



Compliance Alert

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Compliance & Enforcement #2020-09 Issued: 4/27/2020

COVID-19 ALERT

EXTENSIONS FOR MONITORING AND EMISSION REPORTS REQUIREMENTS FOR AIR QUALITY PERMITS

WHO IS AFFECTED BY THIS ADVISORY?

All entities with Title V Operating Permits, Preconstruction Permits, or General Permits (collectively Air Permits) issued by the New Jersey Department of Environmental Protection (DEP) whose operations are affected or potentially affected by circumstances created by or directly related to the Public Health Emergency declared by Governor Phil Murphy in Executive Order No. 103 (EO 103) due to the novel coronavirus (COVID-19) pandemic who may require additional time to meet certain monitoring or reporting requirements identified herein.

WHY IS DEP ISSUING THIS ADVISORY?

DEP acknowledges that the unprecedented circumstances of the COVID-19 outbreak, including the need to restrict unnecessary travel, adopt strict social distancing practices, and reduce staff on site to only those necessary to ensure continuity of essential operations may create limitations for regulated entities possessing Air Permits, largely due to workforce reductions. To account for these limitations, in accordance with N.J.A.C. 7:27A-3.10(q) through (t), DEP is extending the grace period for submission of certain monitoring and submittal deadlines set forth in individual Air Permits. Such extension will allow these entities to focus their attention on the highest priorities, without compromising any public health standards, and while continuing to meet the statutory, regulatory, and permit requirements intended to ensure the protection of public health, safety and the environment.

While DEP will permit an extension on submission of these documents, all underlying monitoring and data collection must continue and nothing in this advisory shall be construed to relax any monitoring or data collection requirement of any statute, regulation, permit or approval.

WHAT IS DEP DOING?

For the above stated reasons, DEP is extending the grace period for submission of State-only air permit monitoring and submittal requirements as follows:

State-only Requirements	Action Required/New Deadline
Submittal Requirements (EER ¹ , ACA ² , Semiannual Deviation Reports ³ , etc.) NOTE: this excludes Annual Emission Statements and Title V Annual Certification Reports	Submit reports on or 90 days after the due date set forth in Air Permit
Perform RATA ⁴	If unable to perform due to COVID19, perform CGA ⁵ in lieu of RATA
Perform ACA	Perform ACA on or 90 days after the due date set forth in Air Permit

Compliance Alert

¹EER - Excess Emissions and Monitoring Systems Performance Report / Excess Emission Report

²ACA – Annual Combustion Adjustment

³Semiannual Deviation Reports – Semi-annual Compliance Certification Report

⁴RATA – Relative Accuracy Test Audits

⁵CGA – Cylinder Gas Audits

The above listed extensions DO NOT apply to Federal requirements that may be listed in your Air Permit or in the Federal rules. For Federal requirements, all regulated entities shall comply with USEPA’s COVID-19 guidance at <https://www.epa.gov/enforcement/covid-19-implications-epas-enforcement-and-compliance-assurance-program>

NOTE - This Compliance Advisory DOES NOT pertain to stack testing activities, including but not limited to, protocol submittals, stack test reports and scheduled stack test dates. Please refer to the communications at <https://www.state.nj.us/dep/bts/archives/emscovid19.html> regarding stack tests matters.

For Annual Emissions Statements updates regarding submittal deadlines please refer to <https://www.nj.gov/dep/aqm/es/emstatpg.html> respectively.

WHAT SHOULD I DO?

You must proceed in accordance with the requirements in the table set forth above. If you have questions regarding USEPA’s guidance or other questions related to Federal requirements, please contact USEPA Region 2 at Buettner.Robert@epa.gov. For all other questions, please contact the appropriate offices listed below.

WHO SHOULD I CONTACT WITH QUESTIONS?

NJDEP Air Quality Permitting	609-292-6716 or AQPPLS@dep.nj.gov
Air Compliance and Enforcement - Northern Field Office (Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, Warren, and Union Counties)	973-656-4444 or AirCE-Northern@dep.nj.gov
Air Compliance and Enforcement – Central Field Office (Burlington, Mercer, Middlesex, Monmouth, and Ocean Counties)	609-292-3187 or AirCE-Central@dep.nj.gov
Air Compliance and Enforcement – Southern Field Office (Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem Counties)	856-614-3601 or AirCE-Southern@dep.nj.gov
Emission Measurement Section (Stack Test, CEMS/COMS and related emissions monitoring activities)	609-984-3443 or BTS@dep.nj.gov

WHERE CAN I GET MORE INFORMATION?

The following web sites can be accessed for additional information regarding this advisory:

- Division of Air Quality Permitting Program website, for information about Air Quality Permits: <http://www.state.nj.us/dep/aqpp/>
- USEPA Region 2: <https://www.epa.gov/aboutepa/epa-region-2>

Compliance Alert

- For general DEP information: <http://www.nj.gov/cgi-bin/dep/contactdep.pl>
- To comment on this advisory: <http://www.nj.gov/dep/enforcement/survey.html>

In addition, DEP's Compliance and Enforcement Program is on [Facebook](#). Our goal is to provide our stakeholders and the regulated community a new way to connect and share relevant and useful compliance assistance topics, upcoming training, regulatory updates and recent advisories on a regular basis. Click on <https://www.facebook.com/NJDEPComplianceandEnforcement> and "Like" our page to receive up-to-date information as soon as it is available.

This advisory is intended to be a summary explanation of a DEP initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement numbers listed above.