

INDUSTRIAL STAKEHOLDER GROUP JUNE 5, 2020 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. Rule Update: The Department advised that the Outer Continental Shelf rules had been adopted and the Department was preparing a delegation request to be sent to the US EPA. Further, the Department provided updates on the four rulemaking efforts underway. First, the Department continues to make progress on the fumigation/air toxics rules proposal and Department hopes it will be published in the New Jersey Register soon. Second, the Department is moving forward with drafting the Consumer Products/Architectural and Industrial Maintenance Coatings/Aftermarket Catalytic Converter Rules, which have suffered some delay as a result of staffing issues and COVID-19. The Department advised that the third and fourth rulemaking efforts pursuant to the regulatory reform effort known as New Jersey Protecting Against Climate Threat (NJ PACT) have progressed since the February 2020 ISG meeting. Stakeholder meetings for the greenhouse gas monitoring and reporting rules as well as the CO₂ reduction rules were held at the end of February. Ky Asral is leading the rulemaking effort for the statewide greenhouse gas monitoring and reporting rules, while the Bureau of Stationary Sources is overseeing the stationary source rules. Based on feedback received at the February 25, 2020 stakeholder meeting, the CO₂ reduction rules will likely be done in stages, with multiple rulemakings, and more targeted stakeholder meetings for future regulations. In response to a question, the Department advised that it would not hold more meetings on the fumigation rules, but the official proposal would provide an opportunity for comment.

III. Air Permits in EJ Communities: Riché Outlaw, Coordinator of the Environmental Justice Group joined the ISG meeting for this portion of the meeting. Both Ken Ratzman and Riche Outlaw answered inquires during the question and answer portion of this session. Ken described the manner in which the Air program currently handles pre-notification in EJ areas. The program is currently piloting this pre-notification in two self-identified EJ communities: (1) the Ironbound in Newark; and (2) the Waterfront in Camden. When an application for a permit, a renewal, or a modification is filed in one of those communities, the Department immediately sends a notification to the community (this is a Departmental step; not a requirement for the applicant). If the community expresses interest in the application, there is greater engagement between the Department and the community. Since Executive Order Number 23 was signed, the Department has put together a guidance document to assist all programs within the Department as they undertake more robust engagement with EJ communities. The guidance document has not been finalized; however, the Department confirmed that it will likely: (1) provide criteria for identifying EJ areas; and (2) provide a system of automatic pre-notification of identified community contacts. Contacts for EJ communities would likely be maintained by the

Department as a public document so that facilities could (though they would not be required to) reach out to the community prior to filing applications with the Department. In response to comments/concerns that delays in the permitting process could lead to a disincentive to do business in EJ areas, the Department advised that it is possible that with greater community interest and engagement, the permit application process could be delayed. However, it is not possible for the Department to predict how long or even if those delays will occur. For this reason, the Air program has had a longstanding practice of encouraging facilities to do outreach in communities prior to making any formal filings with the Department. In response to a question, the Department advised that the guidance will not change the requirements for public hearings. In response to questions, the Department advised that EJ communities, as well as other stakeholders such as business and industry, environmental organizations, elected officials, etc., were involved in the drafting of the guidance and that the Department has not provided funding to EJ communities for the purpose of reviewing permit applications. Finally, the Department advised that there is no date set for the release of the guidance, but individuals interested in learning more are encouraged to reach out to Riché Outlaw directly and consult the OEJ website for up to date information.

IV. COVID-19 Business Practices: Since late March the Department has been working remotely as a result of COVID-19 restrictions. Though doing work remotely has its challenges (not the same level of efficiency), Department staff have worked consistently to process all work in a timely manner, with priority being given to permit applications. The Department advised that the best method of communicating with staff is email; voicemails will receive responses, but since communications are not direct, the response time may be delayed; invoices and payments are also being processed, but there may be delays if mailed to the office. Public hearings are still taking place, but in a virtual format. The Department advised that there are a number of compliance advisories related to COVID-19 and stakeholders are encouraged to check the website to determine whether any are applicable. In response to questions, the Department advised that the EPA will not engage in a simultaneous permit review process. Region 2 has agreed to co-process permits after the initial 30-day comment period, but only if the permit is environmentally beneficial and only if there are no adverse comments filed. A number of stakeholders praised the Department for their efficiency as the office transitioned to remote work.

Another stakeholder encouraged the Department to share a presentation by Luis Lim given at the Clean Air Council's last meeting that provided analysis of air pollution levels since COVID-19 restrictions went into place in New Jersey. A link to the presentation was provided during the meeting.

V. 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.

- GP-019A has been available for use since April 6, 2020. This permit for temporary equipment replaces GP-019. The Department recommends that before making an application for the GP-019A, because a GP-019 expired, facilities read through the changes made in N.J.A.C. 7:27-8. There are many exemptions and the equipment may no longer need a permit.
- GP-021/GOP-005 (CHP Combustion Turbines) and GP-022/GOP-006 (CHP Spark Ignition Reciprocating Engines) were discontinued as of April 6, 2020. The Department may consider developing replacement permits at a future date.
- The Department is working on the response to comments for GOP-009. A release date has not been determined yet.

- GP-20, R-001, and GP-008 are under construction. In response to an inquiry about the scope of the review for a GP-20 replacement, the Department advised that the review will encompass all aspects of the permit.
- The Department advised that there is a new feature in the application process for a GP. Specifically, the 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-Technical Amendment form and submit the form to the Department.
- The Department advised that it had received a number of questions about new/revise GPs. Questions and answers concerning GP-004B, GP-019 & GP-019A, as well as GP-005A and GP-005B can be found in the full presentation that will be posted on the ISG website. There was a discussion between a stakeholder and Air Enforcement regarding the unit of measurement used in the GP-004B permit not necessarily matching the manufacturer's specifications. The representative from Air Enforcement advised that it was aware that a conversion exercise is sometimes necessary to determine compliance and permittees are encouraged to discuss these issues with Enforcement representatives if the issue should arise during an inspection.

VI. Non-Technical Amendment: The Department provided an overview of the process used to generate a permit, a modification, or a renewal. The full presentation will be posted on the ISG website, so that stakeholders may have an understanding of each step. The main purpose of the presentation was to remind stakeholders of the importance of updating information in the correct portal. If the following information has changed since the filing of the original request for a facility ID number, it must be updated in the Masterfile: facility name; facility mailing address; facility contact; and name of the responsible official. The Masterfile will only be updated if a Non-Technical Amendment is filed. Updating this information in RADIUS or any other portal will not update the permit. Several stakeholders noted that facility ID requests and Non-Technical Amendments had been processed in a timely manner since the Department transitioned to a remote work environment.

VII. Open Discussion:

(1) The Department noted that despite the COVID-19 restrictions, which have limited travel and decreased energy demand, there was an exceedance of the Ozone standard at a Connecticut monitor in June as well as a near exceedance at two New Jersey monitors.

(2) Stakeholders asked for an update on the status of the risk screening worksheet. The Department advised that the worksheet would be finalized soon. Stakeholders noted that they had outstanding concerns about the worksheet and that they had hoped discussions about the process, pursuant to the sub-group that was formed, would be completed before the worksheet was finalized. The Department advised that the worksheet would be finalized, but that the work of the subgroup should continue. There was another question pertaining to the thresholds in the risk screening worksheet. The Department advised that the subchapter 17 reporting thresholds are applicable to both preconstruction permits under subchapter 8 and operating permits issued pursuant to subchapter 22. The Department indicated that specific risk screening worksheets for natural gas combustion were being developed. As a first step, air quality modeling was done for natural gas engines to determine what parameters could be included in the worksheet for these engines. In response to a question about the reporting threshold for acetone, the Department advised that there is no reporting threshold for acetone or ammonia in Sub 8 because they are not considered a VOC and are not listed in CAA 112(r).

(3) The Department announced that Bachir Bouzid would be retiring at the end of the month. Stakeholders voiced their appreciation for his years of professional work and wished him a happy and healthy retirement.

(4) Benjamin Saracco, who identified himself as a Camden resident and business owner, indicated that he had not been able to join the meeting in time for the discussion on air permits in EJ communities. He indicated that from personal experience, he believed that DEP's enforcement office in Camden did their best, but were stretched thin. And he believes that more environmental education services are needed in EJ areas, particularly in the area of permits. Acknowledging that the DEP collaborates with EJAC and other EJ contacts within Camden, it was his opinion that members of the community (those not involved in EJ groups) would benefit from more engagement by DEP, particularly in the area of environmental literacy and education. The Department advised the individual of existing notification procedures and provided contact information for the Office of Environmental Justice, which is leading the effort to develop and publish Environmental Justice guidance for all state agencies (as discussed in II above).

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