

**INDUSTRIAL STAKEHOLDERS GROUP (ISG)
MEETING MINUTES – September 14, 2010**

The following issues were discussed at the 9/14/10 ISG meeting. Follow-up items are **bolded**.

1. The Department stated that it plans to update N.J.A.C. 7:27-21, “Emission Statements.” The last significant revision was promulgated in 2003. The initial proposal consists of the following: 1) including current Federal requirements, such as reporting PM₁₀ condensables, PM₁₀ filterables, and PM_{2.5} filterables separately; 2) requiring that PM_{2.5} and ammonia be reported; 3) requiring that the 36 air toxics be reported on a source level, instead of facility level; 4) removing all references to paper submittals and the one month extension; 5) deleting the requirement that the facility coordinates be submitted; 6) several clarifications and corrections. The Department requested that ISG members provide input on these proposals.

FOLLOWUP: The Department will distribute the presentation made, which outlined all of the proposed revisions to N.J.A.C. 7:27-21, by the Division of Air Quality’s (DAQ) Listserv and also post it on the DAQ ISG website. The Department will request that all comments be submitted by December 1, 2010. The comments will then be compiled and summarized for distribution and discussion at the next ISG meeting. A separate meeting with the Department can be requested if any stakeholder wishes to discuss any specific proposals.

2. The Department will send by the DAQ’s Listserv a request that stakeholders provide any problems with the RADIUS software that they would like to see addressed.
3. The Department stated that N.J.A.C. 7:27A “Air Administrative Procedures and Penalties” will be repropose within 2 months. This Rule is repropose every 4 to 5 years and will sunset unless it is re-promulgated. Although this is a straightforward reproposal, the Department is receiving stakeholder input.

FOLLOWUP: The Department will notify stakeholders by the DAQ’s Listserv of any proposals which involve the promulgation of N.J.A.C. 7:27A.

4. The Department stated that it is including in the General Provisions of modified operating permits an item which allows any temporary equipment (i.e. less than 90 days of operation) with a preconstruction permit, issued pursuant to N.J.A.C. 7:27-8, to be operated at a Title V facility. A facility can also add this item to its operating permit by filing an Administrative Amendment. The Department also stated that it is considering waiving the permitting requirement for temporary and portable engines that have been manufactured to comply with specific Federal Tier requirements. A concern was raised that under certain circumstances only a Tier II engine would be available. It was requested that this flexibility also be

extended to temporary boilers that could be at a major facility for a month or less. The Department responded that it is drafting General Operating Permits (GOP), and will have a GOP for emergency generators drafted for internal review by the end of 2010. In addition, the Department is conducting outreach to firms that rent temporary equipment to make them aware of the permitting requirements.

FOLLOWUP: The Department stated that its air permitting and enforcement programs will meet to discuss the possible Tier III/Tier IV engine permitting exemption, as well as other workable solutions for allowing temporary equipment to be operated. The Department will post on the DAQ ISG website the language for temporary equipment that is being added to the Operating Permit General Provisions.

5. The Department provided the following update and guidance on implementation of the Greenhouse Gas (GHG) Tailoring Rule:

The June 3, 2010 GHG Tailoring rule established 100,000 tons per year (TPY) CO₂e as threshold for Prevention of Significant Deterioration (PSD) and Title V major facility and 75,000 TPY CO₂e as PSD modification trigger. The permitting requirements for PSD applications will be applicable effective January 2, 2011. After January 2, 2011, if modification results in emissions of GHG greater than 75,000 TPY on CO₂e basis, then the application should include a BACT analysis. Title V facilities will have to address GHG requirements, if any, when they apply, renew, or revise their permits. There are no GHG requirements, except for PSD permit BACT evaluation, at this time. USEPA is expected to issue implementation guidance in near future that would address any monitoring, record keeping and reporting requirements. USEPA is expected to provide guidance on BACT review in near future.

The Department stated that it has no authority to collect fees for GHG, such as carbon dioxide, and this authority could only come from the state legislature.

FOLLOWUP: The Department will follow up with the USEPA on BACT analysis and the Tailoring rule implementation guidance.

6. The Department stated that it had issued a request for proposal for the contractor which reviews air pollution control permits.
7. Compliance plans have been drafted for 20 frequently applicable MACT regulations. These compliance plans will be submitted to the USEPA for its review. These compliance plans will be posted on the ISG website after they are finalized.

8. The status of the three SOTA Manuals being developed was outlined. These are manuals for aboveground VOC storage tanks, asphalt manufacturing facilities, and landfills.

The draft asphalt manufacturing manual was shared with the NJ Asphalt Pavement Association and modifications were made based on the Association's input.

The draft landfill Manual was sent to 22 stakeholders on July 1, 2010 and 3 sets of comments were received. A request was made to post the draft landfill manual, so that it could be reviewed by a greater number of stakeholders.

FOLLOWUP: The Department will post the draft Landfill manual on the DAQ's ISG website and provide a set time period for submission of comments.

9. The Department stated that in NJEMS pending renewals could be labeled as "expired" if the renewal is not issued by the operating permit's expiration date. This has caused some confusion. The Department explained that the only two labels for active permits are "approved" and "expired." The Department also advised that the request for an operating permit shield be submitted in a timely manner for those facilities with operating permit renewals under review.

FOLLOWUP: The Department no longer uses the designation "expired" for those Operating Permit renewals which are still under review after their expiration date if the renewal application is complete and has been submitted in a timely manner. The new designation for these renewals is "Approved (Renewal Under Review)." All other Operating Permit renewals which are not complete or have not been submitted in a timely manner will continue to be designated as "expired."

10. The Department stated that it was undergoing a Transformation process whose goal is to attain efficiencies, responsiveness, and transparency throughout the Department. A transformational goal for the air program is to have all permits submitted electronically through the NJDEP web portal. Also, the air program will focus on improving the permit process for major facilities with operating permits. The Transformation process will be opened to external stakeholders to provide suggestions and input.

11. A preliminary summary of the 2010 New Jersey ozone season was provided. Average temperatures and ozone levels for the 2010 ozone season as well as past ozone seasons were displayed. The cumulative 2010 ozone exceedance days were similar in number to the 2007 and 2008 ozone seasons, even though the summer of 2010 was much hotter. The current and anticipated ozone NAAQS were described.

13. The Department stated that EPA has restructured the Stationary Source Audit Program to allow private accredited audit sample providers supply stationary source audit samples, and to require sources to purchase and use these samples to quality assure stack tests. The requirement to use an audit sample during a stack test will apply to all test methods for which a commercially available audit exists. EPA will establish a website where sources can find out what audits are commercially available.
14. The Department encouraged facilities to use the stack test protocol templates that are in Technical Manual 1004. One facility which used the templates had its protocol approved in a week. Also, using a suggested reporting format, the facility's stack test report was reviewed by the Department in two weeks. The Department's Bureau of Technical Services stated that it is developing an electronic reporting format under a USEPA grant.
15. The Department stated that it will be modifying GP-5 for small boilers to include the NSPS provisions.
16. The Department anticipates that the USEPA's Clean Air Transport Rule will be finalized by early spring, 2011, and this rule will require allowances for large electric generating units. New Jersey (NJ) rules already in place will ensure that NJ coal fired Electric Generating Units emit below the USEPA allowance levels.

FOLLOWUP: The Department stated that it will post on the ISG website all presentations made, the current Air Quality Permitting Program organization chart, the 9/14/10 ISG meeting sign-in sheet, and any updates to policy regarding the permitting of temporary equipment.