

## INDUSTRIAL STAKEHOLDER GROUP October 7, 2022 MEETING HIGHLIGHTS

### Preliminary Matters

This meeting is being held in a virtual format using the Department's video conferencing software. All written presentations displayed during the meeting will be posted on the ISG website for reference.

### Agenda Items (in order of presentation)

**I. GHG Reporting Rules:** The Department provided updates on the implementation of the Greenhouse Gas Monitoring and Reporting rules, which were adopted in April 2022, and published in the New Jersey Register on June 6, 2022. The rules contained timelines for different reporting and registration requirements, including an October 1, 2022 deadline to register refrigeration systems. The Department noted that it has extended the October 1, 2022 deadline for registration to November 1, 2022 due to technical difficulties with the Department's payment tool. The reporting period will cover October 1, 2022 through December 31, 2022. A stakeholder suggested that the deadline extension be posted in the portal. The Department agreed and, subsequent to the meeting, made the posting in the portal. The Department has an email list for facilities covered by the refrigerant requirements. Though the email list is not on the website yet, those interested in signing up for email notifications should contact [ky.asral@dep.nj.gov](mailto:ky.asral@dep.nj.gov) directly. That email list will be used for announcements like this in the future. Another stakeholder inquired about whether the Department was on track to have a live reporting form for refrigerants, pursuant to the new rules. The Department indicated that the refrigerant form is expected to go live on January 1, 2023. The stakeholder suggested it might be helpful if the Department released a draft for feedback from the regulated community. The Department agreed that it would be a good idea to set up a separate meeting to provide a demonstration for parties interested in learning how to report refrigerant usage. The Department noted that June 1, 2023 is the initial reporting deadline for the gas public utility reporting requirements of the rules. The reporting period will cover July 1, 2022 through December 31, 2022. Emissions from sources that emit 100 tons per year of methane must report those emissions on Emission Statements by May 15, 2023. The reporting period will cover July 1, 2022 through December 31, 2022.

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

- The GP-20 "General Permit Registration Form for Research and Development" was discontinued months ago. Thereafter, the Department began work on a replacement (GP-20A) by holding meetings with stakeholders. A draft of this general permit is under development as the Department works toward a consensus with stakeholders on risk assessment issues. The stakeholders in the workgroup have been provided a draft GP, and the Department is awaiting their comments. Thus, the Department cannot provide a timeline for the publication of a formal proposal for public comment.

- The Department has convened a workgroup to draft a new GP for fumigation facilities for sulfuryl fluoride, only. A draft is not yet scheduled for release since the workgroup continues to work toward consensus on challenging issues.

A stakeholder suggested that the Department work on a GP for scrap metal facilities. The stakeholder was concerned about the recent compliance advisory indicating that these facilities would need permits and that a PCP permit would prove to be very challenging for the majority of these facilities, which are small, family-owned businesses. The Department agreed that a GP for this category of facility would be useful, but indicated that there is a list of many GPs that need to be developed and/or revised. Thus, until the Department is able to develop this one, scrap metal facilities will need to seek PCPs.

**III. Stationary Source Website Update:** The Department indicated that it is in the process of updating all of its DAQ webpages, including the pages for the Bureau of Stationary Sources. Though the content will remain the same, the format of the website pages is being updated. The Department provided stakeholders with a walkthrough of some of the draft webpages and indicated that they were expected to be live before the next ISG meeting in February. The Department will provide another demonstration in February when the pages are live.

#### **IV. Workgroup Updates:**

- Fumigation: Since the last meeting, the Department has formed a workgroup and is in active discussions surrounding the development of a fumigation GP. Further, the Department is optimistic that the challenges presented by this GP will eventually be resolved by the group.
- Storage Tanks: The Department indicated that the workgroup has been very active, having met approximately 10 times. Stakeholders and staff agree that they are in the process of working toward a consensus or, at least, workable solutions to the emission calculation methodology and risk assessment challenges.

**V. SOTA Manuals Discussion:** The Department shared a timeline for the Landfill SOTA manual workgroup, which described the work that has been done to date, as well as target dates for future efforts. The Department hopes to issue a Draft Landfill SOTA Manual for a 30-day public comment period by March 2023. As discussed at the last ISG meeting, there are three existing SOTA manuals that need updates. The Department intends to shift its attention to those manuals once the landfill manual is final. The Department has not yet decided which of the three SOTA manuals ((Boilers, Engines (RICE), and Turbines) will be the subject of the next workgroup, but the Department envisions a similar process. The Department will reach out to those who volunteered once a decision is made to move forward.

**VI. Reporting Threshold Grace Period for Renewals from 2017:** The Department indicated that a prior version of N.J.A.C. 7:27-22.30(l) included a grace period for certain HAPs for operating permits with an expiration date of February 12, 2021 or later. The grace period language was inadvertently stricken from the rules when an amendment was recently adopted. The Department will continue to honor the grace period set forth in the prior version of N.J.A.C.

7:27-22.30(l). However, if an applicant has applied for a second renewal (since its expiration in 2/12/21 or later), the grace period is not applicable. One stakeholder asked whether the inclusion of N.J.A.C. 7:27-17 (Sub 17) air pollutants need to be submitted as a modification. The Department confirmed, subsequent to the meeting, that if the addition of an air pollutant in Sub 17 is necessary because of a rule revision, then the addition can be part of the renewal (no separate application needed). However, if there are other changes besides a Sub 17 revision, then a modification application would be necessary.

**VII. Environmental Justice process** (not included in published agenda): Shortly before this meeting, a stakeholder asked the Department to address the timing and current outcomes of the EJ process as a result of the implementation of Administrative Order 25. During the meeting, another stakeholder asked the Department to provide an update on the Title V renewal backlog. The Department indicated that the EJ process has added extra steps to the permitting process, including but not limited to the requirement for a facility to hold a public hearing and the requirement that the applicant respond to the comments raised at their public hearing. All of this must occur prior to an application being declared administratively complete so that the Division of Air may begin its review. As a result, there has been some delay. While some applicants have provided robust records and responses to public comments, others have been less comprehensive in their responses. The failure to engage the community and adequately respond to comments will result in delays in the process. Despite these added steps, there have been renewal permits issued in overburdened communities since the implementation of the EJ requirements. One stakeholder asked if the Department could provide regular updates on this process so that industry can assess the risk and timing when making business decisions. The Department will endeavor to keep industry informed as the process continues. Department staff did remind stakeholders that even before EJ became law, the DEP staff highly encouraged community engagement. Addressing community issues up front and having a complete application goes a long way in addressing timing constraints.

## **XI. Open Discussion:**

(A) One stakeholder asked when the Department would make all of the comments and responses to the NJPACT EGU rules proposal available. The Department indicated that the comments and responses to the rule proposal were still in the deliberative process, but that the Department would either be adopting, re-proposing, or not adopting in December (as required by administrative timelines).

(B) One stakeholder asked for an update on the NJDEP Division of Air Quality Risk Screening Worksheet for Long-Term Carcinogenic and Noncarcinogenic Effects and Short-Term Effects (risk screening worksheet.) The Department indicated that changes to the risk screening worksheet were proposed months ago and the Department had received a number of comments that were under consideration. The Department hopes that it will be adopting with or without changes by the end of the year, but cannot guarantee it will meet that target.

(C) One stakeholder asked whether the Department might change the meetings to a hybrid format in the future. The Department indicated that there are a number of technical issues with a hybrid format meeting that must be worked out before that format may be considered a viable option.