPA on the terms of the delegation agreement. Another stakeholder asked when the Department's staff might be returning to the office, to which the Department replied that no final plans had been announced to date. The same stakeholder also asked about the proper method to assess risk when stack height is less than the default value of 10 feet. The Department advised that AERSCREEN or AERMOD may be used to predict impacts and that these screenings may be performed by the applicant or the Department. The Department acknowledged that these risk screening tools were not a perfect way to predict risk when stack height is under 10 feet. Pursuant to this discussion, two other stakeholders indicated that stakeholders would like to have greater input into the screening tools so that they can be further refined to account for different variables. The Department noted that it was open to industry suggestions and data that would support refinement of the screening tools.

V. Seven-Day-Notice: an application or a letter: The Department provided an overview of the seven-day-notice process for minor facilities. The full presentation will be posted on the ISG website for reference. Stakeholders had no questions or comments following this presentation.

VI. Recission of Technical Manual 3001: The Department explained the history of Technical Manual (TM) 3001, the content covered in the Manual, and the Department's rationale for recission. Specifically, the Department explained that two of the three major sections of TM 3001 (Section A – Permitting and Section B – Odor Modeling) are currently covered in other Manuals (TM 1002 and the SOTA Manual for Sludge Treatment Facilities, while the third major section (TM 3001 Section C – Odor Testing) is being moved to Appendix C of TM 1002. Therefore, TM 3001 is no longer needed as a stand-alone manual. The Department published its revision in the May 17, 2021 New Jersey Register and the comment period will remain open until June 16, 2021. The Department encourages stakeholders to read the Notice as it provides a chart indicating where the main provisions of TM 3001 can be found in the other manuals. Stakeholders had no questions or comments following this presentation.

VII. Air Screens for Enclosed Flares: The Department explained that at a January 2021 stack test of an enclosed flare at a NJ landfill, temporary air screens were installed to protect against wind gusts which were causing high carbon monoxide exit concentrations. The Department explained that the purpose of the presentation was to solicit feedback from stakeholders pertaining to the use of air screens. The full presentation will be posted on the ISG website for reference. At the conclusion of the presentation one stakeholder asked what the Department's goal was in soliciting this information. Specifically, the stakeholder advised that the topic involved complex technical issues and that the spikes in emissions were not likely to be a sustained issue given that such high winds were a rare event. A Department (enforcement) staff member also weighed in indicating that the spikes may be due to rare meteorological events and that the spikes could mean that facilities were out of compliance on days when these meteorological events take place. The Department indicated that because it is a complex issue, it has not yet drawn any conclusions and asks for industry input.

VIII. Air Quality Planning – SIP Update: The Department provided updates on its latest State Implementation Plan (SIP) actions. The full presentation will be posted on the ISG website for reference. First, the Department advised that it had submitted to EPA a Request for redesignation to attainment and limited maintenance planning for the Warren County sulfur dioxide nonattainment area. The deadline for written public comments on this submission is July 18, 2021. The deadline to request a public hearing passed prior to the ISG meeting and the Department received no requests for a hearing. Accordingly, the Department advised that it will issue a notice on its website in the next week or so indicating it received no request and no public hearing will be held. Second, the Department advised that it submitted to EPA a proposal to address the SIP requirements for the 2008 75ppb and 2015 70ppb 8-hour ozone NAAQS. The deadline for written comments on this proposal is July 26, 2021. Further, if a public hearing is requested by June 11, 2021, the Department will hold a public hearing on July 13, 2021. At the conclusion of this presentation, one stakeholder asked why the Department was asking for redesignation at this time and was this because SO₂ levels had dropped only recently. The Department advised that SO₂ levels in Warren County were significantly impacted by SO₂ emissions from a power plant located in Pennsylvania. After petitioning EPA for relief, the power plant was shut down around 2014. The Department was then required to gather a few years of data demonstrating the decrease in emissions to support its petition. And

while data gathering played a part in the timing of the petition for redesignation, it is also true that the Department had competing priorities at that time. Another commenter asked for the current attainment status for all of the NAAQS. The Department indicated that New Jersey is currently meeting all of the NAAQS standards except for ozone. Further, the State's failure to meet the 75 ppb ozone NAAQS was a result of monitors in other states in its shared nonattainment area; Several New Jersey monitors are measuring attainment of the 70 ppb ozone NAAQS. A discussion concerning 2020 and 2021 data took place and was concluded when the Department indicated it would prepare a presentation on the 2020 (and 2021 if available) data for the next ISG meeting. Another stakeholder asked if the process used to shutdown the powerplant in Pennsylvania, which was impacting the Warren County monitor, could be applied in the context of ozone nonattainment. The Department responded that this approach had been attempted by other states, but had proven unsuccessful. Nevertheless, the Department (as a member of the ozone transport commission or OTC) is pressing forward with a petition to EPA to require controls on plants in other member states.

IX. Averaging CEMS Data: In response to requests for guidance on reporting CEMS data that included breaks in operation caused by startups and shutdowns, the Department wrote guidance to clarify NJDEP policy for determining CEMS multi-hour rolling and block averages. The Department noted that the guidance does not supersede any rule and that exceedance reporting was outside the scope of the guidance. However, the Department went through a second presentation specifically addressing "emission exceedance calculation and reporting." A copy of both full presentations will be posted on the ISG website for reference. The guidance for determining averages and for reporting exceedances will be posted with notification through a Listserv and/or Compliance Advisory. At the conclusion of the presentations, one stakeholder asked whether, there should be changes to the guidance and Technical Manual 1005 to allow other than 45-minutes of data collection for a valid hour, since some permits and Part 60 allow for other data requirements for acceptable measurements. The Department responded that the guidance is intended to fit the majority of cases, but when a requirement is written into a permit, the requirement in the permit should be followed. Sometimes a case-by-case determination must be made. Another stakeholder inquired about the feasibility of the guidance concerning 3-hour rolling averages. Specifically, the stakeholder suggested that most CEMS are not configured to report data as proposed in the guidance. Another commenter concurred that many CEMS vendors would have to update their methodology in order to comply. The Department indicated it would do further research on the issue.

X. Open Discussion: One stakeholder asked the Department for an update on the discontinuation of GP-020, which is intended for research and development facilities (R&D facility). Specifically, the stakeholder was concerned that a discontinuation of this permit would prove challenging for existing facilities with this permit because they would be unable to obtain an adequate replacement permit. The Department responded that moving to a case-by-case permit should provide the needed flexibility for existing facilities; however, if the stakeholder wanted to organize a meeting with a few of the existing facilities to discuss potential challenges, the Department advised that it was open to such a meeting.