

**INDUSTRIAL STAKEHOLDERS GROUP (ISG)  
MEETING MINUTES –February 9, 2009**

The following issues were discussed at the 2/9/09 ISG meeting.

1. The Department discussed the current status of the Federal Government's Section 185 fees. A notice entitled "Federal Clean Air Act Section 185 Nonattainment Penalty Fees" was posted on the Air Quality Permitting Program's (AQPP) Listserv on January 12, 2009. Only applicable facilities in the ten Northern New Jersey counties would be subject to the fees, since the USEPA advised that only this section of the State is part of the 1-hour ozone non-attainment area. This was the result of an ozone concentration exceedance recorded in southern Connecticut. The Department stated that it was waiting for a USEPA policy statement. A concern was raised that the USEPA would issue an advisory statement directing each state to develop its own Section 185 fee program. This would result facilities being subject to varying requirements depending on their location. The Department stated that it was unclear at this time whether it would have to draft rules.

**FOLLOWUP:** The Department will post the most recent Federal Register announcement on the Section 185 fee program. It also will contact the USEPA on the status of its Section 185 fee program and forward this information on Listserv.

2. The Department stated that it has developed permitting guidance for tank cleaning and degassing equipment. This equipment is typically operated by contractors on a temporary basis. It was stated that the VOC, TXS, and HAP emissions from the tanks had to be included in the potential to emit section of the tank owner's permit. However, all other air contaminant emissions, such as those from combustion equipment, had to be permitted by the contractor's permit, but would be reported by the host Title V facility as part of its annual emissions statement.

The Department acknowledged that there remains an issue with internal combustion engines subject to N.J.A.C. 7:27-19.8. It is still unclear whether smaller engines (less than 300 kW) are technically able to comply with these emission limitations. One possible way to comply with N.J.A.C. 7:27-19.8 is to keep the applicable engines on-site for less than 30 days. The Department also said it would examine revising the N.J.A.C. 7:27-19.1 definition of "construction engine" to apply to those engines used on a temporary basis for tank cleaning, tank degassing, and other uses.

3. The Bureau of Technical Services, AQPP announced that it is revising its four Technical Manuals (TM), as follows: TM 1002 Guidance on Preparing an Air Quality Modeling Protocol, TM 1003 Guidance on Preparing a Risk Assessment for Air Contaminant Emissions, TM 1004 Guidelines for Compliance Stack Emission Test Programs, TM 1005 Guidelines for Continuous Emissions Monitoring Systems (CEMS), Continuous Opacity Monitoring Systems (COMS),

Periodic Monitoring Procedures (PMPs), and Annual Combustion Adjustments (ACAs). Drafts of TM 1003, TM1004, and TM1005 have been posted for public review at the following website:

<http://www.state.nj.us/dep/aqpp/publicnotices.htm>.

The USEPA's Electronic Reporting Tool (ERT) is discussed in TM 1004. This is based exclusively on the UPEPA format, and no modifications will be made by the Department to this format. It is anticipated that use of the ERT will be required in the future. The ERT will establish a standard format for all stack test reports submitted to the Department. It will ensure that all necessary data have been included, and its electronic format will result in a searchable database. A question was raised concerning the ERT's benefit to the regulated community, since firms already have their own reporting formats and conversion to the ERT would result in the expenditure of resources. The Department responded that if all stack test reports were submitted in a standard format, a decreased average Department review time for testing equipment and stack test reports would result.

The new TM 1004 will include a section addressing test safety procedures, and a statement that the worst case scenario will be determined from the maximum achievable production during stack emissions testing. Also, the oxygen testing reference method in TM 1004 will include the most recent revisions made by the USEPA.

The Department stated that the guidance concerning process monitor downtime (24 hours in any calendar quarter) will be included in draft TM 1005.

TM 1003 will describe that either of the following risk levels will be considered insignificant: less than one in a million for an individual source or less than ten in a million on a facility-wide basis. TM 1003 will also include a modified table of contaminant Unit Risk Factors.

**FOLLOWUP:** At the next ISG meeting, an update will be provided on the status of the proposed revisions to the four Technical Manuals.

4. The Department outlined its policy concerning assessing the health risk from diesel particulate emissions. The Department is using a Unit Risk Factor developed in California for this assessment. The health risk from the engines is determined using the Department's standard procedure. Thus far, all engines have failed the first level risk screen assessment. Both the Department and California exempted emergency generators and portable engines from having to conduct a risk assessment. For minor facilities, the risk assessment would have to be conducted for new and modified engines. For major facilities, the risk assessment would have to be conducted for new and modified engines and upon permit renewal. A question was raised whether the Department had the authority to conduct these risk assessments since diesel particulates were not a listed HAP.

The Department responded that its authority allows it to conduct risk assessments for all contaminants which could impact public health, and not just HAPs.

**FOLLOWUP:** An effort will be made by the Department to provide some guidelines as to what action(s) would have to be implemented if the second level risk assessment shows a significant risk. Several options include assessing the emissions on a facility-wide basis, allowing the risk to be assessed on a less than 70 year time frame if permit restrictions on operating time are incorporated into the permit, and having a facility implement several mandatory measures, such as installation of a particulate trap and installation of a Good Engineering Practice stack height.

5. The Department stated that General Permits 17 and 18 will formally replace General Permits 6 and 6A as of April 2, 2007. These General Permits cover boilers and the new General Permits incorporate the N.J.A.C. 7:27-19.8 requirement to conduct annual tuneups on boilers which have a heat input of 5 million BTU per hour or greater. Over 7,500 boilers at 3,700 facilities are covered by General Permits 6 or 6A. The Department also outlined that it was revising the General Permit for Dry Cleaners which do not use perchloroethylene as a solvent and was developing a General Permit for combined heat and power equipment.
6. The Department stated that it planned to issue all preconstruction permits by June on a CD-ROM disk in a PDF Format. Also, as a means of reducing paper usage, facilities will have the option of submitting Operating Permit appeals on a CD-ROM disk. However, paper copy of the appeal would still have to be forwarded to the Department's Office of Legal Affairs.
7. The Department stated that it was finalizing the RACT Plus rules Response to Comments Document as well as all changes to the rule proposal. Quite a few of the comments received resulted in improvements to the rule text and extensions of deadlines needed by sources to comply. The Department thanked industry for its participation throughout the rule making process.

**FOLLOWUP:** The final rule will be posted as soon as possible. There is usually a ten to fourteen day time period from the time the Commissioner signs a rule to its publication in the New Jersey Register; however, the Department will investigate the potential for an earlier web posting.

8. The Department described its initiative to collect outstanding fees. It was stated that a facility can be cited with a violation for operating without the necessary permit renewal. When questioned, the Department advised that the best way to provide notification that a piece of equipment is no longer in operation is by sending a letter to the Regional Enforcement Office.

**FOLLOWUP:** The Department will develop an outreach program for the fee initiative. One suggestion was to inform facilities of what they owe and letting them pay before any formal Department action is taken.

9. The Department stated that a meeting will be held in March to discuss the ICI Boiler MACT (40 CFR Part 63, Subpart DDDDD). Since the federal MACT was vacated, the Department is required to conduct case-by-case MACT reviews for the forty-one impacted facilities. The Department developed a “presumptive MACT” that can be utilized by facilities in lieu of a case-by-case analysis. In the meantime, the USEPA has been directed by the court to proposed a new ICI MACT. The Department will be deciding whether to wait for the new federal MACT, or implement a case-by-case analysis (with the presumptive MACT as one option for the source). If the Department mandates sources undergo a case by case in lieu of waiting for the federal MACT, and if the promulgated federal MACT is more stringent than the results of the case-by-case review, the facility will have eight years to comply with the federal MACT. The announcement of the March meeting has been sent to the forty-one facilities.
10. The final draft of the changes to the presumptive norms for Title V monitoring, discussed at the October 10, 2008 ISG meeting, were forwarded to the USEPA. It is hoped that the changes will be finalized by the next ISG meeting. An effort was made to make consistent standards for boilers burning natural gas, fuel oil, or a combination of both.
11. The Department stated that it was withdrawing the State-of-the-Art (SOTA) Manuals for storage tanks, asphalt plants, and glass manufacturing since the new RACT requirements will be more stringent than the requirements in the existing three SOTA Manuals. Revised SOTA Manuals will be developed for these industries. Also, the Department stated that development of a revised Batch Plant Technical Manual is a calendar year 2009 priority.
12. The Department is analyzing ways to establish permit emission limits based on stack test data.

**FOLLOWUP:** The Department intends to contact other states and the USEPA to determine if they are implementing any procedures to address this issue.

13. A question was raised as to how the Department will respond if there is an emissions exceedance from an older boiler during an annual combustion adjustment as required in N.J.A.C. 7:27-19.8. The Department replied that enforcement action is possible if an allowable limit is exceeded no matter what type of monitoring equipment or methodology is used. An objection was made to this since facilities have to spend large sums to conduct certified stack emission tests, yet will get a violation if a portable testing results show an exceedance.

**FOLLOWUP:** The Department will consider not issuing a violation if an exceedance occurs when a facility is conducting an initial combustion adjustment. However, if this policy is implemented, a violation would be issued if the facility did not take the necessary actions to bring the combustion device into compliance.

14. The Department stated that electronic certification for Title V Operating Permits should be available by May, 2009. The Department will issue a guidance document on its use and will announce its availability through Listserv.
15. The Department outlined all of the project initiatives for the AQPP. These included development of SOTA Manuals, air quality rules, and General Permits for both minor and major facilities.
16. An issue was raised concerning consistency in the compliance plans issued for similar equipment. Inconsistencies were noted among testing requirements for municipal landfills and equipment at wastewater treatment plants. The Department stated that its goal is to ensure that similar equipment have equivalent monitoring and testing requirements.