

**INDUSTRIAL STAKEHOLDERS GROUP (ISG)
MEETING MINUTES –November 5, 2009**

The following issues were discussed at the 11/5/09 ISG meeting. Follow-up items are **bolded**.

1. The Department discussed its June 1, 2009 memorandum that clarifies the definition of electric generator. If a reciprocating internal combustion engine (RICE) meets certain criteria, it does not have to achieve the nitrogen dioxide (NO₂) emission levels in N.J.A.C. 7:27-19.8(e), which are required for an electric generator. The engine has to be portable, have to power portable equipment, can not be connected to the grid, and can not be replacing grid power. N.J.A.C. 7:27-19.8 is being modified to make this clarification formal. The Department stated that RICE which are included are typically power portable shredders, crushers, and grinders that are powered by generators designed and sold as part of the equipment..

A question was raised whether “black start” RICE could be granted this exemption. Although “black start” RICE are not portable, they only operate approximately ten to fifteen minutes at a time in order to start cogeneration units and do not provide power to the grid or replace grid power. A similar question was asked concerning a RICE used to power a water pump and if it could also be granted the exemption.

FOLLOWUP: The Department stated that it would review its files to determine if any policies were issued concerning operation of “black start” RICE and other similar types of RICE.

2. The Department stated that it was developing a guidance document to be used to determine what types of equipment at construction sites need to obtain a Air Pollution Control (APC) permit. This document is still being developed internally, but should be issued to the regulated community by the end of the year.
3. The Department summarized the series of memoranda which dealt with the regulation of RICE. The regulated community was encouraged to contact the Department if it had any questions or issues. The June 24, 2009 memorandum stated that a 1 in 100,000 or less health risk from diesel particulate emissions may be acceptable for a RICE as long as all possible steps (building a higher stack height, use of ultra low sulfur fuel, and installation of a diesel particulate filter) to minimize emissions have been taken.

The Department stated that this was an exception made to a RICE after every effort was made to minimize particulate emissions. It was also emphasized that the Department takes a “project focused” approach towards permitting, and would

consider conducting a facility/overall risk assessment if applications were submitted periodically which were all related to a central project.

4. The Department discussed the status of allowing temporary equipment to operate at Title V facilities. The Department stated that it has been processing many PCP applications for portable equipment. Provisions in the PCP now allow portable equipment to operate at Title V facilities as long as it is authorized in the facility's Operating Permit. The Department emphasized that the preconstruction review was done during the review of the PCP application, and was not done for a second time when the placeholder was included in the Operating Permit. The Department stated that it was working towards developing standardized placeholder templates for engines and boilers. Also, the Department is hoping to have a tank cleaning template by Spring, 2010.

A suggestion was made to develop a more general placeholder template which would cover any piece of equipment whose air contaminant emissions were less than the SOTA thresholds. The Department responded that any such broad placeholder template was subject to the review and approval of the USEPA and, thus far, the USEPA has only approved placeholders which cover specific types of equipment. Objections were made concerning the "double permitting" of equipment, in that both an Operating Permit modification and PCP had to be obtained for the same piece of equipment. The Department agreed that this was excessively burdensome and suggested these types of sources should be classified as "insignificant" for purposes of Title V. A request was made that no enforcement action be taken on portable sources not included in Operating Permits while N.J.A.C. 7:27-22 was being modified.

FOLLOWUP: The Department will push for a revision of the Title V rule in New Jersey.

5. The Department discussed fees under the Section 185 of the Clean Air Act. Note: since the 11/05/09 ISG meeting the EPA has indicated that fees in New Jersey are currently not applicable as we are in attainment.

FOLLOWUP: The Department will continue to monitor the Section 185 rule and report on its status in New Jersey.

6. The current status of the Department's implementation of the ICI Boiler MACT was discussed. The USEPA is expected to propose its MACT levels in April, 2010 and adopt them by mid December, 2010. The NJDEP has requested applications by 1/1/10. The Department stated that the risks for not filing an application include lawsuits filed by citizen groups. The Department stated that the final presumptive MACT will be in the NJ Register. Facilities wanted to know the final presumptive MACT emission levels as soon as possible so that they could make an informed decision whether to accept the presumptive MACT or

undergo a case-by-case review. Relatively minor changes are being considered by the Department.

Facilities that were going to submit non-applicability letters were encouraged to submit as much information as possible to support their status.

FOLLOWUP: The Department will: 1) verify or extend the January 1, 2010 Operating Permit application deadline date for the incorporation of the presumptive MACT. 2) finalize the presumptive MACT and notify the facilities as soon as this is done. 3) determine if it can confirm the non-applicability determination 4) notify any facilities that it filed an non-applicability determination in error so that an application can be submitted, and 5) determine whether there will be time to issue case by case MACT decisions or whether only presumptive MACT applications can be approved before the final EPA MACT is adopted.

- 7 The Department stated that it was reevaluating the periodic monitoring protocol (PMP), which is in the draft version of Technical Manual 1005. Facilities stated that the proposed PMP was too burdensome.

FOLLOWUP: The Department stated that it would review the current PMP.

- 8 The Department outlined that it had deleted three “State-of-the-Art” Manuals for Asphalt Plants, Glass Plants, and VOC Storage Tanks. The Manuals were written in 1997 and had become outdated. The SOTA Manuals for Asphalt Plant and Storage Tanks are being rewritten and a new Manual for Landfill is being drafted. The Glass Plant Manual is not being rewritten. The Department outlined the current status of the three SOTA Manuals being drafted. It was requested that the SOTA Manual for Landfills be consistent with the Federal New Source Performance Standards.

FOLLOWUP: The Department will update stakeholder groups on the progress being made and give each group the opportunity to comment on the proposed Manuals prior to formally requesting comments in the New Jersey Register.

9. The Air Quality Permitting Program’s new website was demonstrated. This included a description of how someone using the website could get copies of recently issued permits. Facilities were shown how they could obtain a reconciliation report, which lists the facility contacts. Facilities can review Department databases to ensure that all information is current and correct.

