

I. SIP PRESENTATION

The Department gave a presentation of the “1997 Annual PM-2.5 State Implementation Plan-SIP A Plan with Vision”. (This is for the PM-2.5 Standard issued in 1997, not the 2007 standard). The Federal requirements triggering the PM-2.5 SIP submittal, content of the SIP, Air Quality Data, and PM-2.5 and SO₂ RACT strategies were outlined. Hard copies of the presentation were distributed. This is to be the first of several SIPs to be developed to meet the PM -2.5 standards. The Department hopes to promulgate the PM-2.5 RACT rules by the end of 2009.

A question was raised why Utilities were not included in the seven source categories listed for direct PM-2.5 strategies. This exclusion may potentially result in too great a burden was being placed on these seven categories. The Department responded that the Utilities were addressed in the 8-hour ozone regulations being developed and that some of their emission decreases, as a result of RACT, were included in the PM-2.5 modeling. A follow-up question was that if all proposed Utility reductions were included in the modeling would PM-2.5 be shown to be in attainment. While this modeling did include the NO_x benefits from CAIR, it did not include either the SO_x benefits from CAIR (because of the implementation timing - post-2009) or the benefits from HEDD (because this program functions on a different "currency" than our other programs (since its targeted to high demand days only)). For PM, even without the inclusion of these measures, we reach attainment of the current annual standard (with the exception of a NYC monitor which we are addressing through Weight of Evidence). Also, “RACT” is what is reasonable even if those strategies are not need for attainment.

A question was raised on the development status of the PM-2.5 stack test method, since facilities would need this method to demonstrate compliance. The Department responded that the USEPA may issue a PM-2.5 test method within a year. Also, the Department responded that it was waiting for a USEPA rule on how facilities would obtain PM-2.5 offsets.

A question was raised that if the PM-2.5 standard was not achieved, would PM-2.5 have to be included as a separate emission category in permit submittals. The Department stated that it believed that PM-10 would still remain as the surrogate for PM-2.5, until test methods for PM-2.5 are developed, and offset ratios are established.

ACTION ITEMS

1. The Department will determine to what degree utility emission reductions were not accounted for in the PM-2.5 modeling.
2. The Department will continue to request updates from the USEPA concerning the status of the PM-2.5 stack test method and PM-2.5 offset policy. The ISG will be updated on these during subsequent ISG meetings.

II. THREE DEPARTMENT PROCEDURES

The three Air Quality Permitting Procedures were discussed: N.J.A.C. 7:27-18, Reporting Thresholds, and Emission Estimation. The Department stated that these procedures (electronically distributed through Listserv prior to the meeting) were in effect and that the Department would clarify any sections as necessary and would attempt to address any concerns or errors.

A request was made for procedures like these to be issued draft to stakeholders for comment prior to being finalized. The Department responded that it will evaluate any suggestions and make changes where appropriate.

A. REPORTING THRESHOLD GUIDANCE

A request was made to delay implementation of the Reporting Threshold guidance 60 days based on a concern that issuance of in-house applications might be delayed. Implementation of the Reporting Threshold Guidance will have no impact on permit review time since the policy only impacts what emission rates should be included in the compliance plan.

Concerns were raised that Hazardous Air Pollutant (HAP) emissions could be in Emission Statements and not in Air Pollution Control Permits. This could occur when all or most HAP are emitted below the reporting thresholds. The Department pointed out that Permits and Emission Statements were regulated by different rules, but would try to resolve the issue.

B. EMISSION ESTIMATION

The Department stated that it is the applicant's responsibility to propose air contaminant emission rates, explain the technical basis for the rates, and support any proposed buffers. After the application is submitted, it is the permit reviewer's responsibility to determine the acceptability of the data. If an applicant proposes a permit revision because of an AP-42 emission factor change, the equipment will be subject to all applicable regulations.

C. SUBCHAPTER 18

Several arguments were made against the "Subchapter 18 Procedures" Memorandum. These arguments, along with the Department's responses, are as follows:

- 1) Source operations were grouped into Emission Units when Initial Operating Permits were drafted and the memorandum contradicted this procedure. An applicability review of N.J.A.C. 8:27-18 was not conducted during the

development of the IOP since no equipment was being added or modified.

2) The guidance diminishes permitting flexibility. The permitting flexibility that was done in the past may have circumvented New Source Review regulations.

3) The guidance is inconsistent with N.J.A.C. 7:27-18 regulations and, consequently, should have been implemented through a formal rule change process, including public comment. The guidance is consistent with N.J.A.C. 7:27-18.

4) Environmentally positive projects (i.e. installation of new boilers, and using the old boilers only for backup) would not be implemented based on the memorandum guidance. Actual emission of older boilers whose usage is decreasing can be used to lower the net emission increase, but any air contaminant emissions from new equipment must be listed as increases in the netting analysis.

Most concerns were raised on the following paragraphs in the procedure, “1. New equipment in existing emission units (group)” and “6. Requests to permit higher allowable emissions with a claim that higher actual emissions were always there”. In addition, a clarification was requested concerning paragraph 15, “Actual Emissions”, as to whether it was consistent with the definition in N.J.A.C. 7:27-18.1. Paragraph 15 is accurate since the definition of “actual emissions” in N.J.A.C. 7:27-18.1 states, “. . . The Department may allow the use of a time period different from this two year period only upon a determination that the different time period is more representative of normal operation . . .”

The Department stated that the purposed of the guidance memorandum is to establish consistent N.J.A.C. 7:27-18.1 applicability reviews. The Department acknowledges that there may have been inconsistencies in the past.

ACTION ITEMS

1. For A above: The Air Permitting, Enforcement, and Emission Statement Programs will examine the differences between Permits and Emission Statements to prevent any unnecessary enforcement actions.
2. For A, B, and C above: All comments and concerns about the three memoranda should be forward to John Preczewski. Also, meetings could be requested to discuss specific issues.

III. PROCESS MONITOR DOWNTIME

The Department stated that it was close to finalizing a memorandum allowing up to 1% (one percent) downtime for process monitors. This was necessary since there is no Federal definition of “continuous”. It was stated that Federal water quality rules allowed up to a 1% downtime for a water pH monitor. A general statement was made that if a Continuous Emission Monitor was installed, the regulation of upstream process and control equipment monitors was superfluous. However, it was indicated that the 1% downtime allowance would be sufficient for some facilities.

ACTION ITEMS

Facilities were requested to provide any input on this issue, including to what degree the “1%” allowance would decrease the occurrence of violations from process monitor downtime.

IV. AVERAGING OF STACK TESTS

The Department stated that unless there was a specific regulation that allowed otherwise, each one hour stack test would have to demonstrate compliance with the hourly emission rate. Also, BTS stated it based its stack test reviews on what was written in the Permit, and used the “any one hour” criteria as a default. This procedure was objected to, and it was stated that compliance should be based on the average of three one hour tests. This was supported based on the BACT/LAER Clearinghouse, which reports achieved emission levels which are the average of 3 stack test runs. Federal rules and other jurisdictions, including California, allow the averaging of 3 stack test runs.

ACTION ITEM

The Department will reexamine this procedure with upper management.

V. REVISED COMPLIANCE CERTIFICATION FORMS

The Department’s Air Enforcement Branch outlined its approach to developing annual and semi-annual compliance certification report forms that can be submitted electronically via the Department’s Regulatory Services Portal (RSP). The following three submittals options were discussed: RADIUS type application, Excel Spreadsheet, and Web based submittals. Facilities were requested to provide feed back on what the Department could do to make the process more efficient and streamlined so that the option that is eventually chosen will experience wide spread use. Some initial suggestions were to make it easier for the Responsible Official to certify the data, use standard/Microsoft type products to make data transfer simpler, and allow its use in real time, instead of just semi-annually and annually.

ACTION ITEM

Facilities should provide feed back to Chris Odgers, Central Regional Enforcement Office, 609-584-4100.

VI. CERTIFICATION OF STACK TESTERS

A discussion was held on how to improve and streamline reviews of stack test protocols, actual stack tests, and stack test reports. One option was the certification of stack testers. Fred Ballay, BTS, is currently on a National Panel examining the feasibility of certification. The Department stated that this is a difficult issue, in that over 50% of stack tests require BTS to intervene to ensure sampling and analysis are properly conducted and to ensure that test results are accurately reported. This reinforces the need for BTS personnel to be present to witness and comment on stack tests while they are occurring.

One possible way to expedite the stack testing process is electronic submission of protocols and stack test results. Such an effort is being encouraged by the USEPA to establish an efficient and consistent format for submittals that would result in a more uniform evaluation of data. BTS stated that it wanted to use the USEPA format on several facilities before suggesting that all facilities use it.

ACTION ITEMS

- 1) The USEPA website for the submission format is:
http://www.epa.gov/ttn/chief/ert/ert_tool.html. BTS should be consulted before its use.
- 2) The Department will evaluate, as time allows, past stack tests to determine if there were source operations that consistently demonstrated compliance. The results of this evaluation will be reviewed.

VI. TEMPORARY EQUIPMENT

The Department stated that to include temporary equipment in a Title V permit, a placeholder would have to be added to the Permit, with the type of equipment to be used at its highest operating and design capacity. The Department is working on developing General Operating Permits for Title V facilities. Also, N.J.A.C. 7:27-22 may be amended to include additional insignificant sources. The list of insignificant sources at a major facility has to be updated upon Permit Renewal.

VII. OPEN DISCUSSION

A question was raised concerning a Compliance Plan's "Applicable Requirement" that had "none" in the Monitoring, Recordkeeping, and Submittal/Action columns. The Department stated that the facility is subject to this requirement and compliance had to be demonstrated in semi-annual and annual reports.