

NJ ISG Group

Draft Discussion Document for Air Permits

9/1/15

The NJ ISG group is a group of industry representatives that have facilities operating in New Jersey. The ISG meets quarterly with the NJDEP Air Permit Program personnel to exchange information relevant to air permitting in New Jersey. These are very cordial and productive meetings benefitting both the industry representatives and Department personnel. The Department personnel recently expressed to the ISG that it's staffing has been declining, and asked the ISG to participate in a process to find ways to reduce the Department staff workload to match more closely the available staffing. The ISG accepted the request and formed a mini working group to brainstorm ideas. The ISG mini workgroup then followed a Department lead process and provided the Permit Program personnel with 16 ideas. The ISG mini workgroup was then tasked by the Air Permit Program personnel to provide additional ideas, ones that were more specific to source operations.

The ISG mini working group met on two different occasions to develop such a listing. Several ideas came from two major areas; first, a comparison of permit exemptions from neighboring States, specifically Pennsylvania and New York where the ISG found that the NJ permit thresholds were much more rigid than the neighboring states. For comparison, the team prepared a short list of categories that are thought to be in line with the neighboring states' listing of environmentally trivial sources. These would cause a significant savings to the Department personnel as well as reduce unnecessary workload and expense for the regulated community. Secondly, the ISG mini workgroup utilized its expertise from the various fields represented by ISG personnel to further brainstorm ideas and record those which seem appropriate for NJ. As one might theorize, the cost savings to the Department will also have cost savings to the regulated industry which leads to providing some economic incentives to encourage relocation of clean businesses to NJ which ultimately benefits the overall NJ economy.

In recording the results of the ISG mini workgroup, there were two categories of suggestions that surfaced; first are suggestions to eliminate permitting for sources that have no or trivial emissions to the outdoor atmosphere, and second are additional other suggestions to reduce workload in areas that are not direct exemption from permitting. The following two pages summarize the suggestions. The ISG mini working group remains available to the Department to further discuss and/or explain the suggestions if needed.

Permit Exemptions

Tier 1: Exemptions by source type

A compilation of specific source types that are to be considered for exemption from preconstruction permits and operating permits (not insignificant sources, rather, exemption). For this category, the source types are so obviously small; there is no environmental significance of these sources, therefore no records of any sort need to be maintained by the regulated facility. That means no proof of exemption needs to be made to an inspector.

- Indoor equipment that does not vent directly through a stack or chimney (example plastic extruders vented indoors). These are subject to OSHA standards.
- Balers
- Conveyors
- Recycling Lines regulated by the Department's Solid Waste Program rules
- Boilers and space heaters that combust natural gas and are less than 5 million BTU/Hr (Note, PA is at 10 MM BTU/hr). There are no environmental controls imposed by the permitting process for this category of boiler. The cost of permitting and risk of noncompliance is not justified.
- Portable crushers and screeners that are controlled with water sprays (during non-freezing weather) and have a rated capacity of less than 150 tons/hour
- Internal Combustion engines regardless of size, with NOx emissions less than 100 lbs/hr, 1000 lbs/day, 2.75 tons per ozone season and 6.6 tons per year on a 12 month rolling average. See Pennsylvania's Exemption #6
- Portable/temporary sources
- Excavation of soil and materials, and placing them into a truck
- Small electric generators burning vegetable oil
- Sources of uncontrolled VOC emissions with emissions less than 2.7 tpy. See Pennsylvania exemption #31

Tier 2 Emissions threshold exemptions

- Confirm that any indoor equipment that does not vent directly through a stack or chimney is exempt. These are subject to OSHA standards.
- Equipment that emits air contaminants to less than the SOTA thresholds for criteria pollutants and reporting thresholds for HAPs.

Other Suggestions

1. Codify through rulemaking the various policies and guidance memos produced by the Air Permit Program. Some applicants do not know of the various permit policy and guidance memos that are produced by the NJDEP. Consequently, when complying with the rule requirements, some policy and guidance is not followed causing both the applicant and Department personnel extra time to conform to the policy and guidance. This suggestion would significantly reduce a permit reviewer's workload for those activities.
2. N.J.A.C. 7:27-18 requires an update. First, it would be helpful to the regulated community, and promote clean projects, to have clarity on the ability to secure offsets that have reverted back to the State under N.J.A.C. 7:27-18,8(f) and (g). Second, the registry of emission offsets is cluttered with very old and/or questionable entries that should be evaluated and removed if there is not enough information available to support them. Again, this would aid the development of new clean projects in the State. Lastly, N.J.A.C. 7:27-18 is out of date and does not match the federal major new source review program or the major new source review programs in many other states. New Source Review reform rules were published in the Federal Register on December 31, 2002, but have not made their way into New Jersey's Subchapter 18. New Jersey's rules should match the national standard for New Source Review permitting.
3. Provide for concurrent EPA review and public comment of Title V permits. This will shorten the permitting duration, but still ensure adequate input.
4. Create a mechanism for interstate alignment on Class I RECs.
5. Emission Statements: The preparation, submission, and review of Annual Emission Statements could be analyzed for additional efficiencies just as the permit process, saving both the Department significant savings in computer costs and personnel costs. There are several areas where the emissions statement goes well beyond providing the Department with annual emissions, including emissions from trivial sources. The ISG mini workgroup recognizes that this may or may not be in line with the Department's stated mission for the group, therefore, the ISG mini group offers to provide additional savings ideas to the Department should the Department decide to engage the ISG for such a task.

Air Workgroup Meeting Summary March 23, 2015

1. Emission Based Permitting Thresholds

- All Sources
- Remove 50lbs/hr trigger AND/OR
- Add something to 8.2 “notwithstanding the above” statement for low emissions

2. Biosolids w/Particulate Limits

- (Sub 6) on Equipment w/Deminims Emissions
- Related Issue

3. Monitoring/Recordkeeping/Reporting (MMR) → None

- Why have a permit requirement if there is no associated MMR?

4. Modify Sub 18 is potential to potential applicability determination

- Potential to Potential Applicability Option to be more like Federal NNSR App.
- 2 Part Test like PSD would be more appropriate
- SOTA Review is still Backstop

5. Reporting Thresholds in other Rules in Sub 19, Sub 17, 16.6, 16.7, and 16.16 (lb./hr.)

- E.g. Coating Limits + Annual Limit
- Even if a short term limit is triggered, sub chapter should not apply if operation is limited in hours or TPY or other similar parameter which would otherwise make control seem unreasonable.

6. Portable Equipment

- Multiple Permits for some Equipment - discussion may have uncovered duplicative permits not really required.
- Generators “Carb Registration”
- Suggested Sticker Program similar to CARB program – register ALL generators

7. Portable Equipment + Applicable Regulations

- E.g. NOx RACT (Boilers)
- Is this covered in the Construction/Repair/Maintenance Guidance?
- Do General Provisions in Title V permit allow for this?

8. Replacement of Equipment on Emergency Basis (not just EGUs)

- Temporarily Housed Equipment
- Rent a Boiler – only there until replacement boiler installed
- Do General Provisions in Title V permit allow for this?

9. Electronic Payment for Permits Prior to Permit Approval

- e.g. Issue for Public Sector & Corporations (Bureaucracy)
- Cannot obtain GP/GOP until paid for

10. Procedure/Policy vs. Rule

- For Temporary Equipment/CRM
- Referenced Memo's vs. Facility Letters
- Turbine Swaps
- Make Rule Determinations Available – Website – Searchable database – Applicability Determination Index
- For all of the above items, the group agreed there is a balancing act between consistency/flexibility and predictability/flexibility. If the Department were to codify many of the policies, it was agreed some degree of flexibility would be lost in the vein of consistency and predictability.

11. Definitions should be added to subchapters for the following equipment types:

- Portable Equipment
- Emergency Generators
- Temporary Equipment
- Construction Equipment
- What requirements would be placed on these types of equipment? Temporary by Nature?

12. Concurrent Public Comment and EPA Review for Title V Permits

- 30 Day + EPA 45 Day
- Other States/Regions do it (Why Not in NJ?)

13. For non-Bad Air Days

- Allow Demand Response
- Other States upwind allow for this, why penalize NJ facilities?

14. Renewable Energy Sources

- Out of state sources should meet NJ Environmental standards for Class I similar to how Class II RECs qualify
OR
- Modified RACT Limits
 - Different from Commercial Limits
 - Compliance Similar to NSPS Limits
- Monitoring Frequency Issues

15. Implementation of Second Round of Transformation Initiatives

- Promoting Mutual Trust between Applicant and Permit Evaluator
- Mechanism or Procedure to Identify Permit Review Impasses Earlier and Initiate Common Sense Approaches to Resolve Impasses

- Distinguish between Technical Issues & Personality Issues

16. Monitoring Frequency

- Reduce stack test frequency for Low Utilization Equipment
- Stack Test at Variable Loading is not possible, so why do it? Allow higher limit?
- Daily Monitoring of Fuel for Large Sources but Used Low Frequency (i.e. Backup Boilers)
- Guidance is a starting point, not a minimum standard

Environmental Stakeholder Suggestions from April 9, 2015 Meeting

1. Improved Identification of EJ Communities

- Update Process

2. **Enhanced Notification**

- Expand to other Communities
- Maintaining List
- Public Assistance to “translate” Information
- Understanding Environmental Permitting Process – Outreach to Environmental Communities
- Standard Materials

3. Online permit Availability

- Difficult to locate info on outside
- Community Report on Municipality
- Identifying Major/Minor Air Facilities
- Demos for obtaining info
- Copies of Applications
 - Currently you can ask for PDF copy
 - Eventually Online

4. **Fugitive Dust Rules**

- Address “Area” Source of Part Emissions
- Piles of Material
- Non-Point Truck Traffic & Facility
- Develop Best Management Practice documents
 - Unaddressed in Rule
 - Helpful in EJ Comm.
- Develop Rule or “White Paper”

5. General Permit

- “Black Box” to Outside
- Explain “Benefits”

Environmental Stakeholder Suggestions from April 9, 2015 Meeting

- Link GP Requirements to Community Report
- 6. Interface w/Communities
 - CCI??
- 7. Identifying Next Generation of Environmental Stakeholders
 - Green Corps
 - Graduates in NJ
 - Environmental Workshop?
 - Sustainable NJ Bonner Scholar
 - o “Green Team” TCNJ
- 8. Community Based Air Monitoring Initiatives
- 9. Risk Assessments
 - Expand the Tools to Evaluate Risk Assessments
 - More Source Types (e.g. Dry Cleaners and Diesel Engines)
- 10. Air toxics**
 - Re-evaluate numbers and make based on Health “Protective” Level
 - Use Data to set number for regulatory threshold (some may go up, some may go down)
 - 112(g) numbers
 - o current numbers are based on values that were developed to protect people just for a few years while MACT standards were being developed
 - Other toxic air pollutants to be considered?
 - o Add new TAPs?
- 11. Enhancement to Emission Statements
 - Data Reviews of Facility Reported Numbers
 - Data Gaps
- 12. Facility-wide Risk Assessment
 - At renewal of Operating Permits, should be automatic