

Air Quality Regulatory Update

May 3, 2023
DAE Training

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Recent Air Quality Rules

New Jersey Stationary and Area Sources Rulemakings

- Air Toxics/Fumigation
- Greenhouse Gas Monitoring and Reporting Rule
- Stationary Source PACT
- Consumer Products (CP) and Architectural Coatings (AIMS)
- Environmental Justice





Permit and Reporting Requirements for Fumigants and Other HAPs

- **Adopted February 24, 2022**
- **Key Requirements**
 - Additional substances to be reported on Emission Statement - reporting due this year
 - 3 new NJ HAPs
 - N-propyl bromide
 - Sulfuryl Fluoride
 - Hydrogen Sulfide
 - Clarification on Fumigation operations



Specific Actions for Fumigation

- **General Permit Under Development**
 - Cocoa Beans inside using SF
 - Container fumigation?
- **Applications were due 2/3/2023**
- **Advisories went out, Q&A available**
- **All about passing risk**
- **www.dep.nj.gov/wp-content/uploads/boss/permitting-guidance/fumigation-faq-2-1-2023-update.pdf**
- **What's Next?**

Greenhouse Gas Monitoring and Reporting Rule

Rule Adopted April 22, 2022

Facility Refrigeration System
Reporting service live as of January
4, 2023

www.dep.nj.gov/ghg/ghgmr-rule/





Stationary Source PACT

Primary CO₂

**Secondary Considerations:
NO_x, SO₂, PM**

- **Timing**
 - Proposed December 6, 2021
 - Adopted December 2, 2022
- **What was proposed?**
 - EGU Performance Standards
 - Bans combustion of #4 and #6 fuel oils
 - Non-Fossil Fuel Boiler Replacement

Existing Unit EGU Standards [N.J.A.C 7:27F-2.5(d)]



Date	Performance Standard
1/1/2024	1,700 pounds of CO2 per MWh gross energy output
1/1/2027	1,300 pounds of CO2 per MWh gross energy output
1/1/2035	1,000 pounds of CO2 per MWh gross energy output

Bans combustion of #4 and #6 fuel oils (7:27F-3.2)

Ban effective as per operative date of rule –
January 31, 2023

Exceptions include:

- Two year allowance for already in storage (7:27F-3.2(d))
- Ocean going Vessels (7:27F-3.3)
- *Allowance in Adoption for non-combustion related activities and sale of these fuels for use out of State*



~~Non-Fossil Fuel Boiler Replacements (7:27F-4.4)~~

~~Required to evaluate feasibility for non fossil fuel replacement at end of useful life (7:27F-4.4)~~

- ~~• Between 1 and 5 MMBTU/hr~~
- ~~• Based on Technical feasibility~~
- ~~• Allowance for Public Health and Safety concerns~~

~~Boiler Fleet Requirements (7:27F-4.5)~~

- ~~• More aggressive replacement requirements~~
- ~~• Annual Reporting of Replacements~~

NOT ADOPTED





Consumer Products (CP) and Architectural Coatings (AIMS)

- **Timing**
 - Stakeholdered September 2019
 - Updated Stakeholders in June 2022
 - Proposal in Summer 2023?
- **The Ozone Transport Commission developed model rules to reduce VOC emissions (an ozone precursor) from consumer products and coatings.**
- **Link to all OTC Model Rules**
 - <https://otcair.org/document.asp?fview=modelrules>
- **Coatings and consumer products represent the largest source of VOC emissions in the State's emission inventory.**



Consumer Products and Architectural Coatings

- **CP Model Rules 1 & 2 already in rules**
- **CP Model Rules 3 & 4 will be included in this rulemaking**
- **CP5 Model Rule not to be included**
- **Other States that have already adopted CP 3 &4**
 - DEL, MD, NH, NY, RI
- **AIMs Model Rule 1 already in rules**
- **AIMs Model Rule 2 will be included in this rulemaking**
- **Other States that have already adopted AIMs 2**
 - DEL, MD, NY, RI

Environmental Justice

- EJ Law
- Administrative Order 2021-25
- EJ Rule



Important Webpages/Contact Information

- BoSS -
<https://dep.nj.gov/boss/>
- EJ -
<https://dep.nj.gov/ej/>
- OPPN -
<https://www.nj.gov/dep/pcer/>



Environmental Justice (EJ) Law

- Signed by Gov. Murphy on Sep 18, 2020
- Directs all NJ agencies to take action
- Defines overburdened community (OBC)
- Defines types of permits to consider for EJ



Administrative Order 2021-25 (AO25)

- Signed by Comm. LaTourette on Sep 20, 2021
- Implement spirit of the Law before Rule is adopted



Environmental Justice (EJ) Rule

- Adopted: Mar 9, 2023
- Effective: Apr 17, 2023
- Fully implements the req'ts of the Law



EJ for Air Permits

- Complete for Review – AO25
- Not Complete for Review – EJ Rule



Major Facilities – EJ or Not

1. Is in EJ area (wholly or partially)? If YES, go to #2.
2. Does permit action fall under *a*, *b*, or *c*? If YES, go to Slide 21.
 - a. Renewal
 - b. New source
 - c. Expansion



Minor Facilities – EJ or Not

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2. Does permit action fall under *a*, *b*, or *c*? If YES, go to Slide 21.
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 - b. Expansion



Categories under EJ Law for Minor Facility

- Resource recovery facility or incinerator
- Sludge processing facility, combustor, or incinerator
- Sewage treatment plant, > 50 mgal/day
- Transfer station or other solid waste facility, or recycling facility, 100 tons/day of recyclable material
- Scrap metal facility
- Landfill, including, but not limited to, a landfill that accepts ash, construction or demolition debris, or solid waste
- Medical waste incinerator



Does Permit Trigger AO25/EJ Rule Process

Is there any increase of environmental/public health stressors?

- Stressors listed in EJMAP Technical Guidance (<https://dep.nj.gov/wp-content/uploads/ej/ejmap-tg.pdf>)
- Multi-media
- Examples in Air
 - Increase in emissions
 - Expanding operation



AO25 Responsibilities - Facilities

- Public engagement and respond to/address the concerns raised
- Providing NJDEP with proof and transcript from public engagement



AO25 Responsibilities - NJDEP

- 60-day mandatory public comment period if required by program's rules
- Mandatory public hearing if no public engagement is held by the facility
- Special conditions as may be necessary to avoid or minimize environmental or public health stressors upon the OBC to the maximum extent allowable by law



AO25 Impact to Permitting Schedule

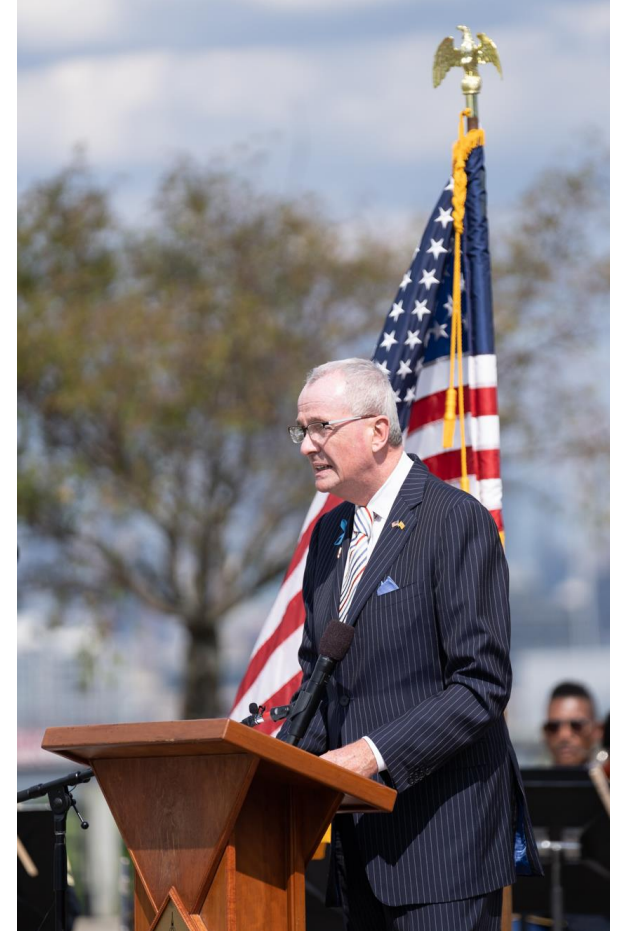
- Notice for the AO public process with hearing (by applicant)
 - 60 days, 30 day ext upon req
 - Compile information and submit to NJDEP, inc Response to Comments
 - 15 days to months, depends on comments
- Air permitting public comment period (by NJDEP)
 - EJ: 60 days, 30 day ext upon req
 - Major: 30-day comt period man, hearing upon req
 - Minor: 30-day comt period and hearing upon req
 - Response to Comments
 - 15 days to months, depends on comments



What EJ Rule Requires Beyond AO25

- EJ impact statement
- New and expansions
 - Denials
 - Localized Impact Control Technology for major
- Renewals (major)
 - Facility-Wide Risk
 - Technical Feasibility Analysis (15 years/20% of facility's emissions)





Thank you!

