

INDUSTRIAL STAKEHOLDER GROUP

February 4, 2022 MEETING HIGHLIGHTS

Preliminary Matters

Due to the restrictions placed on indoor gatherings as a result of COVID-19, the Department determined that it would be appropriate to hold a virtual meeting. All written presentations displayed during the meeting will be posted on the ISG website for reference.

Agenda Items (in order of presentation)

I. Expectations and objectives of the ISG meeting: The Department provided an overview of the expectations and objectives for ISG meetings. The overview included brief discussions on the following topics: the focus and scope of the meetings; constituent make-up; the process for determining topics for the meeting; conduct during the meetings; and post meeting documentation. There were several comments/questions on this presentation. Three stakeholders endorsed the value of the ISG meeting forum for the regulated community; however, one of the three stakeholders indicated that amending the focus to actionable plans moving forward would enhance the value of the meetings. Another one of the three stakeholders indicated a preference that the ISG meetings continue to focus on issues/discussion topics that are beneficial to industrial stakeholders. A fourth stakeholder asked whether the Department had considered recording the meetings. The Department responded that prior to the pandemic the meetings had always been held in-person and that moving forward, the Department to return to an in-person meeting format. Though hopeful, those meetings would likely have constraints due to space limitations and COVID restrictions. Thus, the Department's expectation, at this time, is that the next ISG meeting may be a hybrid of in-person and virtual. Though the Teams software, which currently hosts the all-virtual ISG meetings has recording capability, this would not work in a hybrid setting. Moreover, the Department indicated it was not inclined to record meetings to the extent that it may discourage frank dialogue. A fifth stakeholder endorsed a hybrid format.

II. ISG Future Topics: The Department sought input from stakeholders on future ISG topics. Specifically, the Department asked stakeholders to provide input on items that they hoped to see the Department take action on in 2022. Many stakeholders responded to the Department's request, which resulted in the list of items that follow:

(A) The Department should work with stakeholders to address the current delays in the issuance of Title V Permit renewals.

(1) Stakeholders are concerned that delays will only increase in light of the new EJ process, which will add additional requirements and delay to the permitting process for renewals.

(2) Stakeholders believe that much of the delays can be attributed to the risk analysis process; this underscores the need for a second level health risk screening that can be used before the Department requires air modeling

(3) Stakeholders request that the Department investigate whether the effective date of a Title V permit renewal can start from the time the renewal is issued (they reported that this is done in other states, such as New York) versus the expiration date of the current

operating permit . Due to delays, some facilities are having to begin their second renewal application almost as soon as the first renewal application is approved.

(B) The Department should work with stakeholders to optimize all permit application procedures to increase efficiencies and predictability for stakeholders

(1) Stakeholders request that the Department provide a better understanding of the timeframe for all permit types; this would allow industry to plan for projects more efficiently and set reasonable expectations at the outset of the application process

(2) Stakeholders believe the Department could provide a better understanding of the process on risk screening.

(C) The Department should work on updating some of its reporting mechanisms, such as for EEMPR

(1) Stakeholders request more electronic reporting and fewer paper forms

(2) Stakeholders suggest software like RADIUS could be upgraded for more efficiency

(D) The Department should work with stakeholders to update the Technical Manuals and SOTA manuals that are obsolete

(E) The Department should endeavor to hold joint meetings with Enforcement / Permitting staff when issues arise after permits are issued.

(F) The Department should provide updates and as much guidance (particularly written guidance) on the EJ process under the Administrative Order Number 2021-25 (AO 25)

(G) The Department should provide updates on any rule changes, including changes regarding greenhouse gas and ozone depleting substances emission requirements

(H) The Department should work with stakeholders to develop a second level risk assessment tool

(I) The Department should work with stakeholders to develop a Research and Development (R&D) General Permit to replace the revoked one.

(J) The Department should work with stakeholders to revise the 50lb/per hour rule, to ensure that equipment that was never intended to be covered is exempted

(K) The Department should work with stakeholders to shorten the timeframe for stack test approvals

(L) The Department should update stakeholders on their discussions with EPA pertaining to EPA initiatives, including initiatives to update reporting forms. Stakeholders noted that a number of DEP and EPA reporting forms are out of date (i.e., include old addresses for both agencies)

(M) The Department should provide an updated organizational chart

The Department indicated that it would review the suggested items for future topics; however, the Department would endeavor to address the following three items before the next ISG meeting in June:

(A) The Department is ready to form a workgroup and begin meeting with stakeholders on the development of a proposed new R&D Permit. Toby Hanna volunteered to be the lead for industry stakeholders and coordinate with Heidi on a date for the first workgroup meeting.

(B) The Department is ready to form a workgroup, and has already designated staff, to begin meeting with stakeholders on the development of a bulk terminal risk screening approach.

Toby Hanna volunteered to be the lead for industry stakeholders and coordinate with Heidi on a date for the first workgroup meeting.

(C) The Department will make the latest organizational charts for DAQ (BoSS and BEP) available to stakeholders at the next ISG meeting.

III. Air Permitting Process and EJ: The Department provided a general overview of the Department's air permitting process and a discussion of the potential impacts of AO 25 on permit applications for Title V Facilities. The Department advised that the presentation was intended as an informal guide for stakeholders, but that the Office of Permitting and Project Navigation (OPPN) was the final word on the implementation of the Environment Justice (EJ) requirements set forth in AO 25. Thus, for many of the questions/comments raised by stakeholders, staff of DAQ reminded stakeholders that the EJ requirements were a separate process not driven by the air permitting rules and that the OPPN would be the point of contact (i.e. What is an expansion?; What constitutes public engagement?; Timing of the Public hearing?). OPPN has issued an FAQ for implementing AO 25 (link included in the presentation). Staff did affirm the following: (1) AO 25 has been triggered, and there are permit applicants working through the process currently; (2) Title V permits that are currently pending (even if already administratively complete) will be subject to the requirements of AO 25; (3) The OPPN is working through applicable permits in waves, but applicants may reach out to OPPN about the requirements if the applicant believes that it has a permit subject to the requirements of AO 25.

IV. Risk Screening Worksheet Update: The Department plans to formally issue new guidance on how to use the Risk Screening Worksheet (RSW) to conduct a Facility Wide Risk Assessment (FWRA). This has been done on a case-by-case basis, mainly for facilities that only have one to two stacks and a limited number of HAP being emitted. The guidance should save resources for both the Department and facilities since fewer air quality modeling protocols will have to be prepared by facilities and reviewed by the Department. Though the Department does not have official/written guidance for distribution yet, the concept requires that the emissions of each individual HAP be summed and then have this total evaluated through each stack that emits the individual HAP. So long as each stack is able to pass, this would suffice for establishing a negligible facility wide risk. The Department hopes to have guidance issued by the next ISG meeting.

One stakeholder indicated that this update may help facilities that have a "buffer" situation, i.e. a long distance from the facility to the property line, but it will not eliminate the majority of situations in which refined risk assessments are triggered. However, in some cases, the guidance could reduce the number of HAPs that need to undergo a refined risk assessment.

V. General Permit/General Operating Permit (GP/GOP) Update: The Department provided an update on current changes being made to GP/GOP.

- The "Registration Form for Used Oil Space Heaters – R-001" (currently a pdf fillable form) were able to be submitted on-line as of January 11, 2022.
- A Public Notice published on July 19, 2021 proposed the discontinuation of GP-20 "General Permit Registration Form for Research and Development." The public comment period ended on September 17, 2021. The comments received will be

responded to, and the formal Response to Comment document will be posted on the Air Quality Permitting Program website and sent to each commenter. The Department (as noted earlier) is ready to begin discussions, through the formation of a workgroup, to develop alternative permitting options for Research and Development facilities.

VI. Demonstration of Community Corner (not on agenda): The Department provided a demonstration of the recent layer added to the Community Corner application which allows any user to click on the “Overburdened Communities under the New Jersey Environmental Justice Law” layer to determine whether a facility is located within or near an overburdened community.

VII. OPEN DISCUSSION:

(A) One stakeholder indicated it might be valuable to have more input from Enforcement at the ISG meetings. The Department indicated that Enforcement would be encouraged to provide a presentation on current enforcement issues.

(B) A stakeholder asked for an update on the OCS delegation. The Department indicated that the delegation request was still under review. Further, the Department provided an update on two rules. The Air Toxic rules will be adopted or not by March 2022. The Department held a public hearing on the proposed rules known as the Control and Prohibition of Carbon Dioxide Emission on Monday, February 1, 2022. And though the comment period is ongoing for the notice of rule proposal, the Department reminded everyone that the ISG meeting was not the forum to make comments on the proposed rulemaking. One stakeholder asked if the Department anticipated releasing any more rules pertaining to CO₂ emissions. The Department indicated that there was nothing about future rulemakings that could be shared at this time.